

CITY OF VENTURA
CITY COUNCIL MINUTES

Mayor Erik Nasarenko

Neal Andrews, Deputy Mayor
Cheryl Heitmann, Councilmember
Matt LaVere, Councilmember

Jim Monahan, Councilmember
Mike Tracy, Councilmember
Christy Weir, Councilmember

Mark D. Watkins, City Manager
Gregory G. Diaz, City Attorney
Antoinette M. Mann, City Clerk

REGULAR MEETING
JANUARY 9, 2017

The San Buenaventura (Ventura) City Council met in regular session in the City Hall Council Chambers, 501 Poli Street, Ventura at 6:11 p.m.

ROLL CALL

Present: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko

Absent: None

Mayor Nasarenko presided.

PLEDGE OF ALLEGIANCE

Councilmember LaVere led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Mayor Erik Nasarenko presented the Ventura High School Girls Volleyball Team members and coaches with Certificates of Recognition for their 2016 season achieving 1st place Channel League, CIF Division 2 Champions and State Regional Semifinalists.

Mayor Erik Nasarenko recognized January 9th as National Law Enforcement Appreciation Day. A video was shown to thank Ventura Police Department for their service to the community.

CLOSED SESSION REPORT

City Attorney Gregory G. Diaz stated there was no reportable action.

CITY COUNCIL COMMUNICATIONS

Councilmember Weir informed Public Works has free small household recycling trash cans and shopping bags, 1 per household, at the Public Works Maintenance Yard located at 336 Sanjon Road.

Deputy Mayor Andrews requested the meeting be adjourned in memory of Antoinette "Toni" Marie Maulhardt.

Councilmember Heitmann attended the grand re-opening of the Ventura County Museum.

PUBLIC COMMUNICATIONS

SPEAKERS

Members from the public: John Sanders Jones, Franklin Murphy, Jeanne Daley, Cason White, Lisa Bean, Jay Kosoff, Peyton Reynolds, Sicilia Smith, Rebecca Swift, Joshua Chancer and Steve Schleder.

DOCUMENTS

Correspondence: Jeanne Daley

Comment Forms: Carolyn Berg, Karen Kinrose, Esther and Ira Sorkin and Loree Pryce.

At 6:38 p.m. Councilmember Monahan absent; 6:44 p.m. present.

At 6:40 p.m. Councilmember Tracy absent; 6:42 p.m. present.

CITY COUNCIL CONSENT ITEMS

SPEAKERS

Members of the public: Kevin Gaston, Suz Montgomery, John Hankins, Kathy Bremer, Tomas Leonel Juarico and Tomas Juarico Luna.

DOCUMENTS

Comment Form: Franklin Murphy

Correspondence: Lori Steinhauer

1. Minutes

Councilmember Weir moved to approve the recommendation to:

Approve the minutes of the special and regular meetings of November 14, 2016 and November 21, 2016 and the regular meetings of December 5 and December 12, 2016.

Councilmember Heitmann seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

2. Additional Resources for Building and Safety, Fourth Amendment to Professional Services Agreement for R.W. Toedter, LLC and Fifth Amendment to Professional Services Agreement for California Code Check, Inc. (50)

Councilmember Weir moved to approve the recommendation to:

- a. Authorize the Mayor to execute Agreement No. 2017-001 the Fourth Amendment to R.W. Toedter, LLC Professional Services Agreement No.100004041 dated February 16, 2016, adding \$40,000 for a new total contract amount of \$89,000 and extending the term of the Agreement from June 30, 2017 to June 30, 2018.
- b. Authorize the Mayor to execute Agreement No. 2017-002 the Fifth Amendment to California Code Check, Inc. Professional Services Agreement No.100001434 dated March 1, 2011, adding \$50,000 for a new total contract amount of \$90,000 and extending the term of the Agreement from June 30, 2017 to June 30, 2018.

