

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
MONDAY, MARCH 30, 2020

IN ACCORDANCE WITH THE CALIFORNIA GOVERNOR'S EXECUTIVE STAY AT HOME ORDER AND THE COUNTY OF VENTURA HEALTH OFFICER DECLARED LOCAL HEALTH EMERGENCY AND BE WELL AT HOME ORDER RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19), CITY HALL IS CLOSED TO THE PUBLIC. THE PUBLIC MAY PARTICIPATE WITH SUBMITTED COMMENTS VIA EMAIL FOR CLOSED SESSION AND FOR THE REGULAR MEETING, THE PUBLIC CAN PARTICIPATE VIA ATTENDING THE WEBEX EVENTS MEETING, WATCHING A LIVE VIDEO STREAM OR THROUGH CABLE TV. THE PUBLIC CAN SUBMIT COMMENTS BEFORE AND DURING THE MEETING AS STATED ON THE AGENDA.

CS1. CALL TO ORDER – CLOSED SESSION

The San Buenaventura (Ventura) City Council met in Closed Session via teleconference from various Ventura locations at 5:03 p.m.

CS2. ROLL CALL

PRESENT: Councilmembers Nasarenko, Friedman, Heitmann, Weir, Deputy Mayor Rubalcava and Mayor LaVere

ABSENT: Councilmember Brown

Mayor LaVere presided.

CS3. PUBLIC COMMUNICATIONS – None**CS4. CLOSED SESSION – via conference call****1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Name of Case: *Montano v. The Garage Bar, City of Ventura*

VCSC CASE NO.: 56-2019-00533795-CU-PO-VTA

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

5:15 p.m. Councilmember Brown arrived.

2. CONFERENCE WITH LABOR NEGOTIATORS

City Negotiators: Alex D. McIntyre, City Manager and Elizabeth Foushee, Human Resources Director

Employee Organizations:

- a. Service Employees International Union (SEIU) Local 721
CTW, CLC, representing “G” (General), “S” (Supervisory),
and “Q” (Professional) Units
- b. Ventura Maintenance Employees Association (VMEA)
- c. Ventura Fire Management Association (VFMA)
- d. Ventura City Firefighters’ Association (VCFA)
- e. Ventura Police Management Association (VPMA)
- f. Ventura Police Officers’ Association (VPOA)
- g. Unrepresented employees

Authority: Government Code Section 54957.6

CS5. ADJOURNMENT

Closed session adjourned at 5:19 p.m.

1. CALL TO ORDER – REGULAR SESSION

The San Buenaventura (Ventura) City Council met in Regular Session utilizing WebEx Events Meeting software from various Ventura locations at 6:04 p.m.

2. ROLL CALL

PRESENT: Councilmembers Nasarenko, Brown, Freidman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere

ABSENT: None

Mayor LaVere presided.

3. PLEDGE OF ALLEGIANCE

Mayor LaVere led the pledge of allegiance.

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

City Manager Alex McIntyre provided a high-level update on COVID-19 status. As of March 30, 2020, there are 126 positive COVID-19 cases in the County of Ventura with 4 fatalities. City Manager McIntyre explained that City facilities are closed and how the departments are working remotely to serve the community. Reminded the community to stay home, practice social distancing and wash your hands. Together we can flatten this curve!

City Councilmember inquired on the following topics:

- addressing our Homeless population at our Homeless shelter and social distancing at parks;
- enforcement of the County's "Stay at Home" order for business and social distancing compliance;
- inquiry on parks and outdoor activities with social distancing;
- wearing of masks when outdoors.

City Manager Alex McIntyre; Deputy City Manager Barry Fisher; Parks, Recreation and Community Partnerships Director Nancy O'Connor; Interim Chief of Police Ken Corney; and Fire Chief David Endaya provided answers to City Councilmember questions related to COVID-19.

5. CLOSED SESSION REPORT

Assistant City Attorney Andy Heglund stated City Council met in closed session tonight and there is no reportable action.

6. CITY COUNCIL COMMUNICATIONS

Councilmember Brown informed the Ventura County Area Agency for Aging is delivering free groceries to sheltered seniors over 60 years of age, disabled persons and to income qualified disadvantaged families. Interested residents should contact Ventura County Area Agency for Aging at 805-477-7300.

