



CITY COUNCIL AGENDA

**REVISED AGENDA UPDATED CLOSED SESSION ITEM 1; AGENDA ITEM NO. 11 REVISED  
STAFF REPORT WITH ATTACHMENTS; AND AGENDA ITEM NO. 12 ADDED  
TELECONFERENCE LOCATION ADDED**

MONDAY, DECEMBER 5, 2022  
**REVISED ON DECEMBER 2, 2022**

CLOSED SESSION – 5:00 P.M.  
REGULAR MEETING – 6:00 P.M.

CITY COUNCIL CHAMBERS – CITY HALL - 501 POLI STREET, VENTURA, CA 93001  
**TELECONFERENCE LOCATION – 1735 SAN GABRIEL AVENUE, VENTURA CA 93004**  
SOFIA RUBALCAVA, MAYOR

Councilmembers:

DISTRICT 2 – DOUG HALTER  
DISTRICT 3 – MIKE JOHNSON  
DISTRICT 4 – JEANNETTE SANCHEZ-  
PALACIOS

DISTRICT 5 – JIM FRIEDMAN  
DISTRICT 6 – LORRIE BROWN  
DISTRICT 7 – JOE SCHROEDER, DEPUTY  
MAYOR

Akbar Alikhan  
Acting 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=mc78e9161ad106bf1ff61d468a6031f30>

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 321 4306

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](mailto: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](http://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. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**

**Three Cases**

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

**ADJOURNMENT:** *Adjourn to Regular Meeting.*

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**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**

- Thomas Fire Anniversary

**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. **[Request for Authorization to Amend Outside Counsel Services Agreement for Representation of the City in the Matter of California Water Impact Network v. City of San Buenaventura](#)**

Staff: Andy Heglund, City Attorney

**RECOMMENDATION**

Authorize the City Attorney to execute an amendment to the agreement with the law firm of Best, Best & Krieger, LLP to extend legal services in the *California Water Impact Network v. City of San Buenaventura* litigation matter in an amount not to exceed an additional \$30,000.

3. **[Fire Department Used Squad Purchase](#)**

Staff: David Endaya, Fire Chief

**RECOMMENDATION**

- a. Authorize the Fire Chief to negotiate the purchase of a used squad as opportunities arise.
  
- b. Authorize Finance to increase revenue appropriations in the General Fund by \$150,000 from the assigned fund balance for Paramedic Services and to transfer \$150,000 from the General Fund to the Fleet Internal Service Fund.
  
- c. Exempt the purchase of this vehicle from the City's competitive procurement requirements given that (1) the vehicle is purchased from a governmental agency and (2) the City's Fleet Division determines that the vehicle is in good working order and that the vehicle is being purchased at a fair price.

## CONSENT ITEMS (CONTINUED)

4. [Professional Services Agreement No. 2021-089 First Amendment to the Citywide Classification and Compensation Study – Public Sector Personnel Consultants](#)

Staff: Danielle Keys, Human Resources Director

RECOMMENDATION

Approve and authorize the Mayor to execute the First Amendment to the Professional Services Agreement with Public Sector Personnel Consultants to extend the agreement through June 30, 2023.

5. [Adoption of Revised Salary Resolution for Unrepresented Employees](#)

Staff: Danielle Keys, Human Resources Director

RECOMMENDATION

Adopt a revised resolution Providing for a Systematic Classification of Positions and a Standardization of Salaries of Certain Paid Officers and Employees of the City (Salary Resolution) as of December 24, 2022. 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 FOR CERTAIN PAID OFFICERS AND EMPLOYEES OF THE CITY OF SAN BUENAVENTURA AS OF DECEMBER 24, 2022.”

6. [Consideration of Approval of Construction Contract with American Civil Constructors West Coast LLC on Project 91088 – Bridge Preventative Maintenance Project Phase I](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve the project and determine that it is categorically exempt from the California Environmental Quality Act (CEQA) as defined in Article 19 Section 15301 (c) of the CEQA guidelines because it consists of repair of existing facilities.
- b. Approve the contract and authorize the Mayor to execute an agreement with the responsive and responsible bidder, American Civil Constructors West Coast LLC, for the Bridge Preventative Maintenance Project Phase I in the amount of \$810,000.

