

CITY OF VENTURA
CITY COUNCIL MINUTES

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

FEBRUARY 24, 2020

CS1. CALL TO ORDER – CLOSED SESSION – 5:00 p.m.

The San Buenaventura (Ventura) City Council met in Closed Session in the City Council Conference Room, 501 Poli Street, Ventura at 5:13 p.m.

CS2. ROLL CALL

PRESENT: Councilmembers Friedman, Heitmann, Weir and Mayor LaVere

ABSENT: Councilmember Nasarenko, Brown and Deputy Mayor Rubalcava

Mayor LaVere presided.

CS3. PUBLIC COMMUNICATIONS – None

CS4. CLOSED SESSION – City Council Conference Room

Councilmember Nasarenko arrived 5:16 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: *Santa Barbara Channelkeeper v. State Water Resources Control Board and City of San Buenaventura*

Los Angeles Superior Court Case No.: 19STCP01176 (previously San Francisco Superior Court Case No.: CPF-14-513875)

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

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Site 7: Surface parking lot generally located between California Street and Chestnut Street and between Main Street and Poli Street (APNs 073-0-041-160, 073-0-041-040, 073-0-041-190 and 073-0-041-030)

Agency Negotiators: Alex McIntyre, City Manager, Estelle Bussa, Economic Development Manager

Negotiating Parties: Alan Hiscocks, Global Real Estate Director, The Trade Desk

Under Negotiation: Price and Terms of Payment

Authority: Government Code Section 54956.8

CS5. ADJOURNMENT

Closed Session adjourned at 5:43 p.m.

1. CALL TO ORDER – REGULAR SESSION

The San Buenaventura (Ventura) City Council met in Regular Session in the City Hall Council Chambers, 501 Poli Street, Ventura at 6:07 p.m.

2. ROLL CALL

PRESENT: Councilmembers Nasarenko, Brown, Friedman, Heitmann, Weir and Mayor LaVere

ABSENT: Councilmember Nasarenko and Deputy Mayor Rubalcava

Mayor LaVere presided.

3. PLEDGE OF ALLEGIANCE

Mayor LaVere led the pledge of allegiance.

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Mayor LaVere introduced Mayor For A Moment student Izabella Zarazua, Juanamaria Elementary 5th grader, who read her essay on Respect. A Community Access Partners (CAPS) video about Izabella Zarazua, Juanamaria Elementary School and Respect was shown. Mayor LaVere presented Izabella Zarazua with a Key to the City.

Mayor LaVere announced on February 12, 2020 the City held the 2019 Employee and Supervisor of the Year awards. A Community Access Partners (CAPS) video was played introducing the criteria for the awards and introduced the 2019 City of Ventura Employee of the Year Michael Acquarelli and Supervisor of the Year Foster McLean.

Mayor LaVere presented certificates and monetary awards to the 2019 City of Ventura Employee of the Year, Police Sergeant Michael Acquarelli and 2019 City of Ventura Supervisor of the Year, Fire Prevention Supervisor Foster McLean. Mayor LaVere congratulated Michael and Foster on their accomplishment and for being dedicated City employees.

Mayor LaVere presented a proclamation to Vision 2020 Ventura County Chair Dawn Dyer and Treasurer Marni Brook recognizing the Suffragette Movement and 100th Anniversary of the 19th Amendment.

6:28 p.m. Councilmember Nasarenko present

5. CLOSED SESSION REPORT

City Attorney Gregory G. Diaz stated City Council met in closed session tonight and there is no reportable action.

6. CITY COUNCIL COMMUNICATIONS

Councilmember Weir announced funeral services for former City of Ventura Mayor Ray Di Guilio on March 14 at 1:00 p.m. at Community Presbyterian Church. Reminded residents the Saint Patricks' Day Parade will be on March 14 at 10 a.m. on Main Street.

Councilmember Heitmann requested a video recently shown at the Ventura's Visitors and Convention Bureau Board Meeting be shown to remind us about the beauty in Ventura.

8. CONSENT ITEMS

Councilmember Heitmann moved to approve the recommendation to:

8A. Move all resolutions and ordinances presented tonight be deemed read by title only and all further reading be waived.

Councilmember Weir seconded. The vote was as follows:

- AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann and Mayor LaVere
- NOES: None
- ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8B. Approval of City Council Minutes – December 2, 2019; January 6, 2020; January 25, 2020; and January 27, 2020

Councilmember Heitmann moved to approve the recommendation to:

Approve City Council Minutes for December 2, 2019; January 6, 2020; January 25, 2020; and January 27, 2020.

