

CITY COUNCIL ACTION AGENDA



Resolution No. 2023-058
Ordinance No. 2023-003

MONDAY, JULY 10, 2023

CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.

CITY COUNCIL CHAMBERS – CITY HALL – 501 POLI STREET, VENTURA, CA 93001

JOE SCHROEDER, MAYOR

Councilmembers:

DISTRICT 1 – LIZ CAMPOS
DISTRICT 2 – DOUG HALTER
DISTRICT 3 – MIKE JOHNSON

DISTRICT 6 – JIM DURAN
DISTRICT 5 – BILL MCREYNOLDS
DISTRICT 4 – DR. JEANNETTE SANCHEZ-
PALACIOS, DEPUTY MAYOR

Donald Penman
Interim City Manager

Andrew Heglund
City Attorney

Michael B. MacDonald
City Clerk

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.

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To access the meeting remotely: Join the WebEx meeting live at: <https://cityofventura.webex.com/cityofventura/j.php?MTID=mfb1e05d9095dd0be628d17a233d0b370>

To request to speak on an item, use the chat function to notify the City Clerk by including the Item Agenda Number in your comment. The City Clerk will announce public speakers and promote them to a panelist, which will allow the use of camera and microphone. To join with audio only, call (213) 306-3065 and use access code: 2554 486 3348

Please be mindful that the meeting will be recorded, and all rules of procedure and decorum apply for in-person attendees and those participating virtually.

To submit written comments (up to 1,000 characters) for the City Council's consideration and inclusion in the public records, email cityclerk@cityofventura.ca.gov by 4:00 p.m. on the meeting date, or by using the public comment form at www.cityofventura.ca.gov/publicinput. Please include the Agenda Item Number in the subject

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Michael B. MacDonald, City Clerk, (805) 654-4787. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. Any items outstanding at that time will be deferred until the next regularly scheduled meeting.

CALL TO ORDER – CLOSED SESSION: 5:04 p.m.

ROLL CALL

Present: Councilmembers Johnson, Duran, McReynolds, Halter, Deputy Mayor Dr. Sanchez-Palacios, and Mayor Schroeder

Absent: None

Mayor Schroeder presiding

PUBLIC COMMUNICATIONS

Speakers: Erick Lightman, Zahur Lalji

CLOSED SESSION: *Teleconference/Video Conference Meeting. The Public may not participate in the Closed Session, other than for Public Comments.*

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Name of Case: Responsible and Compliant Retail Ventura, LLC, TAT Ventura, LLC, and ZASA, LLC v. City of San Buenaventura
Authority: Government Code Section 54956.9(d)(1)

ADJOURNMENT: 5:35 p.m.

CALL TO ORDER – REGULAR SESSION: 6:01 p.m.

ROLL CALL

Present: Councilmembers Johnson, Duran, McReynolds, Halter, Deputy Mayor Dr. Sanchez-Palacios, and Mayor Schroeder

Absent: None

Mayor Schroeder presiding

PLEDGE OF ALLEGIANCE: Deputy Mayor Dr. Jeannette Sanchez-Palacios

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

- X Games Update

CLOSED SESSION REPORT: City Attorney Andy Heglund stated there was no reportable action.

CITY COUNCIL COMMUNICATIONS: *Per Government Code Section 54954.2(a)(2), the Council Communications section of the agenda provides City Council the opportunity to ask a question for clarification, make a brief announcement, or make a brief report on their own activities.*

CITY MANAGER COMMUNICATIONS

PUBLIC COMMUNICATIONS

Speakers: Lang Martinez, John Whitman, Scott McCarty, Laura Kinney, Dena Rogers, Lilith, Amy Cherrie, Dan Crawford, Carlos Landeros-Angel, Glenn Overley, Spencer Noren, Trevor Gotsman

CONSENT ITEMS

Supplemental Packet: Communications posted online

Public Speakers: Judee Hauer, KC Rodriguez, Brenda Guzman

Action: M/S/C (McReynolds/Duran) to approve the Consent Items one motion as presented.

