

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
MAY 6, 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 5:07 p.m.

CS2. ROLL CALL

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

ABSENT: Councilmember Nasarenko and Mayor LaVere

Deputy Mayor Rubalcava presided.

CS3. PUBLIC COMMUNICATIONS – None

Councilmember Nasarenko arrived at 5:12 p.m.

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: Magaña v. City of San Buenaventura

Workers' Compensation Appeals Board Numbers: ADJ11327996

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

2. **CONFERENCE WITH LEGAL COUNSEL**

Significant Exposure to Litigation: Two Cases

Authority: Government Code Section 54956.9(d)(2)

CS5. ADJOURNMENT

Closed session adjourned at 5:59 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 6:12 p.m.

2. ROLL CALL

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

ABSENT: Mayor LaVere

Deputy Mayor Rubalcava presided.

3. PLEDGE OF ALLEGIANCE

Councilmember Brown led the pledge of allegiance.

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Deputy Mayor Rubalcava invited Police Chief Ken Corney and Officer Bernadette Compean to present a Certificate of Appreciation to Special Olympian Ian Eaton for his 30 years as an athlete and his involvement in the Special Olympics.

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS (continued)

Deputy Mayor Rubalcava presented a Certificate of Recognition to Boy Scout Troop 111, Ventura, for clearing the Arroyo Verde Park Trails. A video of the Boy Scout Troop 111, Ventura, working on the Arroyo Verde Park Trails was shown.

Deputy Mayor Rubalcava thanked and presented City of Ventura Green Business Certificates to Martha Cantos, Ecugreen; Robert Glover, Harvest Café and Doctors Brent and Tiffany Caplan, Central Coast Center for Integrative Health.

Deputy Mayor Rubalcava presented Sharon Troll with a Certificate of Appreciation for her many contributions to the westside of Ventura and the entire Ventura community.

Trudy Arriaga, former superintendent of the Ventura Unified School District, shared how Sharon Troll helped with different services on the westside of Ventura.

Police Chief Ken Corney thanked and congratulated Sharon Troll and informed the Volunteer of the Year Award from the Police Department will be renamed the Sharon Troll Ventura Police Department Volunteer of the Year Award.

City Manager Alex McIntyre welcomed Administrative Assistant Anita Mair to the City Manager's Office, Interim Community Development Director Peter Lyons and Interim Economic Development Manager Jim Cogan.

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 attended the Southern California Association of Government (SCAG) conference May 1-3, 2019 and received an award on behalf of the City of Ventura for "Outstanding Achievement in Sustainability" for Kellogg Park. Councilmember Weir thanked all City staff and consultants that worked on Kellogg Park and presented the award to Parks, Recreation and Community Partnerships Director Nancy O'Connor and Parks Manager Tom Martin.

Councilmember Heitmann requested tonight's meeting be adjourned in memory of Charles Dayton Price, Jr., Ron Price and Katharine Mary McLean. Last month she visited Ventura's Sister City, Loreto, Mexico and met with Loreto's Mayor Areli Arce Peralta and discussed various topics. Councilmember Heitmann would like the Sister City Committee to begin within the next month.

7. PUBLIC COMMUNICATIONS

SPEAKERS

Betsy Erickson; Linda Ottaviano, Lemonwood Mobile Home Park; Joey Juhansz-Lukomski, BikeVentura; Craig Hull, Ventura Manufactured Home Residents Council; Liz Campos; Dr. Vikki Brock, Ventura Port District; Manuel Rodriguez; Kent Bullard, Electric Vehicle Advocates of Ventura County; Gene Rubin, Electric Vehicle Advocates of Ventura County; Jill Martinez, Golden State Manufactured-Home Owners League; Terrence Foley, Pierpont Bay Community Council; Stephanie Caldwell, Ventura Chamber of Commerce; Ann Houston, Historic Preservation Committee; Jennifer Zide; Glenn Overley; Joey Ruiz; Alex Peñaloza, BikeVentura; Diego Mendoza; Erich Youmans; Brennen Maus; Denia Diaz, Central Coast Alliance United for a Sustainable Economy (CAUSE); Jennifer Willis; Kathy Bremer; Alex Garcia, CAUSE; Donald Price, Electric Vehicle Advocates of Ventura County ; Ande Casanave; Heather Casanave; Jan Dietrick, Rincon-Vitova Insectaries Inc.; Leslie Purcell; Jay McCoy, W.L. Rubottom Co. and Ron DiSanto