Councilmember Weir seconded. The vote was as follows:

- AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann and Mayor LaVere
- NOES: None
- ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8. CONSENT ITEMS (continued)

8C. Request for Authorization to Extend Outside Counsel Services – Silver and Wright LLP for Representation of the City in Code Enforcement/Receivership Matters

Councilmember Heitmann moved to approve the recommendation to:

Authorize the City Attorney to execute Amendment No. 1 to Agreement No. P2018-143 with the law firm of Silver & Wright, LLP, adding \$320,000 to the amount of not-to-exceed compensation (for a total not-to-exceed amount of \$570,000), to allow Silver & Wright to continue to provide legal services related to code enforcement matters and receiverships for the Community Development Department.

Councilmember Weir seconded. The vote was as follows:

- AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann and Mayor LaVere
- NOES: None
- ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8D. Enterprise Agreement for Geographic Information Systems

Councilmember Heitmann moved to approve the recommendation to:

Approve and authorize the Mayor to sign an enterprise license agreement with Environmental Systems Research Institute, Inc., effective March 2020 through April 2023, in the amount of \$166,250.

AGREEMENT NO. 2020-009

Councilmember Weir seconded. The vote was as follows:

- AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann and Mayor LaVere
- NOES: None
- ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8. CONSENT ITEMS (continued)**8E. Compliance with Civil Code 1798.90.55 (Use of Automated License Plate Reader Technology)**

Councilmember Heitmann moved to approve the recommendation to:

- a. Acknowledge the opportunity for public comment in compliance to California Civil Code Section 1768.90.55 to permit the use of an Automated License Plate Reader technology by the City of Ventura.
- b. Accept and make part of the record any such public comments in the minutes, including noting if no public comments were received on this topic at the regularly scheduled public meeting of February 24, 2020.

Councilmember Weir seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir,
Heitmann and Mayor LaVere
NOES: None
ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8F. Southern California Edison License Agreement for Bike Path at Saratoga and Walker Streets

Councilmember Heitmann moved to approve the recommendation to:

Approve and authorize the City Manager to execute a license agreement with Southern California Edison, providing continued access to two portions of the Bike Path located at Saratoga and Walker Streets (PM ID: 100369); term of the license agreement: March 1, 2020 through February 28, 2025. AGREEMENT NO. 2020-010

Councilmember Weir seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir,
Heitmann and Mayor LaVere
NOES: None
ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8. CONSENT ITEMS (continued)**8G. Memorandum of Understanding - the Institute for Local Government for the Build, Organize, Optimize, Strengthen and Transform Sustainability Program**

Councilmember Heitmann moved to approve the recommendation to:

Approve and authorize the City Manager to sign a Memorandum of Understanding with the Institute for Local Government for the City of Ventura to participate in the Build, Organize, Optimize, Strengthen and Transform Sustainability Program. AGREEMENT NO. 2020-011

Councilmember Weir seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir,
Heitmann and Mayor LaVere
NOES: None
ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8H. Mound Well 3, Enclosure and Site Improvements – Authorization to Advertise

Councilmember Heitmann moved to approve the recommendation to:

- a. Approve the contract plans and specifications for Mound Well 3 – Enclosure and Site Improvements, Specification No. 2015-126.
AGREEMENT NO. S2015-126
- b. Authorize the advertisement for bids to be received on April 2, 2020 no later than 2:00 p.m. in the City Clerk's Office.

Councilmember Weir seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir,
Heitmann and Mayor LaVere
NOES: None
ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8. CONSENT ITEMS (continued)**8I. Surfers Point Beach Restoration Grant Application**

Councilmember Heitmann moved to approve the recommendation to:

- a. Approve a Resolution authorizing the City (City Manager, Public Works Director or City Engineer) to submit an application to the California Department of Parks and Recreation - Division of Boating and Waterways for a Shoreline Erosion Control and Public Beach Restoration Project for Surfers Point Beach.
- b. Authorize the City Manager as the agent for the City to conduct all negotiation and execute and submit all documents, including but not limited to applications, contracts and amendments, in compliance with all applicable current state law which may be necessary for the completion of the aforementioned.
- c. Authorize the Finance and Technology Department to assign increased appropriations and revenues to the proper programs and accounts for their use as provided in the grant, if the grant is awarded.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE THEREOF, TO PREPARE A GRANT APPLICATION FOR THE RESTORATION OF THE BEACH AT SURFERS POINT
RESOLUTION NO. 2020-006

Councilmember Weir seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir,
Heitmann and Mayor LaVere
NOES: None
ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8. CONSENT ITEMS (continued)

8J. Waterline – Eastside to Midtown Interconnection – Second Amendment to Professional Services Agreement for Environmental Review by Kennedy/Jenks Consultants

Councilmember Heitmann moved to approve the recommendation to:

Approve and authorize the Mayor to execute the Second Amendment to the Professional Services Agreement with Kennedy/Jenks Consultants to provide environmental review services for the preparation of an initial study pursuant to California Environmental Quality Act; amended not-to-exceed amount of \$98,124; encumbrance of contingency funds for the project in the amount of \$6,820 for a new contract total amount of \$104,944.

