

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
APRIL 8, 2019

CS1. CALL TO ORDER – CLOSED SESSION

The San Buenaventura (Ventura) City Council met in Closed Session in the City Hall Council Chambers, 501 Poli Street, Ventura at 5:10 p.m.

CS2. ROLL CALL

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

ABSENT: Councilmember Nasarenko

Mayor LaVere presided.

CS3. PUBLIC COMMUNICATIONS – NONE

City Council convened in a closed session for the following purpose:

CS4. CLOSED SESSION – City Council Conference Room

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of case: *Topper v. Ventura County Animal Services, et al.*
VCSC Case No. 56-2017-00501883-CU-WM-VTA
Authority: Government Code Section 54956.9(d)(1)

CS5. ADJOURNMENT

Closed session adjourned at 5:30 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 Brown, Friedman, Heitmann, Weir, Deputy Mayor Rubalcava and Mayor LaVere

ABSENT: Councilmember Nasarenko

Mayor LaVere presided.

3. PLEDGE OF ALLEGIANCE

Eagle Scout Gabriel Dugan, Boy Scout Troop 128 Sespe District, led the pledge of allegiance.

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Mayor LaVere, Sespe Advancement Chair Michael Gildenpfennig and Sespe Commissioner Brendan Hendrick recognized 26 Boys Scouts from the Sespe District earning their Eagle Scout Designation. The Eagle Scout recognition is awarded to those demonstrating service and leadership by completing a project that benefits our community. Mayor LaVere presented each with a certificate of recognition.

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS (continued)

Mayor LaVere presented a Proclamation for National Library Week, April 7-13, 2019, to the Ventura County Library Director Nancy Schram, Ventura County Library Deputy Director Dana Vinke, Ventura County Senior City Librarian Irma Morales, Library Advisory Commission Chair Dolly Knight and Ventura Friends of the Library President Mary Olson. Mayor LaVere thanked the Ventura County Library for providing our residents with outstanding library services.

Mayor LaVere presented a Proclamation for Fair Housing Month, April 2019, to Ventura County Coastal Association of Realtors Jorge DeLeon, Jeri Becker and Karen Campbell. A video titled "Prevent Fraud and Real Estate Scams" was shown.

Mayor LaVere introduced Ventura Police Detective Michael Hibdon who presented information on the Ventura Police Officers' Association Eco Extreme Mud Challenge benefiting the Dee Dowell Scholarship Fund, April 27, 2019.

6:27 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

Mayor LaVere requested tonight's meeting be adjourned in memory of George Tillquist.

7. PUBLIC COMMUNICATIONS**SPEAKERS**

Marshall Sheridan, Gwendolyn Alley, Jill Martinez, Gary G. Young, Randy Harvill, Mary Palmoutsos, John Sanders Jones, Burt Handy and Steve Parana

DOCUMENTS

Handouts

Jill Martinez, Gary Young and Burt Handy

Mayor LaVere indicated that Planning Staff will follow-up with speakers related to 1570 Thompson Boulevard Project; City Manager will follow-up with speakers related to Mobile Home Rent Board; Public Works staff will follow-up with the speaker about the speed humps. Councilmember Nasarenko requested to be included in the communications and meetings related to the speed humps.

8. CONSENT ITEMS

Councilmember Nasarenko had questions on Consent Agenda Item 8E (Approval of Fiscal Year 2019-2020 State Road Repair and Accountability Act of 2017 Project List and Appropriate Funding [SB 1]); Consent Agenda Item 8G (Increase in Blanket Purchase Order Limit for Kadance Corporation) and Consent Agenda Item 8H (2019 Bureau of Reclamation WaterSMART: Water and Energy Efficiency Grants Resolution).

Councilmember Brown had questions on Consent Agenda Item 8F (Mound Well 3 – Stormdrain and Transmission Line - Award of Construction Contract).

Councilmember Nasarenko 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 Heitmann seconded. The vote was as follows:

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

Mayor LaVere declared the motion carried.

8B. Approval of City Council Minutes – March 4, 2019

Councilmember Nasarenko moved to approve the recommendation to:

Approve the City Council Minutes of March 4, 2019.

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

Mayor LaVere declared the motion carried.

8. CONSENT ITEMS (continued)**8C. Consideration of Request to Extend Outside Counsel Services [Best, Best & Krieger, LP] to Assist with Land Use Planning Law Services on an Interim Basis**

Councilmember Nasarenko moved to approve the recommendation to:

Authorize the City Attorney to execute a First Amendment to the Agreement with the law firm Best, Best and Krieger, LLP in an amount not-to-exceed an additional \$43,500 to continue to provide Land Use Planning Law Services on an interim basis.