DOCUMENTS

Comment Cards Donna M. O'Neil, Westside Community Council; Kaye Zerbes; Sharon Troll; Lori Steinhauer; Matt Kaaihue and Matthew Corney

Handouts Dr. Vikki Brock, Ventura Port Distrit and Ron DiSanto

PowerPoints Denia Diaz and Alex Garcia

City Manager Alex McIntyre stated Code Enforcement will data received from speakers; City Attorney Gregory Diaz provided clarification that staff is currently working on researching the Mobile Home Park Ordinance in comparison to the County of Ventura' Ordinance. City Manager Alex McIntyre stated he will follow-up on the complaint related to the development affecting the Midtown Monarch Paradise Park and butterflies.

8. CONSENT ITEMS

7:44 p.m. Councilmember Friedman absent; 7:45 p.m. present.

Councilmember Weir pulled Consent Agenda Item 8I (Barranca Vista Center Repairs and Refurbishment, Award of Construction Contract).

8. CONSENT ITEMS (continued)

Councilmember Nasarenko asked questions on Consent Agenda Item 8F (Telegraph Road Anacapa Middle School Safe Routes to School Project–Award of Construction Contract and Increase Project Funding).

Councilmember Heitmann made a comment on Consent Agenda Item 8E (Beachfront Parking Structure – Structural Analysis Professional Services Agreement).

Councilmember Weir 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 Nasarenko seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

8B. Approval of City Council Minutes -- March 18, 2019, March 25, 2019 and April 15, 2019

Councilmember Weir moved to approve the recommendation to:

Approve the City Council Minutes for March 18, 2019, March 25, 2019 and April 15, 2019.

Councilmember Nasarenko seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

8. CONSENT ITEMS (continued)**8C. Request for Authorization to Extend Outside Counsel Services with the law firm of Colantuono, Highsmith & Whatley, PC for the Pending Litigation Matter City of San Buenaventura v. United Water Conservation District**

Councilmember Weir moved to approve the recommendation to:

Authorize the City Attorney to enter into an extended legal services agreement with the law firm of Colantuono, Highsmith, & Whatley, PC in an amount not to exceed an additional \$30,000 to continue representation of the City in the litigation matter City of San Buenaventura v. United Water Conservation District.

Councilmember Nasarenko seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

8D. Payment Authorization - SoftChoice Corporation

Councilmember Weir moved to approve the recommendation to:

Authorize the City Manager to approve payment in the amount of \$40,260.00 to SoftChoice Corporation for the additional licenses required to maintain the Microsoft Enterprise Agreement before a new contract is issued through a competitive bidding process later this year.

Councilmember Nasarenko seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

8. CONSENT ITEMS (continued)**8G. Surfer's Point Managed Retreat, Phase 2 – Authorization to Execute Cooperative Agreement**

Councilmember Weir moved to approve the recommendation to:

- a. Amend the Fiscal Year 2018-2024 Capital Improvement Plan to add Surfers Point – Phase II (72502).
- b. Authorize the Mayor to execute a Cooperative Agreement with Beach Erosion Authority for Oceans and Nourishment allowing the use of Proposition 1 Grant Funding (P01-2-07) for the City to perform the final design for Surfer's Point Managed Retreat, Phase 2, in the amount not-to-exceed \$354,365.

AGREEMENT NO. 2019-039

- c. Authorize the Finance and Technology Department to assign appropriations to the proper fund, project, and accounts for this CIP project if the grant is approved.

Councilmember Nasarenko seconded. The vote was as follows:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann and Deputy Mayor Rubalcava

NOES: None

ABSENT: Mayor LaVere

Deputy Mayor Rubalcava declared the motion carried.

8H. Surfer's Point Managed Retreat, Phase 2 – Authorization to Execute Professional Services Agreement

Councilmember Weir moved to approve the recommendation to:

- a. Authorize the Mayor to execute a Professional Services Agreement with RRM Design Group to provide consultant services for the final design of Surfers Point Managed Retreat-Phase 2, Project Number 72502, in the amount of \$296,593, and authorize the encumbrance of contingency funds in the amount of \$57,772 for a total encumbrance not-to-exceed amount of \$354,365.

AGREEMENT NO. 2019-040

- b. Authorize the Finance and Technology Department to assign appropriations to the proper fund, project, and accounts for this CIP project if the grant is approved.

