

CITY OF VENTURA
CITY COUNCIL ACTION AGENDA



CITY COUNCIL AGENDA

MONDAY, FEBRUARY 27, 2023

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 – JEANNETTE SANCHEZ-
PALACIOS, DEPUTY MAYOR

Akbar Alikhan
Interim 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.

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To access the meeting remotely: Join the WebEx meeting live at:
<https://cityofventura.webex.com/cityofventura/j.php?MTID=mabf691a22f3c2200ac2777af21cae35>

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: 2552 258 4793.

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: 5:03 p.m.

ROLL CALL

Present: Councilmembers Duran, McReynolds, Halter, Deputy Mayor Sanchez-Palacios, and Mayor Schroeder

Absent: Johnson, Campos

Mayor Schroeder presiding

PUBLIC COMMUNICATIONS: None

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: Barbara Coulter v. City of San Buenaventura
VCSC Case No. 56-2020-00544307-CU-PO-VTA
Authority: Government Code Section 54956.9(d)(1)
2. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**
Two Cases
Authority: Government Code Section 54956.9(d)(2)
3. **PUBLIC EMPLOYMENT**
Title: City Manager
Authority: Government Code Section 54957

ADJOURNMENT: 6:06 p.m.

CALL TO ORDER – REGULAR SESSION: 6:10 p.m.

ROLL CALL

Present: Councilmembers Duran, McReynolds, Johnson, Halter, Campos, Deputy Mayor Sanchez-Palacios, and Mayor Schroeder

Absent: None

Mayor Schroeder presiding

PLEDGE OF ALLEGIANCE: Interim City Manager Akbar Alikhan

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

- Introduction of Stacey Rianda, CEO of Ventura County Fairgrounds

CLOSED SESSION REPORT: City Attorney Andy Heglund reported that there was no reportable action.

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:

Supplemental Packet: Agenda Items #5 and #9 communications posted online.

Public Speaker: Spencer Noren

Action: M/S/C (Halter/McReynolds) to approve the Consent Items in one motion as presented.

Vote: All Ayes

1. **Move all Resolutions and Ordinances presented tonight be deemed read by title only and all further reading be waived.**

Action: Approved recommendation.

2. **[Approve Appointment Recommendations for the Measure O Citizens Oversight Committee and Historic Preservation Committee](#)**

Introduced by: Councilmember Bill McReynolds, Chair

RECOMMENDATION

Approve the Appointments Recommendation Committee appointments.

Action: Approved recommendation.

CONSENT ITEMS (CONTINUED)

3. [Request for Authorization to Amend Outside Counsel Services – Best, Best & Krieger for Inclusionary Housing Implementation](#)

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Authorize the City Attorney to amend the legal services agreement with Best, Best and Krieger, LLP to increase the compensation by \$7,550 to an amount not to exceed \$67,500.

Action: Approved recommendation.

4. [Approval of City Council Minutes – Regular Meetings held on January 9, 2023, January 23, 2023, and January 28, 2023](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve City Council Minutes for Regular Meetings held on January 9, 2023, January 23, 2023, and January 28, 2023.

Action: Approved recommendation.

5. [Appointment of Planning Commissioners](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve Planning Commissioner appointments for Councilmembers Campos, McReynolds, Duran, and Deputy Mayor Sanchez-Palacios.

Action: Approved recommendation.

CONSENT ITEMS (CONTINUED)

6. [Professional Services Agreement 2022-061 First Amendment with PFM Group Consulting, LLC, Repeal of Resolution No. 2022-072 and Replace with an Updated Resolution](#)

Staff: Akbar Alikhan, Interim City Manager

RECOMMENDATION

- a. Approve and authorize the Mayor or designee to execute an amendment to existing Professional Services Agreement No. 2022-061 with PFM Group Consulting, LLC, adding to the Scope of Services.
- b. Adopt a Resolution repealing Sales or Transactions and Use Tax Resolution No. 2022-072, Resolution titled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, REPEALING RESOLUTION NO. 2022-072, WHICH AUTHORIZED THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS”

- c. Adopt a Resolution authorizing officers, employees, and representatives the examination of Sales or Transactions and Use Tax, Resolution titled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS”

Action: Approved recommendation. Agreement No. 2022-061.1. Resolution Nos. 2023-009 and 2023-010.

