

CITY OF VENTURA  
**CITY COUNCIL MINUTES**

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**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**

**JULY 15, 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 5:35 p.m.

### **CS2. ROLL CALL**

PRESENT: Councilmembers Brown, Friedman, Weir, Heitmann, 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: *Howard v. City of San Buenaventura* Ventura Superior Court  
Case No.: 56-2016-00489832-CU-EI-VTA  
Authority: Government Code §54956.9(d)(1)
  
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Property: 505 Poli Street, 4 & 5th Floors, Ventura, California  
Agency Negotiator: Alex D. McIntyre, City Manager  
Estelle Bussa, Economic Development Manager  
Negotiating Parties: TTD by and through Carlo Brignardello of Cresa  
Under Negotiation: Price (Rent) and Terms of Payment of a Lease  
Authority: Government Code Section 54956.8

**CS5. ADJOURNMENT**

Closed session adjourned at 6:05 p.m.

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**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, Brown, Friedman, Heitmann, Weir, Deputy Mayor Rubalcava and Mayor LaVere

ABSENT: Councilmember Nasarenko

Mayor LaVere presided.

**3. PLEDGE OF ALLEGIANCE**

Mayor LaVere led the pledge of allegiance.

**4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS – None****5. CLOSED SESSION REPORT**

Assistant City Attorney Andy Viets stated City Council met in closed session tonight and there is no reportable action.

Councilmember Nasarenko arrived at 6:14 p.m.

**Agenda Order Adjustment**

Motion made by Councilmember Friedman to continue Agenda Item 12C (State Water Interconnection Project Final Environmental Impact Report Certification and Project Approval) to a date uncertain.

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. No action taken on item.

**\*12C. State Water Interconnection Project Final Environmental Impact Report Certification and Project Approval**

Agenda item was moved to a date uncertain; no action taken.

**DOCUMENTS**

Advance Item

Correspondence	Carolee Krieger, Counsel for California Water Impact Network and Roger Moore, Law Office of Roger B. Moore
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Supplemental Packet

**6. CITY COUNCIL COMMUNICATIONS**

Councilmember Heitmann requested tonight’s meeting be adjourned in memory of Donald Gerard Gloisten Senior.

Councilmember Friedman requested tonight’s meeting be adjourned in memory of James “Jim” Mansfield Clark.

**7. PUBLIC COMMUNICATIONS**

**SPEAKERS**

Terry Foley, Pierpont Bay Community Council; William Lind; Judy Bruce; Giovanni Giusti; Anna Sehati; Julian Ruelas, Jr. and Mandy Jacob

**7. PUBLIC COMMUNICATIONS (continued)**

Councilmember Weir inquired with Assistant City Attorney Andy Viets on the status of the 5G ordinance for City Council. Assistant City Attorney Viets stated he is not aware of the time frame, but City Attorney Gregory G. Diaz is working on the ordinance.

**8. CONSENT ITEMS**

Councilmember Friedman pulled Agenda Item 8E (Lease Renewal Agreement - City of Ventura and Aloha Steakhouse, Inc., PM ID: 100013, [Jim Avrea] for the City-owned restaurant located at 330 and 364 California Street within the Beachfront Parking Structure).

Councilmember Weir pulled Agenda Item 8F (Wellness District Parking Lot and Alley Improvements – Authorization to Advertise)

Councilmember Heitmann 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 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.

**8B. Approval of City Council Minutes – May 6, 2019 (Amended), June 3, 2019, June 10, 2019 and June 24, 2019**

Councilmember Heitmann moved to approve the recommendation to:

City Council approve the City Council Minutes for May 6, 2019 (amended), June 3, 2019, June 10, 2019 and June 24, 2019.

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.

**8. CONSENT ITEMS (continued)****8C. Proposition 68 Statewide Park Development and Community Revitalization Program Grant Resolution**

SPEAKER Kathy Bremer

Councilmember Heitmann moved to approve the recommendation to:

- a. Adopt a resolution authorizing the City to submit an application to the State of California Department of Parks and Recreation Office of Grants and Local Services for the Proposition 68 Statewide Park Development and Community Revitalization Program requesting \$2 million dollars for expansion of the skatepark at Westpark.
- b. Authorize the Parks, Recreation & Community Partnerships Director, by title, to act as the agent for the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned.
- c. Authorize the Finance and Technology Department to assign increased appropriations and revenues to the proper programs and accounts for their use as provided in the grant if the grant is awarded.
- d. Amend the Fiscal Year 2018-2024 Capital improvement Plan to update project 71043 funding status from Unfunded Pending Project to Potential Grant funded project and increase the cost of the project from \$1.6 million to \$2 million dollars.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS

RESOLUTION NO. 2019-036

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.

