

CITY OF VENTURA
CITY COUNCIL ACTION AGENDA



Resolution No. 2023-060
Ordinance No. 2023-004

MONDAY, JULY 24, 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=me5d60d34d5cb41c468888b656a119341>

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: 2557 866 3925

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.

July 24, 2023

Action Agenda
www.cityofventura.ca.gov

CALL TO ORDER – CLOSED SESSION: 5:02 p.m.

ROLL CALL

Present: Councilmembers Duran, McReynolds, Johnson, Halter, Campos, and Mayor Schroeder

Absent: Deputy Mayor Dr. Sanchez-Palacios

Mayor Schroeder presiding

PUBLIC COMMUNICATIONS: None

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

1. **PUBLIC EMPLOYMENT APPOINTMENT**
Title: City Manager
Authority: Government Code Section 54957
2. **CONFERENCE WITH LABOR NEGOTIATORS**
City Negotiators: Joe Schroeder and Jeannette Sanchez-Palacios
Unrepresented Employee: City Manager
Authority: Government Code Section 54957.6
3. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**
One Case
Authority: Government Code Section 54956.9(d)(2)
4. **PUBLIC EMPLOYMENT PERFORMANCE EVALUATION**
Title: City Attorney
Authority: Government Code Section 54957
5. **CONFERENCE WITH LABOR NEGOTIATORS**
City Negotiators: Joe Schroeder and Jeannette Sanchez-Palacios
Unrepresented Employee: City Attorney
Authority: Government Code Section 54957.6

ADJOURNMENT: 6:04 p.m.

CALL TO ORDER – REGULAR SESSION: 6:10 p.m.

ROLL CALL

Present: Councilmembers Duran, McReynolds, Johnson, Halter, Campos, and Mayor Schroeder

Absent: Deputy Mayor Dr. Sanchez-Palacios

Mayor Schroeder presiding

PLEDGE OF ALLEGIANCE: Councilmember McReynolds

CLOSED SESSION REPORT: City Attorney Andy Heglund reported that there was no reportable action for the Closed Session held on July 24, 2023 at 5 p.m. In addition, City Attorney Andy Heglund reported out regarding a special Closed Session meeting held on July 12, 2023 to interview City Manager candidates. The Council voted 5-2 (Halter, Campos) to move forward with a candidate and appoint City negotiators.

SPECIAL PRESENTATION

- Special presentation honoring the recent passing of former Mayor Sandy Smith and proclaiming July 24, 2023 as Sandy Smith, A Celebration of Life Day.

CITY COUNCIL COMMUNICATIONS

CITY MANAGER COMMUNICATIONS

CONSENT ITEMS

Supplemental Packet: Communications posted online

Action: No speakers. M/S/C (Halter/Duran) to approve the Consent Items, excluding Item 2 and 5, in one motion as presented.

Vote: Ayes: Duran, McReynolds, Johnson, Halter, Campos, Mayor Schroeder; Noes: None; Abstain: None; Absent: Sanchez-Palacios

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

Action: Approved recommendation.

CONSENT ITEMS (CONTINUED)

2. [Resolution Increasing the Number of Commercial Cannabis Businesses to be Permitted to Operate in the City](#)

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Rescind Resolution No. 2021-009 and replace it with a Resolution increasing the maximum number of cannabis retail businesses that may be permitted to operate in the City from five to six.

Public Speakers: Natalie Bruton, Cherie Egbert, Glenn Overley

Action: M/S/C (Johnson/McReynolds) to approve the staff recommendation. Resolution No. 2023-060.

Vote: Ayes: Duran, McReynolds, Johnson, Halter, Mayor Schroeder; Noes: Campos; Abstain: None; Absent: Deputy Mayor Dr. Sanchez-Palacios

3. [Approval of City Council Minutes – Regular Meetings held on June 12, 2023, and June 26, 2023, and Special Meeting held on June 5, 2023](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve City Council Minutes for Regular Meetings held on June 12, 2023 and June 26, 2023, and for Special Meeting held on June 5, 2023.

Action: Approved recommendation.

4. [Ordinances for Second Reading – Zoning Text Amendments and Zoning Map Amendments to Amend the Mid-Use Zone District, Establish the Residential and Mixed-Use Overlay Development Code, and Rezone Eight Properties](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Waive the second readings in full and adopt:

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

CONSENT ITEMS (CONTINUED)

- b. Ordinance adopting a Zoning Text Amendment to establish Chapter 24.305 Residential and Mixed-Use Overlay Development Code (LM and MU Overlays) to Title 24 of the San Buenaventura Municipal Code.
- c. Ordinance adopting 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.

Action: Approved recommendation. Ordinances No. 2023-004, 2023-005, and 2023-006.

5. [Professional Services Agreement 2022-034 Second Amendment with NV5, Inc. for On-Call City Wide Plan Review Services and Professional Services Agreement 2022-032](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Approve and authorize the City Manager to execute the Second Amendment to Professional Services Agreement number 2022-034 with NV5, Inc., revising the “Scope of Services” and “Schedule of Compensation” exhibits, and extending the term of the agreement to June 30, 2024, adding an additional \$146,988 for a new not-to-exceed amount of \$646,988.