Vote: All Ayes

1. **Move all Resolutions and Ordinances presented tonight be deemed read by title only and all further reading be waived.**

Action: Approved recommendation

2. **[Approve Appointment Recommendations – Arts & Culture Commission, Housing Authority Board, and Parks & Recreation Commission](#)**

Introduced by: Councilmember Bill McReynolds, Chair

RECOMMENDATION

Approve the Appointments Recommendation Committee appointments.

Action: Approved recommendation

CONSENT ITEMS (CONTINUED)

3. [Request for Authorization to Amend Outside Counsel Services – Nossaman LLP for the VenturaWaterPure Program](#)

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an amended legal services agreement with the law firm of Nossaman, LLP in an amount not to exceed an additional \$600,000 to continue representation of the City in transactional legal services related to the VenturaWaterPure Program.

Action: Approved recommendation.

4. [Ordinance for Second Reading – An Ordinance of the City Council of the City of San Buenaventura, California, Revising Municipal Code Section 4.600.140 - Contracting Authority - City Council Delegating Signature Authority to the City Manager, or their Designee, on Agreements Approved by City Council](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Waive the second reading in full and adopt the Ordinance of the City Council of the City of San Buenaventura, California, Revising Municipal Code Section 4.600.140 - Contracting Authority - City Council Delegating Signature Authority to the City Manager, or their Designee, on Agreements Approved by City Council.

Action: Approved recommendation. Ordinance No. 2023-003

5. [Approve Appointment Recommendation – Ventura County Area Agency on Aging Advisory Council](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve the reappointment of Ventura resident William Nelson to the Ventura County Area Agency on Aging Advisory Council; Term of Office – July 1, 2023 – June 30, 2025.

Action: Approved recommendation.

6. [City Council Quarterly Travel Report](#)

CONSENT ITEMS (CONTINUED)

Staff: Donald Penman, Interim City Manager

RECOMMENDATION

Receive and file the Travel Report for Quarter 4 of Fiscal Year 2022/23.

Action: Approved recommendation.

7. [Professional Services Agreement 2023-029 First Amendment with Bridgette McInally d/b/a Disaster Cost Recovery Services to Maximize the Reimbursement of City Expenses Incurred Because of Declared Disasters](#)

Staff: Greg Morley, Chief Financial Officer

RECOMMENDATION

Approve and authorize the Mayor to execute the first amendment to Professional Services Agreement 2023-029 Bridgette McInally d/b/a Disaster Cost Recovery Services for a new not to exceed amount of \$119,040.

Action: Approved recommendation. Agreement No. 2023-029.1

8. [Memoranda of Understanding Between the City and Ventura City Firefighters' Association, and Ventura Fire Management Association; and Adopt Revised Salary Resolutions for Fire and Fire Management Unit Employees](#)

Staff: Danielle Keys, Human Resources Director

RECOMMENDATION

- a. Approve and authorize the City Manager to execute on behalf of the City the Memorandum of Understanding between the City and the Ventura City Firefighters' Association.
- b. Approve and authorize the City Manager to execute on behalf of the City the Memorandum of Understanding between the City and the Ventura Fire Management Association.
- c. Adopt a revised Resolution Providing for a Systematic Classification of Positions and a Standardization of Salaries for Fire Unit Employees for

CONSENT ITEMS (CONTINUED)

the City (Salary Resolution) to reflect salary increases proposed herein for the Ventura City Firefighters' Association effective July 8, 2023. Resolution titled:

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA PROVIDING FOR A SYSTEMATIC CLASSIFICATION OF POSITIONS AND A STANDARDIZATION OF SALARIES OF FIRE UNIT EMPLOYEES OF THE CITY OF SAN BUENAVENTURA AS OF JULY 8, 2023”

- d. Adopt a revised Resolution Providing for a Systematic Classification of Positions and a Standardization of Salaries for Fire Management Employees for the City (Salary Resolution) to reflect salary increases proposed herein for the Ventura Fire Management Association effective July 8, 2023. Resolution titled:

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA PROVIDING FOR A SYSTEMATIC CLASSIFICATION OF POSITIONS AND A STANDARDIZATION OF SALARIES OF FIRE MANAGEMENT UNIT EMPLOYEES OF THE CITY OF SAN BUENAVENTURA AS OF JULY 8, 2023”

Action: Approved recommendation. Resolution Nos. 2023-058, 2023-059; Agreement Nos. 2023-064, 2023-065.