6:20 p.m. Councilmember Heitmann absent; lost connection to the WebEx meeting.

8. CONSENT ITEMS

Councilmember Friedman 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, Deputy Mayor Rubalcava and Mayor LaVere
NOES: None
ABSENT: Councilmember Heitmann

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember Heitmann absent.

8B. Request for Authorization to Extend Outside Counsel Services

Councilmember Friedman moved to approve the recommendation to:

Authorize the City Attorney to enter into an extended legal services agreement with Nossaman, LLP for legal services regarding compliance with the Consent Decrees and the National Pollutant Discharge Elimination System permit, and obtaining other regulatory permits, in an amount not to exceed an additional \$200,000 to continue representation of the City.

Councilmember Weir seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember Heitmann absent.

8. CONSENT ITEMS (continued)**8C. Designation of Agents for Governor's Office of Emergency Services**

Councilmember Friedman moved to approve the recommendation to:

Approve a resolution designating the Finance and Technology Director, Accounting Manager, and the Emergency Services Manager as agents for the City of San Buenaventura with the Governor's Office of Emergency Services.

RESOLUTION DESIGNATION OF APPLICANTS AGENT RESOLUTION FOR
NON-STATE AGENCIES FOR THE CITY OF SAN BUENAVENTURA FOR CAL
OES ID NO 111-65042-00 RESOLUTION NO. 2020-010

Councilmember Weir seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember Heitmann absent.

8D. City Workforce Update in Response to COVID-19 Pandemic

Councilmember Friedman moved to approve the recommendation to:

Receive and file the Response to COVID-19 Pandemic report related to the City Workforce.

Councilmember Weir seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember Heitmann absent.

8. CONSENT ITEMS (continued)**8E. Ordinance for Second Reading – Prohibiting Release of Balloons**

Councilmember Friedman moved to approve the recommendation to:

Waive the second reading in full and adopt the Ordinance of the Council of the City of San Buenaventura, California, pertaining to Prohibiting Release of Balloons, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 8.260, “BALLOON RELEASES,” OF THE SAN BUENAVENTURA MUNICIPAL CODE TO PROHIBIT BALLOON RELEASES WITHIN THE CITY”

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 8.260, “BALLOON RELEASES,” OF THE SAN BUENAVENTURA MUNICIPAL CODE TO PROHIBIT BALLOON RELEASES WITHIN THE CITY ORDINANCE NO. 2020-008

Councilmember Weir seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember Heitmann absent.

CITY COUNCIL/SUCCESSOR AGENCY CONSENT ITEM

Mayor LaVere stated for the record, prior to reading Consent Agenda No 8F title, that the final item on the Consent Calendar we are also voting as The Successor Agency. No additional compensation is being paid to members of the Council while serving/voting as the Successor Agency.

8F. Declaration of Surplus Property – Site 7

Councilmember/Agency Member Friedman moved to approve the recommendation to:

- a. City Council to adopt a resolution contingently declaring City-owned parcels APN 073-0-041-190 and APN 073-0-041-030 to be surplus properties.

CITY COUNCIL/SUCCESSOR AGENCY CONSENT ITEM (continued)

- b. Successor Agency to adopt a resolution declaring Successor Agency-owned parcels 073-0-041-160 and 073-0-041-040 to be surplus properties.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, DECLARING TWO REAL PROPERTY PARCELS IDENTIFIED AS APN 073-0-041-190 AND APN 073-0-041-030 TO BE SURPLUS
RESOLUTION NO. 2020-011

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, DECLARING TWO REAL PROPERTY PARCELS IDENTIFIED AS APN 073-0-041-160 AND APN 073-0-041-040 TO BE SURPLUS
RESOLUTION NO. 2020-012

Councilmember/Agency Member Weir seconded. The vote was as follows:

- AYES: Councilmembers/Agency Members Nasarenko, Brown, Friedman, Weir, Deputy Mayor Rubalcava and Mayor/ Chair LaVere
- NOES: None
- ABSENT: Councilmember/Agency Member Heitmann

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember/Agency Member Heitmann absent.