AGREEMENT NO. 2018-032.2

Councilmember Weir seconded. The vote was as follows:

- AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann and Mayor LaVere
- NOES: None
- ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

8K. Update on Net Zero Fee Revisions

SPEAKER

Public Stephanie Caldwell, Ventura Chamber of Commerce

DOCUMENT

Correspondence Brad Golden, Ventura Chamber of Commerce

Councilmember Heitmann moved to approve the recommendation to:

Receive an update and timeline on the requested actions identified in the October 14, 2019 City Council Policy Consideration.

8. CONSENT ITEMS (continued)

Councilmember Weir seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir,
Heitmann and Mayor LaVere
NOES: None
ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

9. APPOINTMENTS TO COUNCIL ADVISORY GROUPS**9A. Appointments Recommendation – Housing Authority City of San Buenaventura Board – Tenant Representatives****SPEAKER**

Public Jim White, Housing Authority of the City of San Buenaventura

Councilmember Brown moved to approve the recommendation to:

Approve the reappointments of Wanda Sumner and Barbara Keller as the Tenant Representatives to the Housing Authority City of San Buenaventura Board for a term of January 12, 2020 – January 12, 2022.

Councilmember Heitmann seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir,
Heitmann and Mayor LaVere
NOES: None
ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

Councilmember Brown presented Certificates of Appointment to Wanda Sumner and Barbara Keller and thanked both for their years of service to the Housing Authority City of San Buenaventura Board.

12. FORMAL ITEMS

12A. Recycling and Food Waste Update

SPEAKERS

Presenters Deputy Public Works Director Mary Joyce Ivers, Environmental Services Manager Joe Yahner, and Environmental Services Specialists Kelsey Hammond and Arriana Rabago

Engineering Manager Mike Harrison, Harrison Industries

Public Nova Cline

DOCUMENTS

Correspondence Nan Drake, Whisenhunt Communications

PowerPoint

Supplemental Packet

7:22 p.m. Councilmember Brown absent; 7:37 p.m. present.

City Council received the presentation providing an update on the state of municipal solid waste and food waste recycling in the City. A Harrison Industries video showing the Gold Coast Recycling facility was shown.

12B. Policy Consideration – Expanded Polystyrene Ban

SPEAKERS

Presenter Councilmember Christy Weir

Public Liz Campos; Debra Tygell, Ventura County Surfrider Foundation; John Stith; Danielle Rose; Andrew Fish, Ventura County Surfrider Foundation; Cole McLaughlin; and Bill Hickman, Ventura County Surfrider Foundation

12. FORMAL ITEMS (continued)DOCUMENTS

Correspondence Dan Long, Midtown Ventura Community Council Board; and Diane Underhill, Ventura Citizens for Hillside Preservation

PowerPoint

Supplemental Packet

Councilmember Weir moved to approve the recommendation to:

Direct staff to draft an ordinance that would enact a citywide ban on Expanded Polystyrene by requiring that all takeout food packaging and single-use food ware in restaurants be recyclable in our local municipal recycling program or biodegradable. Look at the options to add retail sales related to coolers, plates and cups as part of this ban.

Councilmember Brown seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann and Mayor LaVere
 NOES: None
 ABSENT: Deputy Mayor Rubalcava

City Clerk Antoinette M. Mann declared the motion carried 6-0, with Deputy Mayor Rubalcava absent.

12C. Proposed 2020-2026 Capital Improvement Program Study Session

Announced earlier in the evening; Agenda Item 12C (Proposed 2020-2026 Capital Improvement Program Study Session) was continued to March 2, 2020. No action taken.

14. PUBLIC NOTICES**Design Review Committee February 6, 2020 Actions: Approved
PROJ-13658 – DRC6-19-50708**

10-unit Apartment Development Located at 637 Sheridan Way - Formal Design Review for a new 10-unit apartment development with 13 on-site parking spaces, bicycle parking spaces, and landscaping proposed on a 12,500 square-foot (0.29 acre) project site. Access to the site exists from Sheridan Way via private driveway; Jason Rothman, applicant; Multiple Family (R-3-5) zone.

7. PUBLIC COMMUNICATIONS

SPEAKERS

Marie Anderson and Debbie Creagan, Church of Scientology

DOCUMENT

Comment Card

Christine Pasetta

15. CITY COUNCIL COMMUNICATIONS/REPORTS – REGIONAL BOARDS/COMMISSIONS/COMMITTEES

Councilmember Weir inquired about the inconsistency with the State and Local Ordinance on balloons and if our local ordinance could be amended to include latex balloons.

City Attorney Gregory Diaz stated that this would be possible and asked per the Council protocols for Council to indicate if they wish to staff to work on this. Council indicated that they desired staff to work on this ordinance update and to bring it back to City Council.

16. CITY MANAGER COMMUNICATIONS – None

17. ADJOURNMENT

Meeting adjourned at 8:07 p.m.



Antoinette M. Mann, MPPA, MMC, CRM
City Clerk