**8. CONSENT ITEMS (continued)****8D. Waterline Replacement Project – Ondulando Area Phase 4 – Authorization to Amend Construction Contract**

Councilmember Heitmann moved to approve the recommendation to:

- a. Approve to amend the construction contract with Granite Construction, Inc., for additional work required to complete the Waterline Replacement – Ondulando Area Phase 4 Project, Specification No. 2016-037, in the amount of \$85,000, and authorize the City Manager to sign related documents to implement the amendment. The construction contract will be amended from \$2,185,816 to \$2,270,816.
- b. Authorize Finance and Technology to increase and transfer appropriations to the proper funds, projects, and accounts.

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.

**8G. Citywide Security Guard Services General Services Agreement**

Councilmember Heitmann moved to approve the recommendation to:

- a. Authorize the Mayor to enter into a General Services Agreement with Dial Security, Inc., whose proposal staff determined to be the most responsive to the Request for Proposals, in the amount of \$229,167, including living wage costs, for a period of an 11-month initial term (August 1, 2019 to June 30, 2020) with the option to extend for up to four years, in an amount not-to-exceed \$1,229,167.  
AGREEMENT NO. 2019-076
- b. Authorize the City Manager or designee to execute amendments for this contract, pursuant to Section 4.600.200 of the Municipal Code.

**8. CONSENT ITEMS (continued)**

Councilmember Friedman seconded. The vote was as follows:

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

Mayor LaVere declared the motion carried.

**\*8E. Lease Renewal Agreement - City of Ventura and Aloha Steakhouse, Inc., PM ID: 100013, (Jim Avrea) for the City-owned restaurant located at 330 and 364 California Street within the Beachfront Parking Structure**

SPEAKER Joshua Uhl, Westside Community Council

Councilmember Friedman moved to approve the recommendation to:

Authorize the Mayor to execute a Lease Renewal Agreement for ten (10) years from April 1, 2019 to March 31, 2029 with Aloha Steakhouse Inc., for City-owned property commonly known as Aloha Steakhouse; monthly rent \$15,665.00 in Year 1. AGREEMENT NO. 2019-075

Councilmember Weir seconded. The vote was as follows:

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

Mayor LaVere declared the motion carried.

**\*8F. Wellness District Parking Lot and Alley Improvements – Authorization to Advertise**

SPEAKERS

Staff Public Works Director Phil Nelson

Public Cherie Egbert

DOCUMENT

Handout Cherie Egbert

**8. CONSENT ITEMS (continued)**

Councilmember Weir moved to approve the amended recommendation to:

Approve the contract plans and specifications for the Wellness District Parking Lot and Alley Improvements Project, Specification No. 2019-051 *with the addition of species of trees proposed by the Public Works Director to the project specifications to increase the number of trees and percentage of canopy for beautification of the Wellness District* and authorize the advertisement for bids to be received on August 29, 2019 at 2:00 p.m. in the City Clerk's office. AGREEMENT NO. S2019-051

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. Disposition and Development Agreement with A Community of Friends and U.S. Veterans to Purchase City-owned Vacant Parcel located adjacent to the Veteran's Home of California – Ventura on Telephone Road for an Affordable Veterans Housing Development****SPEAKERS**

Presenters Community Development Director Peter Gilli and Management Analyst Dori Boyer

Public Joshua Uhl, Westside Community Council

**DOCUMENT**

PowerPoint

Councilmember Heitmann moved to approve the recommendation to:

- a. Adopt a resolution approving a Disposition and Development Agreement by and between the City of San Buenaventura and the development team of A Community of Friends and United States Veterans Initiative for development of the Ventura Veterans Home Development Site.



**12. FORMAL ITEMS (continued)**

- b. Authorize the City Manager to enter into a Disposition and Development Agreement with A Community of Friends and United States Veterans Initiative for the development of an affordable veteran's housing community located on the vacant ±9.68 acre City-owned site directly adjacent to the existing Veterans Home of California – Ventura on Telephone Road.