11. PUBLIC HEARING ITEM

11A. 2020-2026 Capital Improvement Plan Adoption

The public hearing was opened.

City Clerk Antoinette M. Mann stated the affidavits of publication are in route from the Star and the Public Hearing notice is on file in the City Clerk’s office. Due to COVID-19, the Affidavits of Publication are delayed.

SPEAKERS

Presenters Public Works Director Phillip Nelson, Senior Assistant City Attorney Andy Heglund and Senior Management Analyst Aurora Soriano

11. PUBLIC HEARING ITEM (continued)DOCUMENT

PowerPoint

City Clerk Mann stated for the record that no public communications were received for this agenda item.

The public hearing was closed.

Discussion held related to potential Conflicts of Interest. Councilmember Nasarenko inquired with Senior Assistant City Attorney Heglund on why Project 73117 would be a potential conflict of interest; stated project is well beyond the 500-foot conflict of interest circle from his resident, not even in my neighborhood.

Councilmember Nasarenko stated for the record that Project 73117 is not a Conflict of Interest, well beyond the 1000-feet from my residents and therefore requested the project be added to the overall Capital Improvement Plan resolution.

6: 50 p.m. Councilmember Heitmann present.

Councilmember Heitmann stated Project 97941 is also beyond the 500-foot conflict of interest and requested be removed would be a potential conflict of interest. Therefore, requested the project be added to the overall Capital Improvement Plan resolution.

Councilmember Weir moved to approve the modified recommendations to:

- a. Conduct a public hearing on the Fiscal Years 2020-2026 Capital Improvement Plan.
- b. Adopt a Resolution Temporarily Designating the City Council as the Planning Agency for the Limited Purpose of Determining the Consistency of the Capital Improvement Program with the Comprehensive and General Plans and Adopting a Statement of Consistency for the Proposed Capital Improvement Plan.
- c. Adopt a Resolution adopting the Fiscal Years 2020-2026 Capital Improvement Plan excluding Project Numbers 69030, 73121 and 73113. Adopt the Resolution that adopts the Fiscal Years 2020-2026 Capital Improvement Plan excluding project numbers Projects 69030 – Pierpont Neighborhood Stormwater Lift Stations; 73121 Waterline – Abandon 8-inch Bike Path Line; and Project 73113 – Waterline 210/260 Zone Pipeline Realignment.

11. PUBLIC HEARING ITEM (continued)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, TEMPORARILY DESIGNATING THE CITY COUNCIL AS THE PLANNING AGENCY FOR THE LIMITED PURPOSE OF DETERMINING THE CONSISTENCY OF THE CAPITAL IMPROVEMENT PLAN WITH THE COMPREHENSIVE AND GENERAL PLANS AND ADOPTING A STATEMENT OF CONSISTENCY FOR THE PROPOSED CAPITAL IMPROVEMENT PLAN
RESOLUTION NO. 2020-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2020 – 2026, EXCLUDING PROJECT NUMBERS 69030, 73121 AND 73113
RESOLUTION NO. 2020-014

Councilmember Friedman seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 7-0.

Councilmember Friedman moved to approve modified recommendation to:

Adopt the Resolution that approves Projects 69030 – Pierpont Neighborhood Stormwater Lift Stations and 73121 Waterline – Abandon 8-inch Bike Path Line in the Fiscal Years 2020-2026 Capital Improvement Plan.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADOPTING PROJECT NUMBERS 69030, 73121 IN THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2020-2026
RESOLUTION NO. 2020-015

Councilmember Nasarenko seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember Heitmann abstaining due to a potential conflict of interest.

11. PUBLIC HEARING ITEM (continued)

Councilmember Friedman moved to approve modified recommendation to:

Adopt the Resolution that approves Project 73113 – Waterline 210/260 Zone Pipeline Realignment in the Fiscal Years 2020-2026 Capital Improvement Plan.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADOPTING PROJECT NUMBER 73113 IN THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2020-2026
RESOLUTION NO. 2020-016

Councilmember Brown seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 6-1 with Councilmember Weir abstaining due to a potential conflict of interest.