9. [Approval of Construction Contract Agreement PW24-1117 with Toro Enterprises, Inc., and Agreement No. PW23-1107 First Amendment with Michael K. Nunley & Associates, Inc., on Project 99003: 588 Pressure Zone Expansion in Ventura Hills](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve the 588 Pressure Zone Expansion in Ventura Hills project and determine that it is categorically exempt from the California Environmental Quality Act (CEQA) as defined in Article 19 Section 15302 Class 2 (c) of the CEQA guidelines because it is considered replacement of existing utility systems and/or facilities involving no expansion of capacity.
- b. Relieve Lyles Utility Construction LLC from its bid submitted on June 22, 2023 due to bid error pursuant to Public Contract Code sections 5101 and 5103 and award construction contract to second lowest bidder.
- c. Waive all minor bid irregularities, approve and authorize the Mayor to execute subject agreement with Toro Enterprises, Inc. in the amount of

CONSENT ITEMS (CONTINUED)

\$761,349 with a contract completion date of sixty calendar days following the Notice to Proceed.

- d. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$76,135 for a total not-to-exceed Agreement amount of \$837,484.
- e. Approve and authorize the Mayor to execute Amendment No. 1 to Agreement No. PW23-1107 with Michael K. Nunley & Associates, Inc. in the amount of \$13,318, for a revised total Agreement amount of \$73,060, and a revised contract completion date of November 30, 2023.
- f. Amend the Fiscal Year 2024-2028 Capital Improvement Program Workplan to add Project 99003 – 588 Pressure Zone Expansion in Ventura Hills.

Action: Approved recommendation. Agreement No. PW23-1107.1

10. [Approval of Construction Contract Agreement No. PW24-1118 with Toro Enterprises, Inc. on Project 97923 – Well – Mound Well No. 2 – Transmission Line](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve the Mound Well 2 project and determine that it is categorically exempt from the California Environmental Quality Act (CEQA) as defined in Article 19 Section 15302 Class 2 (c) of the CEQA guidelines because it is considered the replacement of existing utility systems located on the same site, having the same purpose and capacity as the existing utility.
- b. Waive all minor bid irregularities, approve and authorize the Mayor to execute subject Agreement with Toro Enterprises, Inc. in the amount of \$610,201 with a contract completion date of November 30, 2023.
- c. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$61,020 for a total not-to-exceed Agreement amount of \$671,221.

Action: Approved recommendation. Agreement No. PW24-1118.

11. [GapVax Wet/Dry Hydro Excavator Purchase for Water Distribution](#)

CONSENT ITEMS (CONTINUED)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the Mayor to execute the purchase of the Hydro Excavator for a total not to exceed \$697,817 which includes a 10% contingency of \$63,438.

Action: Approved recommendation.

12. [General Services Agreement P2020-017 Fourth Amendment for InfoSend, Inc. for Utility Bill Printing, Processing, and Delivery Services](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the Mayor to execute the fourth amendment to General Service Agreement No. P2020-017 with InfoSend, Inc., for an additional \$340,000, resulting in a total not-to-exceed amount of \$865,000, pursuant to Section 4.600.200 of the Municipal Code, and extending the term to June 30, 2024.

Action: Approved recommendation. Agreement No. P2020-017.4.

PUBLIC HEARING ITEM

13. [Proposed Zoning Text Amendments and Zoning Map Amendments to Amend the Mixed-Use Zone District, Establish the Residential and Mixed-Use Overlay Development Code, and Rezone Eight Properties in the City](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Introduce and approve the first reading of the following three Ordinances:

- a. An Ordinance that adopts a Zoning Text Amendment to Chapter 24.244, M-X-D (Mixed Use Zone) of the San Buenaventura Municipal Code.