7. [Authorization to Apply for Fiscal Year 2024 Congressionally Directed Spending Request Grant Funds](#)

Supplemental Material

Staff: Akbar Alikhan, Interim City Manager

RECOMMENDATION

- a. Authorize the City Manager, or designee, to execute all agreements necessary to apply for a Congressionally Directed Spending Grant for up to \$2,760,900 for Main Street Moves Bollard Safety Project.

CONSENT ITEMS (CONTINUED)

- b. Authorize the Ventura Water General Manager, or designee, to apply for a grant for up to \$5,000,000 for the State Water Interconnection Project.
- c. Authorize the Police Chief, or designee, to apply for a grant for up to \$3,000,000 for the comprehensive upgrade of Ventura Police Department and Ventura Fire Department Radio Project.
- d. Direct staff to return to City Council after the grant application has been submitted for City Council to consider a resolution providing staff authorization for grant processing and administration.

Action: Approved recommendation.

8. [Professional Services Agreement P2022-038 Third Amendment with Bureau Veritas North America, Inc. for Building Inspection and Permit Technician Services](#)

Staff: Neda Zayer, Acting Community Development Director

RECOMMENDATION

Authorize the Mayor to execute the Third Amendment to Professional Services Agreement number P2022-038 with Bureau Veritas North America, Inc., adding Fiscal Year 23 funds of \$285,000 for a new not-to-exceed amount of \$500,000.

Action: Approved recommendation. Agreement No. P2022-038.3

9. [Caltrans Active Transportation Grant with Ventura Port District Application](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Authorize the City Manager, or designee, to apply for and accept grant funds from the California Department of Transportation in the amount of \$700,000 for the purpose of sustainable transportation planning to/from/within Ventura Harbor.
- b. Authorize the City Manager, or designee, to act as agent for the City to conduct all negotiations and execute and submit all documents, including, without limitation, applications, agreements, amendments, extensions and billing statements that may be necessary to accept the grant and complete the project.

CONSENT ITEMS (CONTINUED)

- c. Authorize the City Manager, or designee, to execute the Memorandum of Understanding (MOU) for Sustainable Transportation Planning Grant with Ventura Port District.
- d. Upon receipt of grant award, authorize the Finance Department to increase General Grant and Categorical Fund appropriations and revenues in the appropriate fiscal year(s), project(s) and account(s) for use as provided in the grants.

Action: Approved recommendation. Agreement No. 2023-010

10. [Professional Services Agreement PW23-1092 with Flowers & Associates, Inc. for Construction Contract Administration Services on Project 97955 – Waterline - Midtown to Westside Interconnection](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve and authorize the Mayor to execute subject Agreement with Flowers & Associates, Inc. in the amount of \$585,300 with a contract completion date of September 30, 2024.
- b. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$59,000 for a total not to exceed Agreement amount of \$644,300 and a total time extension of 180 calendar days.

Action: Approved recommendation. Agreement No. PW23-1092

11. [License Agreement with 39 N California Street LLC for Private Use of Public Right-of-Way on North California Street](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Authorize the City Manager to execute a License Agreement with 39 N California Street LLC for the private use of public right-of-way on North California Street.