12. FORMAL AGENDA ITEMS**12A. An Emergency Ordinance Suspending Automatic Approval Deadlines for All Land Use, Subdivision, and Zoning Applications, Applications for Installation of Wireless Telecommunication Equipment and Issuance of Building Permits****SPEAKERS**

Presenters Senior Assistant City Attorney Andy Heglund
and City Manager Alex McIntyre

DOCUMENT

Comments-via Email Monica Gibbs, AT&T (2)

PowerPoint

Supplemental Packet

4/5 Vote is required for the Emergency Ordinance to Pass

12. FORMAL AGENDA ITEMS (continued)

Councilmember Weir moved to approve the recommendation to:

Introduce and adopt the Emergency Ordinance after making the findings required by the Charter. Emergency Ordinance titled:

"AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, SUSPENDING AUTOMATIC APPROVAL DEADLINES FOR ALL LAND USE, SUBDIVISION, AND ZONING APPLICATIONS, APPLICATIONS FOR INSTALLATION OF WIRELESS TELECOMMUNICATION EQUIPMENT, AND ISSUANCE OF BUILDING PERMITS"

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, SUSPENDING AUTOMATIC APPROVAL DEADLINES FOR ALL LAND USE, SUBDIVISION, AND ZONING APPLICATIONS, APPLICATIONS FOR INSTALLATION OF WIRELESS TELECOMMUNICATION EQUIPMENT, AND ISSUANCE OF BUILDING PERMITS
ORDINANCE NO. 2020-009

Councilmember Friedman seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 7-0.

12B. Consideration of Temporary Eviction Moratorium Ordinance

SPEAKERS

Presenters Assistant City Attorney Megan Lorenzen and City Manager Alex McIntyre

DOCUMENTS

Comments-via Email Bridget Espinoza; Daniel M. Yukelson, Apartment of Association of Greater Los Angeles; Mark Rochin (2); Gregory Gandrud, Grandrud Financial Services; Boh Nellis; Lizbeth Zarate; Gunner Nagel; Hannah Yale; Luis Peralta; Charlotte Steiger; Daniela Contreras; America Juan Mercado; Alexandra Garcia, Central Coast Alliance United for a

12. FORMAL AGENDA ITEMS (continued)

Sustainable Economy; Maria Palomino; Lyric Aebi; Marileen Estrada; Noah Parra; Shealyn Massey; Aline Silva Rodrigues; Cherie Eulau; Allison Sim and Rae Hoyt (2)

PowerPoint

Supplemental Packet (2)

Staff emailed City Council a third eviction moratorium option for consideration, commercial only eviction moratorium, considering the Governor's Executive Order issued regarding Residential Evictions (Supplemental Packet 2).

4/5 Vote is required for the Emergency Ordinance to Pass

Councilmember Nasarenko moved to approve the modified recommendation to:

Introduce and adopt an Emergency Ordinance that contains both residential and commercial properties after making the findings required by the Charter the Emergency Ordinance, and bring back to Council additional options on the timing for notification at a future date, title as follows:

"AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADDING CHAPTER 6.1020, 'TEMPORARY EVICTION MORATORIUM,' TO THE SAN BUENAVENTURA MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF"

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADDING CHAPTER 6.1020, 'TEMPORARY EVICTION MORATORIUM,' TO THE SAN BUENAVENTURA MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF ORDINANCE NO. 2020-010

Councilmember Heitmann seconded. The vote was as follows:

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

City Clerk Antoinette M. Mann declared the motion carried, 7-0.

7. PUBLIC COMMUNICATIONS

DOCUMENTS

Comments-via Email

Gary Best, Robert Hoffman, George Robertson, Denise Woods, Wendy Darling, Sharon Stoddart, Bridget Espinoza, Dr. Jacob David, Dr. Joseph Esherick, Diane Corwin, Annabelle Warren, Michael Shaprio, Rae Hoyt, Garry Wilmeth and Sabrina Cox

15. CITY COUNCIL COMMUNICATIONS/REPORTS – REGIONAL BOARDS/COMMISSIONS/COMMITTEES – None

16. CITY MANAGER COMMUNICATIONS – None

17. ADJOURNMENT

Meeting adjourned at 7:50 p.m.



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