Councilmember Heitmann seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

3. Coastal Engineering Analysis for Surfers' Point/Promenade Emergency Repairs Amendment to Professional Services Agreement (50)

Councilmember Weir moved to approve the recommendation to:

Approve and authorize the City Manager, or designee, to execute the First Amendment to the Professional Services Agreement No. 2016-028.1, with Environmental Science Associates for additional work required on the Coastal Engineering Analysis for the Surfers' Point/Promenade Emergency Repairs Project for an additional amount of \$30,000, plus a \$5,000 contingency. This results in a total contract amount not to exceed \$92,205.

Councilmember Heitmann seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

4. Ventura River Estuary Trash Memorandum of Agreement (50)

Councilmember Weir moved to approve the recommendation to:

- a. Authorize the City Manager, or designee, to enter into Agreement No. 2016-003, a Memorandum of Agreement (MOA) that extends the City of Ventura's participation in the Trash Management and Reporting Plan (TMRP) for the Ventura River Estuary Trash Total Maximum Daily Load (TMDL) for an additional five years, with the City of Ventura's cost share in an amount not to exceed \$9,884 annually.
- b. Authorize the City Manager to make amendments to the Memorandum of Agreement on behalf of the City, such as reasonable increases in cost sharing amounts and term extensions.
- c. Authorize Finance and Technology to assign or transfer appropriations to the proper funds, projects and accounts for this purpose.

Councilmember Heitmann seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

5. Stanley Avenue/Highway 33 Interchange Improvement Project (88)

Councilmember Weir moved to approve the recommendation to:

- a. Amend the 2016-2022 Capital Improvement Project Plan to include the Stanley Avenue/Hwy. 33 Interchange Improvement project (66121) as a Work Plan project.
- b. Authorize appropriations in the Stanley Avenue Avenue/Hwy. 33 Interchange Improvement project (66121) in the amount of \$100,000 from Gas Tax fund balance.
- c. Authorize Finance and Technology to assign increase/decrease in appropriations to the proper funds, projects and accounts for this purpose.

Councilmember Heitmann seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

6. Grand Jury Response Campaign Contributions Transparency (112)

Councilmember Weir moved to approve the recommendation to:

Approve the response to the Grand Jury Report titled Campaign Contributions Transparency.

Councilmember Heitmann seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

PUBLIC HEARING

7. **Consider Extension of the Moratorium on the Creation of Commercial Marijuana Establishments within the City and Adopting an Interim Urgency Ordinance Prohibiting Outdoor Non-Medical Marijuana Cultivation in the City for a Period of 10 Months and 15 Days (70)**

Requires 4/5THS – Six Affirmative Votes

The public hearing was opened.

City Clerk Mann stated that affidavits of publication and posting are on file in the City Clerk's Office.

SPEAKERS

Staff/Presenters: Community Development Director Jeffrey Lambert.

Members of the public: Cason White, Lisa Bean, Caleb Putnam, Bridget Mara, and Shawn Smith.

DOCUMENTS

Powerpoint

Correspondence: Lisa Bean

Comment forms: Janice Stabile and Franklin Murphy.

The public hearing was closed.

Councilmember Weir moved to approve the recommendation to:

- a. Adopt by a four-fifths vote, an interim urgency Ordinance No. 2017-001, titled:

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, EXTENDING FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS A CITYWIDE MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMMERCIAL MARIJUANA FACILITIES, ON COMMERCIAL CULTIVATION, AND ON PRIVATE NON-MEDICAL MARIJUANA CULTIVATION
ORDINANCE NO. 2017-001

- b. Schedule a City Council presentation and discussion on this issue for a date set by the City Council in February or March 2017.

Councilmember Tracy seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

CITY COUNCIL FORMAL ITEMS

8. **Consideration of Adopting as an Urgency Measure an Interim Ordinance Prohibiting New Accessory Dwelling Units (currently referred to as residential second units or carriage houses) Except Those Meeting Specified Standards, and Direction to Staff to Study and Prepare a Permanent Ordinance Regulating Accessory Dwelling Units Consistent with Recently Adopted State Law (70)**

SPEAKERS

Staff/Presenters: Planning Manager Dave Ward and Community Development Director Jeffrey Lambert.