## CONSENT ITEMS (CONTINUED)

- c. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$81,000 for a total not-to-exceed Agreement amount of \$891,000.
- d. Authorize an increase to the Fiscal Year 2023 budget in the amount of \$338,118 from Fund 05 – Measure O and authorize the Finance Department to assign increased budget appropriation and revenues to the proper project(s) and account(s).

7. **[General Services Agreement No. P2022-002 Second Amendment with BSN, Inc. for Street and Sidewalk On-Call Construction Services](#)**

Staff: Phillip Nelson, Public Works Director

**RECOMMENDATION**

- a. Approve and authorize the Mayor or designee to execute contract Amendment No. 2 to General Service Agreement No. P2022-002 with BSN, Inc. in the amount of \$900,000, for a new total not-to-exceed contract amount of \$1,216,315, cumulatively, for the remainder of Fiscal Year 2023 and an additional three years of the five-year contract.
- b. Authorize the City Manager or designee to exercise the remaining options to extend the contract term through Fiscal Year 2026.

8. **[Professional Services Agreement 2020-064 Second Amendment with Carollo Engineers, Inc. to Conduct a Local Limits Evaluation of the Ventura Water Reclamation Facility](#)**

Staff: Gina Dorrington, Ventura Water General Manager

**RECOMMENDATION**

Approve the Second Amendment to Professional Service Agreement 2020-064 with Carollo Engineers, Inc. to add \$15,000 in contingency funds for a new not-to-exceed total of \$180,188 and extend the term of the agreement to December 31, 2023 pursuant to Section 4.600.140 of the Municipal Code.

## CONSENT ITEMS (CONTINUED)

### 9. [Ventura Water Reclamation Facility Mixed-Media Filter Rehabilitation Project](#)

Staff: Gina Dorrington, Ventura Water General Manager

#### RECOMMENDATION

- a. Approve and authorize the Mayor to execute a Professional Services Agreement with ERS Industrial Services, Inc. for the rehabilitation of Tertiary Mixed-Media Filter #4 at the Ventura Water Reclamation Facility for a contract amount of \$358,650 and contingency amount of \$35,865 for Not-to-Exceed total of \$394,515.
- b. Authorize the City Manager or designee to execute amendments to the Professional Service Agreement during the total duration of the contract, pursuant to Section 4.600.200 of the Municipal Code in an amount not to exceed \$35,865 in contingency funds.

**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. [Approval of the Olivas Park Drive Development Agreement](#)

Staff: Andy Heglund, City Attorney and Akbar Alikhan, Acting City Manager

#### RECOMMENDATION

- a. Conduct a public hearing.
- b. Determine that this project complies with CEQA because it was contemplated in the Final EIR for the Olivas Park Drive Extension Project and subsequent Addendum for the Olivas Park Specific Plan Project (EIR-11-10-4397, SCH#1995081004).
- c. Adopt an Ordinance Approving the Development Agreement between the City of Ventura and Hofer Properties LLC/Ventura Olivas Company LLC/WF Golf Course LLC.

**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. Consideration of an Amendment of Resolution No. 2021-009 Clarifying the Number of Commercial Cannabis Businesses to be Permitted to Operate in the City**

Staff: Andy Heglund, City Attorney

**RECOMMENDATION**

Adopt one of the options provided as Amendment No. 1 to Resolution No. 2021-009, title as follows:

“AMENDMENT NO. 1 OF RESOLUTION NO. 2022-009 TO CLARIFY THE NUMBER OF COMMERCIAL CANNABIS BUSINESSES TO BE PERMITTED TO OPERATE IN THE CITY”

**12. Urgency Ordinance for Accessory Dwelling Units**

Staff: Neda Zayer, Acting Community Development Director

**RECOMMENDATION**

- a. Determine the adoption of the Urgency Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Public Resources Code Section 21080.17.
- b. Introduce and adopt by four-fifths vote an emergency ordinance amending, in part, Division 24, Chapter 24.430 relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, entitled:

"AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING, IN PART, DIVISION 24, CHAPTER 24.430 RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT"

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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.*

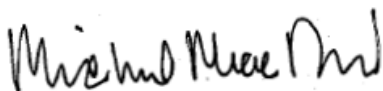
*La traducción al español estará disponible en vivo. No es necesario solicitar la traducción al español anticipadamente.*

*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 Wednesday, November 30, 2022, at 6:30 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