CONSENT ITEMS (CONTINUED)

- b. Approve and authorize the City Manager to execute the First Amendment to Professional Services Agreement number 2022-032 with Shums Coda Associates, Inc., revising the “Scope of Services” and “Schedule of Compensation” exhibits, and extending the term of the agreement to June 30, 2024, adding an additional \$146,988 for a new not-to-exceed amount of \$646,988.

Action: No speakers. M/S/C (McReynolds/Duran) to approve the staff recommendation. Agreement No. 2022-034.2 and Agreement No. 2022-032.1.

Vote: Ayes: Duran, McReynolds, Halter, Campos, Mayor Schroeder; Noes: Johnson; Abstain: None; Absent: Sanchez-Palacios

6. [Professional Services Agreement Work Orders with WSP USA Environment & Infrastructure Inc. to Prepare an Environmental Impact Report for the Arrive Ventura Mixed-Use Project \(PROJ 22-0156\) and Michael Baker International, Inc. to Prepare a Sustainable Communities Environmental Assessment Environmental Document for a Maple Courts Mixed-Use Project \(PROJ 22-0327\)](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Authorize the Community Development Director to issue a Work Order under Professional Services Agreement No. 2019-009 with WSP USA Environment & Infrastructure Inc. to prepare an environmental document in compliance with CEQA requirements for PROJ-22-0156 in an amount not to exceed \$219,618 including the deposit of \$20,000 per the FY 2022-2023 Master Fee Schedule, to be paid by FPA Ventura Olivas LLC.
- b. Authorize the Community Development Director to issue a Work Order under Professional Services Agreement No. 2022-052 with Michael Baker International, Inc. to prepare an environmental document in compliance with CEQA requirements for PROJ 22-0327 in an amount not to exceed \$234,470 including the deposit of \$20,000 per the FY 2022-2023 Master Fee Schedule, to be paid by Skya Ventures.
- c. Upon receipt of the payment from the applicant, authorize the Finance Department to increase revenue and expenditure appropriations as necessary for the execution of this Professional Services Agreement Work Order.

Action: Approved recommendation.

CONSENT ITEMS (CONTINUED)

7. [Inclusionary Housing Program In-Lieu Fee Approval](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Adopt a Resolution adopting a schedule of Inclusionary Housing Program In-Lieu Fee amounts for Fiscal Year 2023-2024, and authorizing Staff to adjust the in-lieu fee schedule annually pursuant to the formulae incorporated into Title 25 of the Municipal Code.
- b. Authorize the Finance Department to adjust revenue and expenditure appropriations as necessary to account for the income received from the In-Lieu Fee, as well as create reserve accounts for collecting and tracking In Lieu Fee revenue received.

Action: Approved recommendation. Resolution No. 2023-061.

8. [Fire Department SB1205 Mandated Inspections Report](#)

Staff: David Endaya, Fire Chief

RECOMMENDATION

Receive and file the state-mandated inspections report for calendar year 2022 for the City of Ventura as required by Senate Bill No. 1205.

Action: Approved recommendation.

9. [Professional Services Agreement 2023-017 First Amendment with ERS Industrial Services, Inc. for Bailey Conditioning Plant Filter Rehabilitation](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the Mayor to execute the first amendment for Professional Services Agreement No. 2023-017 with ERS Industrial Services, Inc. increasing the total agreement amount by \$6,936 for a new not-to-exceed amount of \$191,890 and extending the term through December 31, 2023.

Action: Approved recommendation. Agreement No. 2023-017.1.

PUBLIC HEARING ITEM

10. Energy Services Agreements for Solar Services

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Conduct a public hearing on the proposed Energy Services Agreement and General Terms and Conditions with FFP BTM Solar, LLC.
- b. Upon conclusion of the hearing, adopt a Resolution approving Energy Services Agreements between the City of Ventura and FFP BTM Solar, LLC, for solar services at City Hall, the Community Park, and Police/Fire Headquarters.
- c. Approve the Power Purchase Agreement with FFP BTM Solar, LLC for the City Hall solar project.
- d. Approve the Power Purchase Agreement with FFP BTM Solar, LLC for the Community Park solar project.
- e. Approve the Power Purchase Agreement with FFP BTM Solar, LLC for the Police/Fire Headquarters solar project.
- f. Authorize the Finance Department to adjust budget appropriation as necessary.

Supplemental Packet: Communications posted online.

Public Speakers: Burt Handy, Cheryl Collart

Action: M/S/C (McReynolds/Duran) to approve the staff recommendation with the following revisions: 10:1 ratio for tree replacement including the previously removed trees, pre-wire for electric vehicles, identify where battery storage could be placed, and a parking lot analysis on paving the location at the Community West Park. Resolution No. 2023-062; Agreement No. 2023-067, 2023-068, 2023-069.