Members of the public: Raymond Perez, Tony Alcock, Wally Geer, Camille Harris, Helen Yunker and Harold Cartlidge.

DOCUMENTS

Powerpoint

Comment Form: Franklin Murphy.

Correspondence: Nancy Porcella.

At 7:24 p.m. Councilmember Monahan absent; 7:30 p.m. present.

At 7:42 p.m. Mayor Nasarenko absent; 7:58 p.m. present.

At 7:52 p.m Councilmember LaVere absent; 7:54 p.m. present.

At 8:08 p.m. Councilmember Monahan absent; 8:09 p.m. present.

Councilmember Heitmann moved to approve the recommendation to:

Adopt by a four-fifths vote an Interim Urgency Ordinance No. 2017-002 prohibiting new accessory dwelling units except those meeting certain standards set forth in the Interim Ordinance, and directing Staff to study and prepare a permanent ordinance regulating new accessory dwelling units consistent with recently enacted State law for consideration by the Planning Commission and City Council.

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA PROHIBITING NEW ACCESSORY DWELLING UNITS EXCEPT THOSE THAT SATISFY SPECIFIED STANDARDS AND DECLARING THE URGENCY THEREOF **ORDINANCE NO. 2017-002**

Councilmember Tracy seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

9. Westside Bicycle and Pedestrian Facility Improvement Project Authorization to Advertise (88)

Councilmember Monahan declared a conflict of interest; abstained from Agenda Item No. 9 and left the Council dais at 8:10 p.m.

SPEAKERS

Staff/Presenters: City Transportation Manager Thomas Mericle and Public Works Director Tulson Clifford

Members of the public: Suz Montgomery, Tobias Smith, Robert Perks, John Hankins and Janette Daniel-Whitney.

At 8:10 p.m. Councilmembers Tracy and Weir absent; 8:12 p.m. Councilmembers Tracy and Weir present.

At 8:22 p.m. Councilmember Tracy absent; 8:25 p.m. present.

DOCUMENTS

Powerpoint

Comment Forms: Benicia Smith, Richard Carradine, Marshall Laminen, Luarren Freeman, Randall Becman, Alex Penalozza and Robert Perk.

Correspondence: Carolyn Dolen and Lori Steinhauer.

Supplemental Information Packet.

Councilmember Weir moved to approve the recommendation to:

- a. Adopt Resolution No. 2017-001 approving the Mitigated Negative Declaration for the proposed Westside Pedestrian and Bicycle Facility Improvement Project.
- b. Staff to look at size of curb extensions and select best dimension based on pedestrian and bicycle safety.
- c. Approve the contract plans and specifications for the Westside Bicycle and Pedestrian Facility Improvement Project, Specification No. 2016-043, and authorize the advertisement for bids to be received in the City Clerk's office at a future date to be determined.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE WESTSIDE PEDESTRIAN AND BICYCLE FACILITIES IMPROVEMENT PROJECT (CASE NO. EIR- 11-16-38097) RESOLUTION 2017-001

Councilmember Tracy seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
RECUSED AND ABSTAINED: Councilmember Monahan
ABSENT: None

Mayor Nasarenko declared the motion carried.

PUBLIC COMMUNICATIONS

SPEAKERS

Member of the public: Ron DiSanto

DOCUMENTS

Correspondence: Ron DiSanto

At 9:11 p.m. Councilmember Monahan present.

At 9:09 Councilmember Heitmann absent; 9:12 present.

CITY COUNCIL COMMUNICATIONS

None

REPORTS – REGIONAL BOARDS/COMMISSIONS/COMMITTEES

Deputy Mayor Andrews attended the City Selection Committee Meeting.

CITY MANAGER COMMUNICATIONS

City Manager Watkins reported no City Council meeting on January 16 due to the Martin Luther King holiday; City Council Goal Session on January 14; highlighted future City Council agenda topics.

ADJOURNMENT

The meeting was adjourned at 9:16 p.m. in memory of Antoinette “Toni” Marie Maulhardt.

Antoinette M. Mann, MMC, CRM
City Clerk