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

Mayor LaVere declared the motion carried.

8D. Bridge Preventive Maintenance Project – Authorization to Execute Professional Services Agreement and Apply for Grant

Councilmember Nasarenko moved to approve the recommendation to:

- a. Approve the award of contract and authorize the Mayor to execute a Professional Services Agreement with TY Lin International to provide consultant services for preparation of project plans, specifications, and estimate for Bridge Preventive Maintenance for Measure O, Project Number 69022, in the amount of \$67,696; and the encumbrance of contingency funds for the project in the amount not-to-exceed \$6,796 for a total amount not-to-exceed \$74,592.

AGREEMENT NO. 2019-034

- b. Authorize the City Manager, or designee, to apply for and accept up to \$1.2 million in grant funds from the California Department of Transportation (Caltrans) Bridge Preventive Maintenance Program through the Federal Highway Administration for the purpose of bridge maintenance.

AGREEMENT NO. 2019-035

8. CONSENT ITEMS (continued)

- c. 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, and billing statements that may be necessary to accept the grant and complete the project.
- d. Authorize the Finance and Technology Department to assign appropriations to the proper funds, projects and accounts as they pertain to the grant, if accepted.

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

Mayor LaVere declared the motion carried.

8E. Approval of Fiscal Year 2019-2020 State Road Repair and Accountability Act of 2017 Project List and Appropriate Funding (SB 1)**SPEAKERS**

Staff Interim Public Works Director Mary Joyce Ivers and
Engineering Services Manager Brad Starr

Councilmember Nasarenko moved to approve the recommendation to:

- a. Approve the Fiscal Year 2019-2020 Road Repair and Accountability Act of 2017 project list.
- b. Adopt a resolution for the Fiscal Year 2019-2020 Project List to add project(s) on the Road Repair and Accountability Act of 2017 project list.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADOPTING THE FISCAL YEAR 2019-2020 LIST OF PROJECTS FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT RESOLUTION NO. 2019-013

8. CONSENT ITEMS (continued)

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

Mayor LaVere declared the motion carried.

8F. Mound Well 3 – Stormdrain and Transmission Line - Award of Construction Contract**SPEAKER**

Staff Interim Ventura Water General Manager Susan Rungren

Councilmember Nasarenko moved to approve the recommendation to:

- a. Approve the award of contract and authorize the Mayor to execute an agreement with the lowest responsive and responsible bidder Cedro Construction, Inc., for the Mound Well 3 – Stormdrain and Transmission Line, Specification No. 2015-126, in the amount of \$433,759.40.
- b. Authorize the encumbrance of contingency funds for the project in the amount not to exceed \$43,376.00 subject to approval by the Public Works Director during construction.

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

Mayor LaVere declared the motion carried.

8. CONSENT ITEMS (continued)**8G. Increase in Blanket Purchase Order Limit for Kadance Corporation**SPEAKER

Staff Interim Ventura Water General Manager Susan Rungren

Councilmember Nasarenko moved to approve the recommendation to:

Approve an increase to the Fiscal Year 2018-19 Blanket Purchase Order by \$18,000 for Kadance Corporation for the supply of specialized biological additive in sewer collection system to aid in controlling sulfide formation within the wastewater system from \$247,000 to \$265,000.

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

Mayor LaVere declared the motion carried.

8H. 2019 Bureau of Reclamation WaterSMART: Water and Energy Efficiency Grants ResolutionSPEAKER

Staff Interim Ventura Water General Manager Susan Rungren

Councilmember Nasarenko moved to approve the recommendation to:

- a. Adopt a resolution authorizing the Ventura Water General Manager, or designee, to apply for, receive grant funds, enter into a cooperative agreement, and administer a grant for up to \$1,500,000 for the 2019 Bureau of Reclamation WaterSMART: Water and Energy Efficiency Grants Program.
- 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, without limitation, applications, agreements, amendments, and billing statements that may be necessary to accept these grants and complete the project under the grant.

8. CONSENT ITEMS (continued)

- c. Authorize Finance and Technology to assign increased appropriations to the proper funds, projects and accounts if the grant is awarded.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AUTHORIZING THE VENTURA WATER GENERAL MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE FUNDS, ENTER INTO A COOPERATIVE AGREEMENT, AND ADMINISTER A GRANT FOR THE 2019 BUREAU OF RECLAMATION WATER AND ENERGY EFFICIENCY GRANT

RESOLUTION NO. 2019-014

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

Mayor LaVere declared the motion carried.