AGREEMENT NO. 2019-077

- c. Authorize the sale of the Ventura Veterans Home Development Site as contained with the executed Disposition and Development Agreement and any amendments.
- d. Authorize the City Manager, or his designee, to execute any documents related to the sales transaction including grant deed transfer and escrow.
- e. Authorize the Department of Finance & Technology to adjust appropriations and expenditures as necessary to carry out actions associated with the sale of the Project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SAN BUENAVENTURA AND THE DEVELOPMENT TEAM OF A COMMUNITY OF FRIENDS AND UNITED STATES VETERANS INITIATIVE AND APPROVING THE SALE OF REAL PROPERTY FROM THE CITY TO THE DEVELOPMENT TEAM OF A COMMUNITY OF FRIENDS AND UNITED STATES VETERANS INITIATIVE FOR DEVELOPMENT OF THE VENTURA VETERANS HOME DEVELOPMENT SITE LOCATED AT 10900 TELEPHONE ROAD

RESOLUTION NO. 2019-037

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 (continued)****12B. Adoption of a Resolution Appointing an Interim Assistant Community Development Director**SPEAKER

Presenter Human Resources Director Elizabeth Foushee

Councilmember Friedman moved to approve the recommendation to:

Adopt a Resolution appointing Peter Lyons as Interim Assistant Community Development Director.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, APPOINTING PETER LYONS AS INTERIM ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR UNDER GOVERNMENT CODE SECTIONS 21221(h) AND 7522.56

RESOLUTION NO. 2019-038

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

Mayor LaVere declared the motion carried.

**12D. Policy Consideration – Electronic Cigarette Ordinance**SPEAKERS

Presenters Mayor LaVere and Councilmember Heitmann

Police Chief Ken Corney, Assistant City Attorney Andy Viets and Police Officer Matt Thompson

Public Helen Tosh; Sabrina Rodriguez, Ventura Unified School District; Nancy Maxson, Ventura County Action on Smoking and Health; Bassam Abdulhai; Moudther Maida; Jeremy Yobe, Red Barn Liquor; Sarkis Abdulhai; Ayman Abdullah; Evana Abdulaziz; Cherie Egbert; Jaime Rojas, National Association Tobacco Outlets and Vanessa Alva, Straight Up Reality Improv

**12. FORMAL ITEMS (continued)**

8:12 p.m. Councilmember Friedman absent; 8:16 p.m. present.

DOCUMENTS

Comment Cards	Beth Mansfield; Gregg Mansfield; Charlotte DiPaolo, Ventura High School; Joseph DiPaolo, Cabrillo Middle School; Bella DiPaolo, Ventura High School; Kathy Bremer, College Area Community Council and Ron DiSanto
Correspondence	Joe Johal, American Petroleum and Convenience Store Association; Marie Lakin, East Ventura Community Council; Claudia Armann; Dan Long, Midtown Ventura Community Council; Deborah Meyer-Morris; Carol Lindberg; Allan Abdullah; Rachel Ulrich, Ventura County Board of Education and Pieer Mansour
Handouts	Sabrina Rodriquez, Ventura Unified School District Board; Jaime Rojas, National Association Tobacco Outlets (32); Helen Tosh and Vanessa Alva, Straight Up Reality Improv
PowerPoints	Helen Tosh and Cherie Egbert
Supplemental Packet	

Councilmember Heitmann moved to approve the amended recommendation to:

Direct staff to draft a City Ordinance with the goal to ban the sale of all flavored tobacco products and vape juices in Ventura, including online sales of e-cigarettes, oils, cigarillos, cigarettes and loose tobacco; prohibits new tobacco retail licenses within 1,000 feet of any school, tobacco retail license would not be transferrable, and establishes an annual tobacco retail licensing fee and increased penalties in an amount sufficient to provide necessary funds to enforce this new ordinance.

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

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.

**14A. Recent Decisions of the Design Review Committee and Planning Commission**

Design Review Committee and Planning Commission June 19, 2019  
Actions: Approved

**PROJ-8150 – GPA-3-15-27374, Z-3-15-27378, TTM-3-15-27377, PD-3-15-27375, and DRC-3-15-27372 & EIR-3-15-27373**

Voelker Subdivision: Request for Formal review of a General Plan Amendment to change the land use designation from Neighborhood Medium to Neighborhood Low, a Zone Change from Two Family Residential (R-2) to Residential Planned Development (RPD-6U), a Planned Development Permit, a Tentative Tract Map, Design Review and Mitigated Negative Declaration, for the subdivision and redevelopment of a single parcel consisting of the demolition of an existing 1½-story single-family residence and the construction of 19 single family residential units on a 3.42 acre lot located at 8324 Telegraph Road; Corona Holdings LLC, applicants.

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

Meeting was adjourned in memory of Donald Gerard Gloisten Senior and James "Jim" Mansfield Clark at 8:30 p.m.



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

\*Items heard out of order