

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 18, 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. TO FIND OUT HOW YOU MAY ELECTRONICALLY ATTEND THE CITY COUNCIL MEETING AND PROVIDE PUBLIC COMMENT PLEASE REFER TO PAGE 2 OF THIS AGENDA.

City Council conducted this meeting in accordance with California Governor Newsom's Executive Orders N-20-20 and N-35-20 and COVID-19 pandemic protocols.

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 4:33 p.m.

2. ROLL CALL

PRESENT: Councilmembers Brown, Friedman, Heitmann, Weir, Deputy Mayor Rubalcava and Mayor LaVere (via teleconference/video conference)

ABSENT: Councilmember Nasarenko

Mayor LaVere presided.

3. PLEDGE OF ALLEGIANCE

Mayor LaVere led the pledge of allegiance.

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Mayor LaVere thanked the Ventura Police Department for their dedication and service to Ventura residents in recognition of National Police Week, May 10-16, 2020. A proclamation was previously presented to Police Chief Darin Schindler. A video was shown thanking Ventura Police Department for their service to the community. Police Chief Schindler thanked his staff for serving the residents with pride and courage.

Mayor LaVere proclaimed May 17-23, 2020, as National Public Works Week. A proclamation was previously presented to Public Works Director Phillip Nelson, Ventura Water General Manager Susan Rungren and Parks, Recreation and Community Partnerships Director Nancy O'Connor. Each Director stated they were proud of their staff and thanked them for their dedication and hard work.

Mayor LaVere introduced Loree Berry, Yeh and Associates Senior Project Manager and American Public Works Association representative. Ms. Berry presented the American Public Works Association's 2019 Project of the Year to Principle Civil Engineer Ernie Ferrer and Public Works Director Phil Nelson for the California Street Bridge Pedestrian Enhancement Project.

4:49 p.m. Councilmember Nasarenko arrived.

City Manager Alex McIntyre and Deputy City Manager Barry Fisher provided a COVID-19 Update.

5. CLOSED SESSION REPORT

City Attorney Gregory Diaz stated City Council had no closed session tonight and there is no reportable action.

6. CITY COUNCIL COMMUNICATIONS

Councilmember Heitmann reminded residents on the importance of completing their 2020 Census form.

8. CONSENT ITEMS

Mayor LaVere pulled Agenda Item 8H (Second Extension - Redflex Traffic Systems Agreement) for consideration at a future meeting date.

Councilmember Friedman pulled Agenda Item 8Q (Deferral of Business License Taxes Due to the COVID-19 Crisis).

Councilmember Nasarenko pulled Agenda Item 8P (Professional Services Agreement for the State Water Interconnection Pipeline and Blending Station Projects).

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 Nasarenko 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.

8. CONSENT ITEMS (continued)**8B. Approval of City Council Minutes – April 27, 2020 and May 4, 2020**

Councilmember Friedman moved to approve the recommendation to:

Approve City Council Minutes for April 27, 2020 and May 4, 2020.

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

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

8C. Request for Authorization to Extend Outside Counsel and Communications Services

Councilmember Friedman moved to approve the recommendation to:

- a. Authorize the City Attorney to enter into an extended legal services agreement with the law firm of Best, Best and Krieger, LLP in an amount not-to-exceed an additional \$150,000 to continue representation of the City in the litigation matter of Santa Barbara Channelkeeper v. State Water Resources Control Board and the City of San Buenaventura, Los Angeles County Superior Court Case No. 19STCP01176 (formerly San Francisco County Superior Court Case No. CPF-14-513875), and related matters, bringing the total contract not-to exceed amount to \$4,588,000 through June 30, 2022.
- b. Authorize the City Attorney to enter into an extended services agreement with the communications firm of Mustang Marketing, adding an additional \$50,000 for a total not-to-exceed amount of \$100,000 through February 28, 2025.

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

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

8. CONSENT ITEMS (continued)**8D. Termination of Professional Services Agreement No. 2018-011 – County of Ventura**

Councilmember Friedman moved to approve the recommendation to:

Approve and authorize the City Manager to terminate Professional Services Agreement No. 2018-011 with the County of Ventura for information technology helpdesk and desktop services.

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

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

8E. Approval of Voluntary Employee Separation Incentive Program

Councilmember Friedman moved to approve the recommendation to:

Authorize the City Manager to implement a Voluntary Employee Separation Incentive Program for eligible employees.