11. PUBLIC HEARING ITEMS

11A. 2019-2020 Community Development Block Grant Funding Availability and Requests for Funding

The public hearing was opened.

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

SPEAKERS

Presenters Interim Community Development Director Dave Ward, Senior Planner Jennie Buckingham, and Associate Planner Andrea Palmer

Public Irma Morales, Ventura County Library; Dana Vinke, Ventura County Library; Evelina Ochoa, Women's Economic Ventures; Christine Burke; Denise Wise, Housing Authority of the City of San Buenaventura; Jacqueline Jimenez, Habitat for Humanity of Ventura County; Jackie Pearce, Westside Community

Development Corporation; and Bruce Stenslie,
Economic Development Collaborative

11. PUBLIC HEARING ITEMS (continued)

DOCUMENT

PowerPoint

7:42 p.m. Councilmember Nasarenko absent; 7:58 p.m. present. 7:54 p.m. Councilmember Brown absent; 7:58 p.m. present. 8:07 p.m. Councilmember Friedman absent; 8:11 present. 8:39 p.m. Councilmember Heitmann absent; 8:42 p.m. present.

The public hearing was closed.

City Council provided comments on the 2019-2020 Community Development Block Grant funding requests.

11B. 2019 Home Investment Partnerships Program Expiring Funds Funding Plan

The public hearing was opened.

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

SPEAKERS

Presenters Interim Community Development Director Dave Ward,
Senior Planner Jennie Buckingham, and Associate
Planner Andrea Palmer

Public Denise Wise, Housing Authority of the City of San
Buenaventura

DOCUMENT

PowerPoint

The public hearing was closed.

Councilmember Brown moved to approve the recommendation to:

- a. Conduct a public hearing and receive public testimony.
- b. Adopt a Resolution approving the 2019 Home Investment Partnerships Program Expiring Funds Funding Plan.

11. PUBLIC HEARING ITEMS (continued)

- c. Authorize the Interim Community Development Director to execute a Loan Agreement to the Housing Authority of the City of San Buenaventura for Westview Village, Phase I.
- d. Authorize the Interim Finance and Technology Director to make the necessary changes to revenues and expenditures in Fund 32 to reflect the allocation and expenditure plan within the attached Resolution.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA AUTHORIZING THE HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM EXPIRING FUNDS FUNDING PLAN
RESOLUTION NO. 2019-015

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

Mayor LaVere declared the motion carried.

12. FORMAL ITEMS

12A. Safe and Clean Presentation

SPEAKERS

Presenters Assistant Chief of Police Darin Schindler, Safe and Clean Program Manager Meredith Hart, Police Commander Rick Murray and Acting Assistant City Manager Barry Fisher

DOCUMENT

PowerPoint

9:25 p.m. Councilmember Brown absent; 9:36 p.m. present.

Council received a presentation updating the City's Safe and Clean efforts.

12. FORMAL ITEMS (continued)

12B. Consideration of Emergency Ordinance Relating to the Regulation of Small Wireless Facilities

SPEAKERS

Presenters City Attorney Gregory Diaz and Engineering Services Manager Brad Starr

Public William Lind

DOCUMENT

Comment Card George Amandola

Handout William Lind

PowerPoint

Supplemental Packet

9:58 p.m. Mayor LaVere absent; 9:59 p.m. present.

Councilmember Weir moved to approve the recommendation to:

Adopt by a four-fifths vote, an emergency ordinance, as amended, titled:

“AN EMERGENCY ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, PROVIDING ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER TO APPROVE SMALL WIRELESS FACILITIES CONSISTENT WITH THE ADMINISTRATIVE GUIDELINES TO BE PROMULGATED BY THE CITY MANAGER CONSISTENT WITH APPLICABLE FEDERAL LAWS”

AN EMERGENCY ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, PROVIDING ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER TO APPROVE SMALL WIRELESS FACILITIES CONSISTENT WITH THE ADMINISTRATIVE GUIDELINES TO BE PROMULGATED BY THE CITY MANAGER CONSISTENT WITH APPLICABLE FEDERAL LAWS

ORDINANCE 2019-002

12. FORMAL ITEMS (continued)

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

Mayor LaVere declared the motion carried.