PUBLIC HEARING ITEM (CONTINUED)

- b. An Ordinance that adopts a Zoning Text Amendment to establish Subpart 24F Residential and Mixed-Use Overlay Development Code (LM and MU overlays) to Chapter 24 of the San Buenaventura Municipal Code.
- c. An Ordinance that adopts Zoning Map Amendments to:
 - 1. Rezone 4300 Telegraph Road, 16 Baylor Drive (APN: 079-0-303-075) from R-1-7 (Single Family Zone) to R-3-3 (Multiple Family Zone) District with MU-3 Overlay Zone.
 - 2. Rezone 2825 Johnson Drive (APN: 132-0-080-285), 2855 Johnson Drive (APN: 132-0-080-295), 2975 Johnson Drive (APN: 132-0-080-245), 2950 Johnson Drive (APN: 132-0-080-225), 3041 Johnson Drive (APN: 132-0-090-035), 3067 Johnson Drive (APN: 132-0-090-125), and APN 132-0-090-045 (directly southwest adjacent to 3041 Johnson Drive) from C-P-D (Commercial Planned Development) to M-X-D (Mixed Use Zone) District with MU4 Overlay Zone).

Supplemental packet:

Communications posted online

Public Speakers:

Michael Richards, Carol Spector, Christy Weir, Amy Cherrie, Wendy Sauter, Dennis Hardgrave, Mark Sirota, Jan Dietrick, George Amandola, Terry Foley, Mark Abbe, Spencer Noren, Trevor Gotsman

Action:

M/S/C (Sanchez-Palacios/McReynolds) to approve the staff recommendation, with the following revisions: removing the word “not” from 24.244.070, clarifying the location and screening of rooftop equipment, removing minimum dimensions for private open space to refer to standards within each overlay, and to bring the proposed overlay zones back to the Council, at a workshop, with the Planning Commission and Design Review Committee prior to being applied to any other sites. Ordinance Nos. 2023-005, 2023-006, 2023-007.

Vote:

All Ayes

PUBLIC HEARING ITEM (CONTINUED)

Council Break 9:48 p.m. – 10:05 p.m.

- Action:** M/S/C (Johnson/Duran) to hear a new item beyond 10 p.m. per the City Council protocols.
- Vote:** All Ayes
- Action:** M/S/C (McReynolds/Campos) to continue the meeting beyond 11 p.m. per the City Council protocols.
- Vote:** Ayes: McReynolds, Halter, Campos, Deputy Mayor Sanchez-Palacios, Mayor Schroeder; Noes: Duran, Johnson; Abstain: None; Absent: None

FORMAL ITEMS:

14. [Endorsement of the Climate Action and Resilience Plan](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Endorse the Climate Action and Resilience Plan.

Supplemental packet: Communications posted online

Public Speakers: Donald Price, Kathleen Wheeler, Judee Hauer, Farah Stack, Scott McCarty, Barbara Brown, Christy Weir, Kristen Kessler, Ron Whitehurst, Jan Dietrick, Todd Collart, Haley Ehlers, Kristian Nunez, Robert Chianese, Knute Garcken, Allison Marks, Chery Collart, Spencer Noren, Ines, George Naugles, Wayne Morgan, Aaron Kreisberg, Leslie Purcell, Trevor Gotsman

Action: M/S/C (McReynolds/Johnson) to continue the item to July 24 for the purpose of Council deliberation only and no public comment.

Vote: All Ayes

FORMAL ITEMS (CONTINUED)

15. [General Plan Update Progress Report](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Provide feedback on the upcoming General Plan Update activities and project schedule.

Action: No discussion. The item was continued to the next meeting.

16. [City Charter Evaluation and Amendment Process](#)

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Receive this report and a presentation on the City Charter evaluation and amendment process, and direct staff to schedule a workshop for the Council to consider and propose specific limited amendments or a wholesale City Charter update.

Action: No discussion. The item was continued to the next meeting.

PUBLIC COMMUNICATIONS

None

ADJOURNMENT:

Adjourned at 12:11 a.m. on July 11, 2023.

I hereby certify that this is a true and correct record of the City Council meeting held on July 10, 2023.

Michael MacDonald, CMC
City Clerk