

CITY OF VENTURA
CITY COUNCIL MINUTES

Mayor Erik Nasarenko

Neal Andrews, Deputy Mayor
Cheryl Heitmann, Councilmember
Matt LaVere, Councilmember

Jim Monahan, Councilmember
Mike Tracy, Councilmember
Christy Weir, Councilmember

Mark D. Watkins, City Manager
Gregory G. Diaz, City Attorney
Antoinette M. Mann, City Clerk

REGULAR MEETING
MAY 22, 2017

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.

ROLL CALL

Present: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko

Absent: None

Mayor Nasarenko presided.

PLEDGE OF ALLEGIANCE

Councilmember LaVere led the pledge of allegiance.

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Mayor Nasarenko introduced Mayor for a Moment student Mason Evans, Mound Elementary School fifth grader, who read his essay on Kindness. A Community Access Partners (CAPS) video about Mason Evans, Mound Elementary School and Kindness was shown. Mayor Nasarenko presented Mason Evans with a Key to the City.

Mayor Nasarenko announced the Walk Like MADD (Mothers Against Drunk Driving) 5K Event will be held to assist MADD, the largest nonprofit working to protect families from drunk driving, drugged driving and underage drinking. Robert Cox, MADD Southern

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS (Continued)

California Program Manager announced the 2017 Walk Like MADD 5K on Saturday, July 15th at 9:00 a.m. in Promenade Park. Ventura Police Officer Trenner Marchetti encouraged residents to attend and support MADD.

Mayor Nasarenko presented a proclamation in honor of National Public Works Week – May 21-27, 2017, to Public Works Director Tully Clifford and Public Works staff in attendance. Mayor Nasarenko reminded Ventura residents that Public Works staffs make a difference in our daily lives by maintaining our streets, infrastructure, public facilities, and design, build and manage projects that preserve our environment.

CITY COUNCIL COMMUNICATIONS

Councilmember Weir invited City Council members to the Downtown Ventura Partners (DVP) Board Meeting on May 24th, 9:30 a.m. to hear a presentation from John Foster, Archaeologist, on the Archeological history of Downtown Ventura.

***CLOSED SESSION REPORT**

City Attorney Gregory G. Diaz stated there was no closed session on May 22, 2017.

CITY COUNCIL CONSENT ITEMS

Councilmember LaVere pulled Consent Item No. 4 for questions.

1. Minutes

Councilmember LaVere moved to approve the recommendation to:

Approve the minutes of the special and regular meetings of April 10, 2017; regular meeting of April 17, 2017; special and regular meetings of April 24, 2017, and the special meeting of April 29, 2017.

Councilmember Monahan seconded. The vote was as follows:

AYES:	Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES:	None
ABSENT:	None

Mayor Nasarenko declared the motion carried.

CITY COUNCIL CONSENT ITEMS (Continued)**2. Ordinance for Second Reading – Grading Regulations (70)**

Councilmember LaVere moved to approve the recommendation to:

Waive the second reading in full and adopt an ordinance, titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA AMENDING DIVISION 12, PART 2 OF THE SAN BUENAVENTURA MUNICIPAL CODE (“GRADING REGULATIONS”), CHAPTERS 12.210 ENTITLED “GENERAL PROVISIONS,” 12.215 ENTITLED “GRADING PERMITS,” AND 12.220 ENTITLED “GRADING REGULATIONS”
(Introduced 4/24/17; Vote 7- Yes: 0- No) ORDINANCE NO. 2017-009

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

3. Ordinance for Second Reading – Delegating and Specifying Real Property Administration, Floodplain Management, Stormwater Management and Associated Duties to the Public Works Director(70)

Councilmember LaVere moved to approve the recommendation to:

Waive the second reading in full and adopt an ordinance, titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA AMENDING SECTION 2.355.020, ‘PUBLIC WORKS DEPARTMENT,’ OF THE SAN BUENAVENTURA MUNICIPAL CODE SPECIFYING AND DELEGATING DUTIES OF REAL PROPERTY ADMINISTRATION, FLOOD PLAIN MANAGEMENT, AND STORMWATER MANAGEMENT TO THE PUBLIC WORKS DIRECTOR
(Introduced 5/8/17; Vote 6-Yes: 0-No: 1-Absent) ORDINANCE NO. 2017-010