Councilmember Weir moved to approve the recommendation to:

Provide a list to the City Manager and City Attorney to incorporate changes in future small wireless facilities Administrative Policies. City Manager to come back with a timeline on these new Administrative Policies. Items to consider:

- Use Permit required for all new installation, approved by PC
- Require proof of compliance with emission standards (RF exposure compliance report)
- Not allowed in residential zones
- CUP has 10-year term
- Require performance bond to assure maintenance
- Any new cables between poles must be undergrounded
- Indemnification required (liability)
- Must submit master plan for all facilities to be constructed over following two years; all applications from provider must comply with approved master plan
- Located in least intrusive locations
- Notice given to property owners within 500 feet
- Applicant to hold community meeting before Public Hearing
- No new poles (only replacement)
- No new illumination
- No strand-mounted cells
- No speculative projects, must have tenant when submitting
- Sitting analysis required
- Cables/wires must be located inside poles
- No signage (other than required)
- No parking interference
- Poles not less than 1500 feet apart
- Foliage to provide equipment screening when possible
- Also applies to private entities

12. FORMAL ITEMS (continued)

- Advance deposit to cover staff and consultant time for review (hire independent expert to review applications)
- Study fees and costs to determine the maximum fees to be assessed

Councilmember Nasarenko seconded. The vote was as follows:

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

Mayor LaVere declared the motion carried.

14. PUBLIC NOTICES

Items listed under Public Notices are a matter of public record only. These items do not require City Council action.

Recent Decisions of the Planning Commission and Design Review Committee:**Planning Commission March 13, 2018 Action: Approved
PROJ-12985 – Case No. UP-10-18-47698**

Alcohol Use Permit allowing an ABC License Type 47 (On-Sale General for Bona Fide Public Eating Place) that would allow an alcoholic beverage establishment for a new restaurant, Finney's Crafthouse and Kitchen. Alcohol sales and service are requested to occur Sunday through Saturday 9:00 AM to 1:00 AM, food service would cover the same hours. The restaurant will occupy a 5,113 square-foot tenant space, which includes a 4,050 square-foot ground floor and 1,063 square-foot mezzanine, on the first floor of a four-story, 17,775 square-foot commercial building. The customer service areas will include 903 square-feet in the mezzanine and 1,790 square-feet on the ground floor. The building occupies a 5,000 square-foot parcel at 494 East Main Street; Steve Rawlings, applicant; Urban Core (T6.1) Zone.

14. PUBLIC NOTICES (continued)**Design Review Committee March 20, 2019 Action: Approved
PROJ-12758 – Case No. DRC-12-18-48184 & PDA-12-18-48186**

Formal Design Review for the demolition of a 15,650 square-foot portion of an existing 153,204 square-foot one-story retail shopping center (Poinsettia Plaza) and construction of a new 19,353 square-foot building in its place to house an ALDI grocery store, resulting in a 156,907 square-foot shopping center. The project includes a concurrent minor variance request to reduce the rear yard setback from 20 feet to 2 feet along the western property line and a variance to allow an 8-foot-high wall in the same location to accommodate and screen the new loading dock associated with the ALDI addition. The parking lot would be modified to incorporate pedestrian paths that would reduce the number of vehicle parking spaces from 626 to 615 vehicle parking spaces while providing 54 bike parking spaces. Work also includes comprehensive façade refurbishments for the remaining buildings and comprehensive landscaping improvements throughout the approximately 11.66 acres project site across 4 parcels located at 4250, 4300, 4360 East Main Street and 4673, 4687, 4711, 4731 Telephone Road in the Commercial Planned Development (CPD) Zone.

**Design Review Committee March 20, 2019 Action: Approved
PROJ-12937 – Case No. DRC-10-18-47344 & SV-10-18-47345**

Formal Design Review for a new Sign Program and a Sign Variance to increase the maximum allowed sign area from one 20 square-foot per tenant to two 40 square-foot and one 49 square-foot signs the north façade and three 20 square-foot signs on the south façade of an existing two-story, 37,340 square-foot office building on a 77,201 square-foot lot located at 1500 Palma Drive in the Manufacturing Planned Development (MPD) zone.

7. PUBLIC COMMUNICATIONS - None**15. CITY COUNCIL COMMUNICATIONS/REPORTS – REGIONAL
BOARDS/COMMISSIONS/COMMITTEES**

Councilmember Weir reported the Clean Power Alliance (CPA) has over one million customers representing 21 cities. When moving to CPA, Ventura had a 4% opt out rate while the average for all customers was 3% opt out rate. The commercial customer rollout has begun.

16. CITY MANAGER COMMUNICATIONS - None

17. ADJOURNMENT

Meeting adjourned in memory of George Tillquist at 11:02 p.m.



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