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

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

**8F. Approval of AXON Contract – Body Worn Video for Police Officers
RECOMMENDATION APPROVED**

Councilmember Friedman moved to approve the recommendation to:

Approve and authorize the Mayor to sign a contract renewal with AXON Enterprises Inc. for Body Worn Video Cameras, related hardware, and digital evidence storage for the Police Department from June 24, 2020 to June 23, 2025 for a total of \$214,015.50 annually with a not-to-exceed amount of \$1,070,077.50 over the 5-year period.

AGREEMENT NO. 2020-017

8. CONSENT ITEMS (continued)

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

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

8G. Animal Services Agreement between the City of Ventura and the County of Ventura

Councilmember Friedman moved to approve the recommendation to:

Approve and authorize the Mayor to sign a contract between the City of Ventura and the County of Ventura for animal services from July 1, 2020 to June 30, 2025 in an amount not to exceed \$602,400 for the first year and to include a 5% annual increase in future years.

AGREEMENT NO. 2020-018

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

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

8H. Second Extension - Redflex Traffic Systems Agreement

Council item was continued to a future date. No action taken.

8I. Waterline Replacement - Pierpont Lanes Project Authorization to Award Construction Contract

Councilmember Friedman moved to approve the recommendation to:

- a. Approve awarding of contract and execute an agreement with the lowest responsive and responsible bidder, J. Vega Engineering, Inc., for replacing two deteriorated water pipeline reaches along the abandoned portion of Shoreline Drive between Hanover Lane and Camden Lane, and Nathan Lane and Greenock Lane, Specification No. 2019-096, in the amount of \$397,491.

AGREEMENT NO. S2019-096

8. CONSENT ITEMS (continued)

- b. Authorize the encumbrance of contingency funds for the project in the amount of \$39,700 for use by the Public Works Director as needed during construction.

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

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

8J. Professional Services Agreement for Consultant Project Management Services for Ventura Active Transportation Plan – Active Transportation Program Cycle 4

Councilmember Friedman moved to approve the recommendation to:

Approve and authorize the Mayor to enter into a Professional Services Agreement with Interwest Consulting Group to provide Consultant Services for the Ventura Active Transportation Plan project from May 2020 - May 2022 for \$67,538, plus a contingency of \$6,800 for a total not-to-exceed amount of \$74,338. AGREEMENT NO. 2020-019

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

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

8. CONSENT ITEMS (continued)**8K. Street Resurfacing (SB1) - Ralston Street, Portola Road to Victoria Avenue, and Victoria Avenue, Telephone Road to Highway 126 - Authorization to Award Construction Contract**

Councilmember Friedman moved to approve the recommendation to:

- a. Approve awarding of contract and authorize the Mayor to execute an agreement with the lowest responsive and responsible bidder, C.A. Rasmussen, Inc., for the Street Resurfacing (SB1) – Ralston Street, Portola Road to Victoria Avenue, and Victoria Avenue, Telephone Road to Highway 126 Project, Specification 2018-123, in the amount of \$1,975,918.13. AGREEMENT NO. S2018-123
- b. Authorize the transfer from the following enterprise funds and increase appropriations in the street resurfacing (SB1) projects; Street Resurfacing –Ralston Street, Portola Road to Victoria Avenue Project (91074), and Victoria Avenue, Telephone Road to Highway 126 Project (91073) for the adjustment of sewer manholes and water valves to grade:
 - i. \$21,000 Wastewater Maintenance Operations (Fund 51)
 - ii. \$32,000 Water Distribution Operations (Fund 52)
- c. Authorize the encumbrance of contingency funds for the project in the amount of \$158,073 for use by the Public Works Director as needed during construction.
- d. Authorize Finance and Technology to assign increased appropriations to the proper funds, projects and accounts.

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

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

8. CONSENT ITEMS (continued)**8L. Professional Services Agreement Task Order for Pavement Management
RECOMMENDATION APPROVED**

Councilmember Friedman moved to approve the recommendation to:

Approve and authorize the Public Works Director to execute a Professional Service Agreement with Nichols Consulting Engineers to provide pavement management services to include pavement condition inspection surveys, data analysis and input, consult design strategies, training, and to assist City staff in the preparation of the annual Pavement Management Plan, with a not-to-exceed price of \$50,000 per task order.