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

CITY COUNCIL CONSENT ITEMS (Continued)**4. Request to Extend Legal Services Agreement with the Law Firm of Meyers Nave for the Purpose of Assisting with the Updating of the City's Adult Business Regulations (38)****SPEAKER:**

Staff: City Attorney Gregory G. Diaz

Councilmember LaVere moved to approve the recommendation to:

Authorize the City Attorney to enter into an extended legal services agreement with the law firm of Meyers Nave for an additional \$70,000 to include within additional planning consulting services, for a total not-to-exceed \$281,834.16, to continue assistance to the City with the restructuring of the City's regulation of adult businesses.

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

5. License Agreement between the City of San Buenaventura and American Tower Corporation (50)

Councilmember LaVere moved to approve the recommendation to:

- a. Approve the property license Agreement No. 2017-028a between the City of San Buenaventura and American Tower Corporation for the continued use of operating 911 (Emergency) radio communications equipment and existing antenna structures at Hall Canyon (Tower 89321).
- b. Approve the property license Agreement No. 2017-028b between the City of San Buenaventura and American Tower Corporation for the continued use of operating 911 (Emergency) radio communications equipment and existing antenna structures at Willis Peak (Tower 8029).
- c. Authorize the City Manager or designee as agent for the City to conduct all negotiations and execute all documents, including without limitation applications, agreements, modifications, and billing statements, with American Tower Corporation relative to the two licenses.

CITY COUNCIL CONSENT ITEMS (Continued)

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

6. Consideration of Settlement and Reimbursement Agreement with Westwood Communities for the Construction of Certain Improvements to Montalvo Hill Park (50)

Councilmember LaVere moved to approve the recommendation to:

- a. Approve the Settlement and Reimbursement Agreement No. 2017-029 with Westwood Communities for certain construction related costs for Montalvo Hill Park; and,
- b. Authorize the City Manager and Department of Finance and Technology to make necessary budget adjustments and appropriations to fund the agreement in the amount of \$733,975.30. Funding to come from developer deposits in Park and Recreation Improvement Fund 18 in the amount of \$483,439.50, with the balance of \$250,535.80 to come from the Public Liability Fund 69 not to exceed the amount authorized by the agreement.

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

7. Waterline Replacement Project – Ondulando Area Phase 4 Authorization to Advertise (123)

Councilmember LaVere moved to approve the recommendation to:

Approve the contract plans and specifications for the Waterline Replacement Project – Ondulando Area, Phase 4, Specification No. 2016-37, and authorize the advertisement for bids to be received on June 22, 2017, at 2:00 p.m. in the City Clerk's Office.

CITY COUNCIL CONSENT ITEMS (Continued)

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

8. Police/Fire Headquarters Heating, Ventilation and Air Conditioning Renovations Project; Award of Construction Contract (88)

Councilmember LaVere 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, Bon Air, Inc., for the Police/Fire Headquarters Heating, Ventilation and Air Conditioning (HVAC) Renovations Project, Specification No. 2016-030, in the amount of \$366,000.
- b. Authorize the encumbrance of contingency funds for the project in the amount of \$36,000 for use by the Public Works Director during construction.

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

CITY COUNCIL CONSENT PUBLIC HEARING**9. Street Lighting District No. 36 Fiscal Year 2017-2018 Annual Assessment Rate (67)**

The public hearing was opened.

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

CITY COUNCIL CONSENT PUBLIC HEARING (Continued)SPEAKERS

Presenters: Public Works Director Tulson Clifford and City Transportation Manager Tom Mericle.

The public hearing was closed.

Councilmember Tracy moved to approve the recommendation to:

Adopt a Resolution continuing assessments at the current rate within Street Lighting District No. 36 for Fiscal Year 2017-2018, pursuant to the Street Lighting Act of 1919.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, LEVYING ASSESSMENTS WITHIN STREET LIGHTING DISTRICT NO. 36 FOR THE 2017-2018 FISCAL YEAR
RESOLUTION NO. 2017-023

Councilmember Monahan seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Tracy, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: None
ABSENT: None

Mayor Nasarenko declared the motion carried.