Action: Approved recommendation. Agreement No. 2023-011

CONSENT ITEMS (CONTINUED)

12. [Saticoy Country Club Well 2 – Phase II Project \(97963\), Annul the Award to Elite General Engineering Inc., Forfeit Bid Bond, and Award to the Second Lowest Bidder, Travis Agricultural Construction Inc.](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Annul the December 12, 2022 Council approval of Public Works Contract (Specification No. 2021-064) to Elite General Engineering Inc. based on their failure to execute Public Works Contract for the Saticoy Country Club Well 2 – Phase II Project.
- b. Authorize Public Works staff to forfeit and request payment of bidder's security, Bid Bond No. 7212808 written by Western Surety Insurance Company, included with the bid submitted on December 1, 2022 by Elite General Engineering Inc. in accordance with Public Contract Code §20172. Apply bidder's security to the difference between the low bid amount and the second lowest bid and return surplus to bidders surety in accordance with Public Contract Code §20174.
- c. Waive all minor bid irregularities, approve and authorize the Mayor to execute a Public Works Contract (Specification No. 2021-064) for the Saticoy Country Club Well Number 2 – Phase II Rehabilitation Project with Travis Agricultural Construction, Inc. in the amount of \$799,046 with a contract completion date of 180 consecutive calendar days from the date of the Notice to Proceed.
- d. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$117,847 for a total not-to-exceed Agreement amount of \$916,893 and a total time extension of 180 calendar days.

Action: Approved recommendation. Agreement No. S2021-064

CONSENT ITEMS (CONTINUED)

13. [Federal Funding for the City of Ventura's State Water Interconnection Project under the Fiscal Year 2022 Consolidated Appropriations Act](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Authorize the Ventura Water General Manager, or designee, to apply for, receive grant funds, and enter into a cooperative funding agreement with the Environmental Protection Agency if the City is chosen as an awardee; with a federal grant amount of \$2,840,000 and City match of \$710,000.
- b. Authorize the Ventura Water General Manager, or designee, to act as agent for the City to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and billing statements that may be necessary to accept these grants and complete the project under the grant.
- c. Authorize the Finance Department to assign increased appropriations to the proper funds, projects, and accounts if the grant is awarded.

Action: Approved recommendation.

14. [Increase in Blanket Purchase Order Limit with JCI Jones Chemicals Inc. for the Wastewater Treatment Process](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve an increase to the Fiscal Year 2022-2023 Blanket Purchase Order with JCI Jones Chemicals Inc. by \$30,000 for the purchase of liquid chlorine and sulfur dioxide to be utilized at the Ventura Water Reclamation Facility.

Action: Approved recommendation.

Council Recess 8:48 p.m. – 8:58 p.m.

PUBLIC HEARING ITEMS

15. [Inclusionary Housing Program Ordinance](#)

Staff: Neda Zayer, Acting Community Development Director

RECOMMENDATION

- a. Conduct a Public Hearing.
- b. Determine that the Inclusionary Housing Program Ordinance is exempt from the California Environmental Quality Act (CEQA) under the “common sense exemption” in CEQA Guideline Section 15061(b)(3), because the enactment would amend the Ordinance and have no potential for the changes to result in a significant effect on the environment.
- c. Introduce and approve the first reading of the ordinance, titled as follows:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, REPLACING DIVISION 25 OF THE MUNICIPAL CODE, IN ITS ENTIRETY, WITH DIVISION 25.20, ENTITLED ‘INCLUSIONARY HOUSING PROGRAM’ WHICH INCLUDES ALTERNATIVE COMPLIANCE PROCEDURES SUCH AS IN-LIEU FEES”
- d. Set the second reading and adoption of this ordinance at the City Council meeting for March 13, 2023.
- e. Authorize the Finance Department to adjust revenue and expenditure appropriations as necessary to account for the income received from the In-Lieu Fee, as well as create reserve accounts for collecting and tracking In-Lieu Fee revenue received.

Supplemental Packet: Communications posted online.

Public Speakers: Lang Martinez, John Jones, Judy Alexandre, Claudia Armann, Matt Bello, Carl Morehouse, Helen Eloyan, Miguel Rodriguez, Kristian Nunez, Stephanie Caldwell, Norma Ramirez, Mayerling Villarroel, Amparo Ramirez, Sonia Flores, Jackson Piper, Janette Daniel-Whitney, Maria Navarro, Gabrielle Vignone, Ailanie Martinez, Alex Garcia, Sara Ostrander, Elizabeth Alvarez, Mark Abbe

PUBLIC HEARING ITEMS (CONTINUED)

Action: M/S/F (Johnson/Campos) to approve the recommendation as revised: Ownership projects to have a 10% low-income or 20% moderate-income affordability, affordability for rental projects at 55 years, effective date of Ordinance of July 1, 2023, In-Lieu Fees to be a mix and match, the timeline to revisit the Ordinance is set at 5 years, and to add green incentives into the Ordinance. Second reading scheduled for March 13, 2023.