8. CONSENT ITEMS (continued)

Councilmember Nasarenko seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

***8J. Authorization for Cash Advance and Repayment with the Upper Ventura River Groundwater Agency**

Councilmember Weir moved to approve the recommendation to:

Authorize the City Manager to execute an agreement with the Upper Ventura River Groundwater Agency to provide up to \$45,000 for administrative costs associated with the development of a Groundwater Sustainability Plan. AGREEMENT NO. 2019-041

Councilmember Nasarenko seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried

***8I. Barranca Vista Center Repairs and Refurbishment, Award of Construction Contract**

SPEAKERS

Staff Interim Public Works Director Mary Joyce Ivers, Parks Recreation and Community Partnerships Director Nancy O'Connor and City Manager Alex McIntyre

Public Leslie Purcel and Ron DiSanto

8:01 p.m. Councilmember Nasarenko absent; 8:04 p.m. present.

8. CONSENT ITEMS (continued)

Councilmember Brown moved to approve the amended recommendation for:

- a. Staff to table the proposed and return to Council with two options for consideration.

Councilmember Friedman seconded. Councilmember Weir amended motion; amendment approved by Councilmember Brown and Councilmember Friedman.

Amended motion:

- a. Reject all bids.
- b. Staff to table the proposed project and return to Council with two design options for consideration prior to re-bidding this project. Report to include better renderings for designs and the City's engineers estimates.

The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

***8E. Beachfront Parking Structure – Structural Analysis Professional Services Agreement**

Councilmember Heitmann moved to approve the recommendation to:

Approve and authorize the City Manager to execute a Professional Services Agreement with Cannon Corporation for the structural analysis of the Beachfront Parking Structure for \$76,600, plus an \$8,000 contingency' for an amount not-to-exceed \$84,600 AGREEMENT NO 2019-038

Councilmember Weir seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

8. CONSENT ITEMS (continued)

***8F. Telegraph Road Anacapa Middle School Safe Routes to School Project–Award of Construction Contract and Increase Project Funding**

SPEAKER Principal Civil Engineer Brad Starr

8:18 p.m. Councilmember Nasarenko absent; 8:24 p.m. present.

Councilmember Heitmann moved to approve the recommendation to:

- a. Approve awarding of contract and authorize the Mayor to execute an agreement with the responsive and responsible bidder, Toro Enterprises, Inc., for the road widening and repaving on Telegraph Road between Mills Road and Ashwood Avenue, installation of flashing beacons, and new traffic signal system, Specification No. 2016-032, in the amount of \$1,913,525.
- b. Authorize the encumbrance of contingency funds for the project in the amount of \$191,353 for use by the Public Works Director as needed during construction.
- c. Increase project funding by \$1,666,942 in appropriations from Gas Tax Fund 12 (2106/2107) and authorize Finance and Technology staff to assign increased appropriations to the proper funds, project and accounts.

Councilmember Weir seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

11. PUBLIC HEARING ITEMS

11A. Adoption of the 2019-2020 Annual Action and Funding Plan – Community Development Block Grant and HOME Investment Partnerships Programs

8:18 p.m. Councilmember Nasarenko absent; 8:38 p.m. present.

11. PUBLIC HEARING ITEMS (continued)

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 Peter Lyons, Principal Planner Iain Holt, Associate Planner Andrea Palmer and City Manager Alex McIntyre

Public Evelina Ochoa, Women's Economic Ventures; Veronica Zimmerman Garcia, Housing Authority City of San Buenaventura; Kathy Thomson; Jacqueline Jimenez, Habitat for Humanity of Ventura County; and Bruce Stenslie, Economic Development Collaborative

DOCUMENTS

Comment Card Kathy Thomson

PowerPoint

The public hearing was closed.

8:53 p.m. Councilmember Brown absent; 8:53 p.m. present.

Councilmember Heitmann moved to approve the recommendation to:

- a. Conduct a public hearing and receive public testimony.
- b. Adopt the Resolution approving the 2019-2020 Annual Action and Funding Plan for Community Development Block Grants and HOME Investment Partnership Grants.
- c. Authorize the City Manager to submit the Action and Funding Plan to the U.S. Department of Housing and Urban Development and to execute all appropriate certifications.
- d. Authorize the Community Development Director, to include the Interim Community Development Director, to execute Subrecipient and Loan Agreements, as necessary, for 2019-2020 CDBG funding, and to adjust funding of a project as needed and according

11. PUBLIC HEARING ITEMS (continued)

to the Citizen Participation Plan, including making adjustments for the allocation and expenditure of prior and current year program income up to ten percent (10%) per project.