AGREEMENT NO. 2020-020

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

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

8M. Approve General Services Agreement for Ventura Water Reclamation Facility Contract Laboratory Monitoring Services

Councilmember Friedman moved to approve the recommendation to:

- a. Approve the General Service Agreement with Pacific EcoRisk; July 1, 2020 - June 30, 2021 with the option to extend four consecutive one year extensions (extending contract June 30, 2025); not-to-exceed \$500,000 during the total duration of the contract pursuant to Section 4.600.140 of the Municipal Code.

AGREEMENT NO. 2020-021

- b. Approve the General Service Agreement with Aquatic Bioassay and Consulting; July 1, 2020 - June 30, 2021 with the option to extend four consecutive one year extensions (extending contract June 30, 2025); not-to-exceed \$650,000 during the total duration of the contract pursuant to Section 4.600.140 of the Municipal Code.

AGREEMENT NO. 2020-022

8. CONSENT ITEMS (continued)

- c. Authorize the City Manager to execute amendments for General Service Agreement with Pacific EcoRisk not-to-exceed \$500,000 during the total duration of the contract, pursuant to Section 4.600.200 of the Municipal Code.
- d. Authorize the City Manager to execute amendments for General Service Agreement with Aquatic Bioassay and Consulting not-to-exceed \$650,000 during the total duration of the contract, pursuant to Section 4.600.200 of the Municipal Code.

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

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

8N. General Services Agreement for On-Call Slip Lining and Closed-Circuit Television Inspection Services

Councilmember Friedman moved to approve the recommendation to:

- a. Approve and authorize the Mayor to execute the General Service Agreement with Performance Pipeline; July 1, 2020 - June 30, 2021 with the option to extend four consecutive one year extensions (extending contract June 30, 2025) not to exceed \$1,625,000 during the total duration of the contract pursuant to Section 4.600.140 of the Municipal Code. AGREEMENT NO. 2020-023
- b. Authorize the Mayor to execute amendments for General Service Agreement with Performance Pipeline not-to-exceed \$1,625,000 during the total duration of the contract, pursuant to Section 4.600.200 of the Municipal Code.

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

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

8. CONSENT ITEMS (continued)**80. Utilization of the City's 2020 State Water Project Allocation**

Councilmember Friedman moved to approve the recommendation to:

Authorize the City Manager to execute the necessary documents to enter into an agreement with San Geronio Pass Water Agency to exchange the City's State Water Table A Allocation for 2020.

AGREEMENT NO. 2020-024

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

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

8Q. Deferral of Business License Taxes Due to the COVID-19 Crisis*SPEAKERS**

Staff Finance and Technology Director Michael Coon, City Manager Alex McIntyre, and City Attorney Gregory Diaz

Councilmember Friedman moved to approve the recommendation to:

- a. Adopt a resolution deferring this year's late penalties for business license taxes until November 1, 2020.
- b. Authorize the City Manager, or his designee, to implement such procedures as deemed necessary to defer the imposition of delinquent fees.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, DEFERRING BUSINESS LICENSE TAX LATE PENALTIES
RESOLUTION NO. 2020-020

Councilmember Brown 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.

8. CONSENT ITEMS (continued)

***8P. Professional Services Agreement for the State Water Interconnection Pipeline and Blending Station Projects**

SPEAKER

Staff Ventura Water General Manager Susan Rungren

DOCUMENT

PowerPoint

Councilmember Nasarenko moved to approve the recommendation to:

- a. Approve and authorize the Mayor to execute an agreement with Stantec Consulting Services, Inc. for professional services associated with the design of the State Water Interconnection Pipeline and Blending Station Projects, for a period of 24 months, June 1, 2020 to June 30, 2022, for a not-to-exceed amount of \$3,550,000. AGREEMENT NO. 2020-025
- b. Authorize the City Manager, or his designee, to execute amendments, if necessary, to extend the term of the agreement or modify the Schedule of Compensation in an amount not-to-exceed \$180,000 in order to accommodate the need for further analysis or additional scope if required, pursuant to San Buenaventura Municipal Code Section 4.600.200.

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.

12. FORMAL ITEMS

12A. Fiscal Year 2020-21 Potential Use of Nontraditional Funds and Revenue Enhancements

SPEAKERS

Presenters Finance and Technology Director Michael Coon and City Manager Alex McIntyre

DOCUMENT

PowerPoint

Council received staff's update and provided guidance for use of nontraditional funding and to pursuing potential revenue increases.