PUBLIC HEARING ITEM (CONTINUED)

Vote: Ayes: Duran, McReynolds, Johnson, Halter Campos, Mayor Schroeder; Noes: None; Abstain: None; Absent: Sanchez-Palacios

FORMAL ITEMS: *The public may comment on each item listed on the agenda for Formal Items as the item is taken up. Formal Items may be reordered at the discretion of the Chair. The public may speak up to three (3) minutes on each agenda item.*

11. [Endorsement of the Climate Action and Resilience Plan](#) (Continued from July 10, 2023, for Council deliberation only)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Endorse the Climate Action and Resilience Plan.

Supplemental Packet: Communications posted online.

Action: M/S/C (Johnson/Campos) to endorse the plan, request staff to return to Council on September 11, 2023, with a budget amount for a contract amendment to conduct a green gas emissions analysis, and a cost analysis and timeline for implementation of the ten priority strategies identified.

Vote: Ayes: Duran, McReynolds, Johnson, Halter, Campos, Mayor Schroeder; Noes: None; Abstain: None; Absent: Sanchez-Palacios

12. [General Plan Update Progress Report](#) (Continued from July 10, 2023)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

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

Action: Staff provided an update. Discussion held.

FORMAL ITEMS (CONTINUED)

13. [Contract Award with PCL Construction, Inc. for the Preconstruction Phase of the Construction Management at Risk Contract for the Membrane Bioreactor and Ultraviolet Light Disinfection Project](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the Mayor to execute a contract with PCL Construction, Inc. for the preconstruction phase of the Membrane Bioreactor and Ultraviolet Light Disinfection Project in the amount of \$1,500,000 with a contract completion date of September 30, 2024.
- b. Authorize the Public Works Director or designee to execute future amendments to the contract to a maximum contingency of \$150,000 for a total not-to-exceed contract amount of \$1,650,000 and a total time extension of 60 working days.
- c. Authorize the Finance Department to adjust CIP Appropriations in the Wastewater Capital Improvement Fund 71 Project No. 96972 by \$6,467,463.

Supplemental Packet:

Communications posted online.

Public Speaker:

Burt Handy

Action:

M/S/C (McReynolds/Halter) to approve the staff recommendation. Agreement No. 2023-070.

Vote:

Ayes: Duran, McReynolds, Johnson, Halter, Campos, Mayor Schroeder;
Noes: None; Abstain: None; Absent: Sanchez-Palacios

FORMAL ITEMS (CONTINUED)

14. [POLICY CONSIDERATION – Consequences for Harassment of City Employees by City Council Members](#) *(Reviewed by the Appointments Recommendation Committee)*

Introduced by: Bill McReynolds, Council Member, District 5
Dr. Jeannette Sanchez-Palacios, Deputy Mayor, District 4
Jim Duran, Council Member, District 6

CITY COUNCIL RECOMMENDATION MADE ON JUNE 26, 2023

We recommend that a policy be created to hold City Council Members accountable for their behavior towards City Employees. To that end it is recommended that the Appointments and Recommendation Committee (ARC) be tasked with creating a policy in cooperation with the Human Resources Department, City Attorney's and City Clerk's Offices to hold City Council Members accountable for their behavior when there has been accusations and findings of a Council Member's harassing behavior towards a City Employee. This new policy should be brought back for formal consideration and approval by the Monday, July 24, 2023 City Council meeting.

APPOINTMENTS AND RECOMMENDATION COMMITTEE
RECOMMENDATION MADE ON JULY 17, 2023

The ARC Committee met on July 6, 2023 and July 17, 2023 and made the following recommendation: Review and update the full City Council protocols as the Protocols state they should be reviewed annually by either the ARC or a Brown Act ad-hoc committee, comprised of three Councilmembers including the Mayor with the additional two being approved by Council. Additionally, the selected subcommittee should report back to Council with recommended changes by the first meeting in January 2024. Vote: All Ayes

Supplemental Packet:

Communications posted online.

Public Speakers:

George Amandola, Patty Overley, Glenn Overley, Mark Sirota, Todd Collart, Matt Bello, Trevor Gotsman

FORMAL ITEMS (CONTINUED)

Action:

M/S/C (Duran/McReynolds) to request the City Attorney and City Clerk to work with the ARC committee on proposed changes to the full protocols that will be presented to the full Council by the second meeting in November. Additionally, Council directed the City Attorney to proceed with hiring an outside firm to develop a Council Harassment Policy for Council's consideration.

Vote:

Ayes: Duran, McReynolds, Johnson, Halter, Campos, Mayor Schroeder; Noes: None; Abstain: None; Absent: Sanchez-Palacios

PUBLIC COMMUNICATIONS

Speakers: Fred Elwood, Burt Handy, Glenn Overley, Trevor Gotsman

ADJOURNMENT

Meeting adjourned in memory of former Mayor and Councilmember Sandy Smith.

Adjourned at 10:13 p.m.

I hereby certify that this is a true and correct record of the City Council meeting held on July 24, 2023.

Michael B. MacDonald, CMC
City Clerk