- e. Authorize Finance and Technology to make necessary changes to revenues and expenditures in the 2019-2020 operating budget per the approved Action and Funding Plan.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA ADOPTING THE 2019-2020 ANNUAL ACTION AND FUNDING PLAN, AND AUTHORIZING THE CITY MANAGER TO APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDING
RESOLUTION NO. 2019-017

Councilmember Weir seconded. The vote was as follows:

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

Deputy Mayor Rubalcava declared the motion carried.

11B. Issuance of Tax-Exempt Obligations Not to Exceed \$25,000,000 for the 50-Unit Affordable Multi-Family Rental Housing Willett Ranch, a Senior Apartment Project

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 Peter Lyons and Senior Planner Jennie Buckingham

Chief Executive Officer of Ventura Housing Authority Denise Wise and Ventura Housing Authority Bond Counsel Ron Lee

DOCUMENT

PowerPoint

11. PUBLIC HEARING ITEMS (continued)

The public hearing was closed.

Councilmember Nasarenko moved to approve the amended recommendation to:

- a. Conduct a Tax Equity and Fiscal Responsibility Act Public Hearing in relation to Willett Ranch.
- b. Adopt a Resolution approving issuance by the Housing Authority of the City of San Buenaventura (herein referred to as the "Housing Authority") of tax-exempt obligations not to exceed \$25,000,000 to assist the yet-to-be-formed California Limited Partnership in the new construction of 50 apartments located at 54 and 55 Willett Street (formerly 2686 North Ventura Avenue) and adding \$2,000 to the Ventura Avenue Library Grand Funding allocation making it \$62,000 to max the public service.
- c. Designate the yet-to-be-formed California limited partnership as the owner of the development. The partnership will be composed of a Managing General Partner (Homecomings, Inc., a non-profit affiliate of the Housing Authority, will be the sole member of the LLC general partner) and a tax credit investor limited partner.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA APPROVING THE ISSUANCE OF TAX-
EXEMPT OBLIGATIONS BY THE HOUSING AUTHORITY OF THE CITY
OF SAN BUENAVENTURA FOR THE WILLETT SENIOR APARTMENTS
RESOLUTION NO. 2019-018

Councilmember Brown seconded. The vote was as follows:

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

Deputy Mayor Rubalcava 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 April 10, 2019 Action: Approved
PROJ-11664 – Case No. UP-7-17-41154 & UP-7-17-41259**

14. PUBLIC NOTICES (continued)

Request for a Bar, Tavern, Night Club Use Permit that will allow live music entertainment and an ABC License Type 48 (On-Sale General for Public Premise) that will allow an alcoholic beverage establishment for The Grape. Live music entertainment and alcohol sales will occur daily from 10:00 a.m. to 12:00 midnight. The Grape will occupy a 6,131 square-foot tenant space within an approximately 10,000 square-foot building on a 14,336 square-foot parcel located at 2733 East Main Street with a split zoning consisting of the Urban Center (T5.2) and Special District Hospital 1 (SD-H1).

**Design Review Committee April 17, 2019 Action: Approved
PROJ-10662– Case No. DRC-11-18-48014**

Formal Design Review for an Amendment to a previously approved Façade Modification for an existing two-story, 6,262 square foot commercial building on a 0.40-acre parcel located at 2301 South Victoria Avenue; Main Street Architects + Planners, Inc., applicant; Urban General (T4.9), Parkway Overlay zone.

7. PUBLIC COMMUNICATIONS - None***16. CITY MANAGER COMMUNICATIONS**

City Manager Alex McIntyre informed the first meeting of the Proposed Budget will be held on May 13, 2019.

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

Councilmember Weir attended the SCAG conference and the Clean Power Alliance (CPA) Board meeting was held at the conference where information was provided on the number of commercial customers in the City of Ventura in comparison to surrounding cities.

Deputy Mayor Rubalcava announced Municipal City Clerk's Week and thanked City Clerk Antoinette Mann and her staff for everything they do.

17. ADJOURNMENT

Meeting adjourned in memory of Charles Dayton Price, Jr., Ron Price and Katharine Mary McLean at 9:19 p.m.



Antoinette M. Mann, MMC, CRM
City Clerk

*Items out of order

Minutes revised due to incomplete amended motion on Consent Agenda Item 8I (Barranca Vista Center Repairs and Refurbishment, Award of Construction Contract).

Original minutes approved on June 10, 2019; amended minutes approved on July 15, 2019.