12B. Emergency Economic Development Policy Recommendations

SPEAKERS

Presenters Economic Development Manager Estelle Bussa, Assistant City Manager Akbar Alikhan, Downtown Ventura Executive Director Kevin Clerici, Police Officer Bernadette Compean, Community Development Director Peter Gilli, Assistant City Attorney Andy Heglund, City Attorney Gregory Diaz, and City Manager Alex McIntyre

Public Diana Coronado, Building Industry Association of Southern California; Stephen Schafer; Mark Abbe; Bill McReynolds; Sandy Smith; and Stephanie Caldwell

DOCUMENTS

Comments-via Email Suz Montgomery; Dina Pielaet; Karen Flock, Housing Authority of the City of San Buenaventura; Mike Johnson; Diana Coronado, Building Industry Association of Southern California; James Merritt, AJ Vido, LLC; Charles P. Watling; Wright Watling; Teri Formanek, Grapes and Hops; Monika L. Clemens; San Buenaventura Conservancy Board of Directors; Kathy Bremer; Jim DeArkland; Diane Underhill; Nicholas Deitch; Bill McReynolds; Deborah Meyer-Morris, East Ventura Community Council;

12. FORMAL ITEMS (continued)

Julie Henszey, Downtown Ventura Partners;
Josh McNutt, Squashed Grapes; Laura O'Neill,
GPA Consulting; and Kevin Waldron, Jensen
Design & Survey Inc.

PowerPoint

Supplemental Packet All Public Communications are listed and posted
online

RECESS

City Council went into recess at 7:57 p.m.

City Council reconvened at 8:13 p.m.

8:22 p.m. Councilmember Nasarenko rejoined the meeting with audio only.

Council provided feedback on the use of Special Event Permits to conduct prolonged street closures to allow for outdoor dining and retail operations.

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

Councilmember Friedman moved to approve the recommendation with modifications to Section 4 and Section 5 of the Ordinance:

- b. Introduce and adopt as an Emergency Ordinance after making the findings required by the Charter the Emergency Ordinance, to streamline the development review process, title as follows:

"AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, TEMPORARILY SUPERSEDING PORTIONS OF THE SAN BUENAVENTURA MUNICIPAL CODE AND APPROVED SPECIFIC PLANS TO CREATE EFFICIENCIES IN DEVELOPMENT APPROVALS AND DECLARING THE URGENCY THEREOF"

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, TEMPORARILY SUPERSEDING PORTIONS OF THE SAN BUENAVENTURA MUNICIPAL CODE AND APPROVED SPECIFIC PLANS TO CREATE EFFICIENCIES IN DEVELOPMENT APPROVALS AND DECLARING THE URGENCY THEREOF

ORDINANCE NO. 2020-018

12. FORMAL ITEMS (continued)

Councilmember Weir 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 the recommendation with Option 2 (Councilmember can appeal, does not have to pay appeal fee, cannot participate) to:

- c. Direct staff to draft an ordinance eliminating call for review and establishing an appeal process for City Councilmembers.

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.

Councilmember Heitmann moved to approve the recommendation to:

- d. Direct staff to return with a defined scope and cost for the additional features for Energov.

Councilmember Brown 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.

12. FORMAL ITEMS (continued)**12C. Receive Update on Parks and Beaches For Memorial Day Weekend**SPEAKERS

Presenters City Manager Alex McIntyre, Police Chief Darin Schindler, and Parks, Recreation and Community Partnerships Director Nancy O'Connor

DOCUMENT

Comments-via Email Joshua Batt, Lauren Taluy, and Jim Boschee

Supplemental Packet All Public Communications are listed and posted online

Council received an update on Parks and Beaches for Memorial Day Weekend.

7. PUBLIC COMMUNICATIONS

City Clerk Antoinette Mann read the following names for received electronic communications into the record:

Comments-via Email Curtis Bean, Linda Groberg, Katie Whittaker, Aimee Brech-Doscher, Trudy Smith, Ellen Olson, Heyla Glen, and Kyle

Supplemental Packet All Public Communications are listed and posted online

15. CITY COUNCIL COMMUNICATIONS/REPORTS – REGIONAL BOARDS/COMMISSIONS/COMMITTEES – None**16. CITY MANAGER COMMUNICATIONS – None****17. ADJOURNMENT**

Meeting adjourned at 10:26 p.m.



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

*Items heard out of order.