CITY COUNCIL PUBLIC HEARING**10. E.J. Harrison Franchise Fee Adjustment and Solid Waste and Recycling Rate Increases (60)**

The public hearing was opened.

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

Mayor Nasarenko requested any written protests to be presented to the City Clerk.

SPEAKERS

Presenters: Public Works Director Tulson Clifford, Assistant City Attorney Rebecca Mendoza and Environmental Services Manager Joe Yahner.

CITY COUNCIL PUBLIC HEARING (Continued)

7:01 p.m. Mayor Nasarenko absent; 7:14 p.m. present.

Public: Burt Hand, Steven Quat and Andrew Howard.

DOCUMENTS

PowerPoint

Correspondence: Marta M. Freixas and Patty and Robert Jenkins.

Mayor Nasarenko requested any additional written protests must now be received, that once the Public Hearing is closed, no further written protests will be accepted. The public hearing was closed.

Mayor Nasarenko requested that City Clerk Mann provide the results of the protests received tabulation. City Clerk Mann stated the total number of notices issued by the City for the Solid Waste and Recycling Rate Increase was 24,179. 50 valid protests were received prior to tonight's public hearing; 2 protests received this evening pending verification. Therefore, a total of 52 protests were received. Based on the results, there are insufficient protests received for a majority protest (12,091 protests were required).

Councilmember Monahan moved to approve the recommendation to:

- a. Conduct a public hearing on the proposed increase to the E.J. Harrison and Sons, Inc. franchise fee of 1% on July 1, 2017, and 1% on July 1, 2018.
- b. Confirm the approval and adoption of the two 1% franchise fee increases to take effect respectively on July 1, 2017, and July 1, 2018.
- c. Approve a solid waste and recycling rate resolution for the proposed rate increases.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, PURSUANT TO ORDINANCE NO. 2016-007 BETWEEN THE CITY OF SAN BUENAVENTURA AND E. J. HARRISON & SONS, INC., FOR INCREASE OF SERVICE RATES FOR THE COLLECTION, SWEEPING, DIVERSION, AND DISPOSAL OF SOLID WASTE, AND COLLECTION AND TRANSPORT FOR PROCESSING OF RECYCLABLE MATERIALS AND ORGANIC WASTE RESOLUTION NO. 2017-024

CITY COUNCIL PUBLIC HEARING (Continued)

Councilmember Weir seconded. The vote was as follows:

AYES: Councilmembers LaVere, Weir, Heitmann, Monahan, Deputy Mayor Andrews and Mayor Nasarenko
NOES: Councilmember Tracy
ABSENT: None

Mayor Nasarenko declared the motion carried.

7:27 p.m. Councilmember's LaVere and Tracy absent; 7:29 p.m. Councilmember LaVere present; 7:31 p.m. Councilmember Tracy present.

CITY COUNCIL FORMAL ITEM**11. New City of Ventura Website****RECOMMENDATION**

Receive an oral report providing an update on the City's new website.

SPEAKERS

Presenters: Information Technology Manager Tim Cool and Communications Manager Kelly Flanders.

DOCUMENTS

PowerPoint

City Council received the oral report.

PUBLIC COMMUNICATIONS

None

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

Councilmember Weir reported attending the BEACON (Beach Erosion Authority for Clean Oceans & Nourishment) on Friday, May 19 where record level erosion was the topic and a flood map with stimulation was presented. To find out more information on this topic: www.ourcoastourfuture.org

CITY MANAGER COMMUNICATIONS

City Manager Mark D. Watkins reported a Safe Boating Event Open House will be held on Saturday, May 27th from 12 – 3 p.m.; informed Economic Development Manager Leigh Eisen has submitted her resignation; and highlighted future City Council agenda topics.

ADJOURNMENT

Meeting adjourned at 7:57 p.m.

Antoinette M. Mann, MMC, CRM
City Clerk

*Item heard out of order