Vote: Ayes: Johnson, Campos, Deputy Mayor Sanchez-Palacios; Noes: Duran, McReynolds, Halter, and Mayor Schroeder; Abstain: None; Absent: None

Action: M/S/C (McReynolds, Halter) to approve the recommendation as revised: rental projects affordability set at 55 years, Ordinance effective date of July 1, 2023, In-Lieu Fees to be a mix and match, the timeline to revisit the Ordinance is set at 3 years, and to add green incentives into the Ordinance. Second reading scheduled for March 13, 2023. Ordinance No. 2023-001

Vote: All Ayes

Action: M/S/C (Sanchez-Palacios/McReynolds) to hear a new item beyond 10 p.m. per the City Council Protocols.

Vote: All Ayes

16. [Mills Act Contracts for Historic Landmarks for Historic Landmark No. 45 – Righetti House and Historic Landmark No. 64 – Brakey House](#)

Staff: Neda Zayer, Acting Community Development Director

RECOMMENDATION

- a. Conduct a Public Hearing.

PUBLIC HEARING ITEMS (CONTINUED)

- b. Adopt two Resolutions approving Mills Act contracts for:
 - 1. Historic Landmark No. 45 “Righetti House” located at 125 West Park Row, (PROJ-22-0159).
 - 2. Historic Landmark No, 64 “Brakey House” located at Poli Street (PROJ-22-0129)

Action: No speakers. M/S/C (Halter/Duran) to approve the staff recommendation. Resolution No. 2023-011 and 2023-012

Vote: All Ayes

Action: M/S/C (Sanchez-Palacios/Duran) to hear a new item beyond 10 p.m. per the City Council Protocols.

Vote: All Ayes

FORMAL ITEMS

- 17. [Pension Update and Additional Discretionary Payment](#)
(Reviewed by Finance, Audit and Budget Committee – Continued from the February 13, 2023 City Council Meeting)

Staff: Greg Morley, Acting Chief Financial Officer

RECOMMENDATION

- a. Receive this report regarding the status of the City of San Buenaventura with the California Public Employee Retirement System.
- b. Authorize the Finance Department to adjust appropriations as necessary to make the Additional Discretionary Payment.

COMMITTEE RECOMMENDATION

To accept the staff recommendation and recommends Council have a follow-up discussion regarding policy adjustments.

Action: M/S/C (Johnson/Duran) to continue the meeting beyond 11 p.m. per the City Council Protocols.

Vote: All Ayes

Action: No speakers. M/S/C (Sanchez-Palacios/Johnson) to approve the staff recommendation.

Vote: All Ayes

FORMAL ITEMS (CONTINUED)

18. [Conduct a Study Session for the Proposed Fiscal Year 2024-2028 Capital Improvement Program](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Conduct a study session regarding the proposed changes to the Approved Capital Improvement Program for Fiscal Years 2023-2027 to be incorporated into the Proposed Capital Improvement Plan for Fiscal Years 2024-2028 and provide staff with feedback on the proposed Program.

Action: The item was continued to the next meeting.

PUBLIC COMMUNICATIONS

Supplemental Packet: Communications posted online.

Public Speakers: Glenn Overley, Spencer Noren, Trevor Gotsman

ADJOURNMENT

Adjourned at 11:09 p.m.

Meeting adjourned in honor of Barbara Mead and Connie Barret

I hereby certify that this is a true and correct record of the City Council meeting held on February 27, 2023.

Michael B. MacDonald, CMC
City Clerk