

CITY COUNCIL ACTION AGENDA



Resolution No. 2023-063
Ordinance No. 2023-007

MONDAY, AUGUST 7, 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=m5997d6ccf869bb2e90ca0eccd45da00f>

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: 2550 653 0140

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 Duran, McReynolds, Halter, Campos, Deputy Mayor Dr. Sanchez-Palacios, and Mayor Schroeder

Absent: Johnson

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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Guzman v. State of California, et al.

VCSC Case No. 56-2021-00560435-CU-PA-VTA / 2021-00564435-CUPA

Authority: Government Code Section 54956.9(d)(1)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

McMillan v. County of Ventura, et al.

VCSC Case No. 2023-CUPP-008521

Authority: Government Code Section 54956.9(d)(1)

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

City of San Buenaventura v. Sandra J. Lykins, et al.

VCSC Case No. 56-2022-00571594-CU-OR-VTA

Authority: Government Code Section 54956.9(d)(1)

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Claimant: Brian Hewlett

Date of Injury: July 2, 2020

WCAB Case Number(s): ADJ13461524

Authority: Government Code Section 54956.9 (d) (1)

ADJOURNMENT: 5:50 p.m.

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

ROLL CALL

Action: M/S/C (Campos/Halter) to approve Councilmember Johnson's request to participate remotely under AB 2449 using the Emergency Circumstances exemption.

Vote: All Ayes

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

Absent: None

Mayor Schroeder presiding

PLEDGE OF ALLEGIANCE: Former Mayor Brian Brennan

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS: None

CLOSED SESSION REPORT City Attorney Andy Heglund reported that 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: Leslie-Lynn Pawson, Luciano Morales, Stephanie Caldwell, John Karayan, George Amandola, Glenn Overley, Jake Donaldson, Spencer Noren

CONSENT ITEMS:

- Supplemental Packet:** Communications posted online.
- Public Speakers:** Brian Brennan, David Norrdin, Carole Shelton
- Action:** M/S/C (McReynolds/Sanchez-Palacios) to approve the Consent Items, excluding Item 11, in 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. **[Request for Authorization to Amend Outside Counsel Services Agreement with the Law Firm of Best, Best & Krieger, LLP for the Pending Litigation Matter Santa Barbara Channelkeeper v. State Water Resources Control Board and the City of San Buenaventura](#)**

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an amended legal services agreement with the law firm of Best, Best and Krieger, LLP in an amount not to exceed an additional \$460,000 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.

Action: Approved recommendation.

3. **[Designation of Voting Delegate – 2023 Cal Cities General Assembly](#)**

Introduced by: Joe Schroeder, Mayor

RECOMMENDATION

Confirm the Mayor's appointment of Deputy Mayor Dr. Sanchez-Palacios as the City's voting delegate for the 2023 Cal Cities General Assembly.

Action: Approved recommendation.

CONSENT ITEMS (CONTINUED)

4. [Amend the Municipal Code to Replace Gender-Specific Language with Gender-Neutral Language](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

- a. Introduce and approve the first reading of an Ordinance amending the municipal code to replace gender-specific language with gender-neutral language. Ordinance titled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING THE MUNICIPAL CODE TO REPLACE GENDER-SPECIFIC LANGUAGE WITH GENDER-NEUTRAL LANGUAGE”

- b. Set the second reading of the Ordinance for the regular meeting of September 11, 2023.

Action: Approved recommendation. Ordinance No. 2023-007.

5. [Professional Services Agreement Work Order with Environmental Science Associates, Inc. to Prepare an Environmental Impact Report for PROJ 23-0294 College Community Courts](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Authorize the Community Development Director to issue a Work Order under Professional Services Agreement No. 2019-006 with Environmental Science Associates, Inc. to prepare an environmental document in compliance with CEQA requirements for PROJ-23-0294 in an amount not to exceed \$267,763 including the deposit of \$20,000 per the FY 2023-2024 Master Fee Schedule, to be paid by People’s Self Help Housing Corporation.
- b. 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)

6. [Professional Services Agreement No. P2023-083 First Amendment with Carahsoft for Identity and Access Management Services](#)

Staff: Mitchell Cameron, Chief Technology Officer

RECOMMENDATION

- a. Approve and authorize the City Manager to execute the first amendment to the Professionals Services Agreement No. P2023-083 with Carahsoft in the amount of \$218,405.
- b. Authorize the City Manager, or designee, to execute modifications to the professional services agreement with Carahsoft in the amount of \$43,681, for a new total not-to-exceed amount of \$312,184.

Action: Approved recommendation. Agreement No. P2023-083.1.

7. [Memorandum of Understanding for Ventura County Regional SB 1383 Food Recovery Plan](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the Mayor to execute the Memorandum of Understanding for the Ventura County Regional SB 1383 Food Recovery Plan.

Action: Approved recommendation. Agreement number 2023-071.

8. [Professional Services Agreement 2018-047 Fourth Amendment with Simpson Gumpertz & Heger on Project 69011 - City Hall Terra Cotta Maintenance](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the Mayor to execute the Fourth Amendment for the Professional Services Agreement 2018-047 for an extension of term with Simpson Gumpertz & Heger to June 30, 2024.

Action: Approved recommendation. Agreement No. 2018-047.4.

CONSENT ITEMS (CONTINUED)

9. [Acceptance of California State Coastal Conservancy Grant for Construction of the Surfers Point Managed Retreat Phase 2 Project](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Authorize the Mayor to execute a Resolution accepting grant funding from the California State Coastal Conservancy for the purpose of funding the construction phase of the Surfers Point Managed Retreat Phase 2 Project.
- b. Authorize the City Manager, or designee, to act as agent for the City to conduct all negotiations and execute and submit all documents, including without limitation, agreements, amendments, and billing statements that may be necessary to accept the grant and complete the project.
- c. Authorize the Finance Department to make the necessary appropriations adjustment in the General and Categorical Grant Fund.

Action: Approved recommendation. Resolution No. 2023-063.

10. [Bid Rejection for a Construction Contract for Project 91083, Street Resurfacing – Northbank, Ventura Blvd to Johnson](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Reject the single bid received on July 6, 2023 from Toro Enterprises, Inc. for Project 91083, Street Resurfacing – Northbank, Ventura Blvd to Johnson.
- b. Authorize the Public Works Director to rebid Project 91083, Street Resurfacing – Northbank, Ventura Blvd to Johnson by combining the project scope with other projects included in the FY 2024-28 Capital Improvement Program.

Action: Approved recommendation.

CONSENT ITEMS (CONTINUED)

11. [Agreement for Reimbursement of Certain Expenses on the Parklands Project to Bajo Ventura, LLC](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve and Authorize the Mayor or designee to execute the Reimbursement Agreement outlining the cost sharing arrangement for the Telegraph Road/Wells Road traffic signal upgrade.
- b. Authorize appropriations increase in the amount of \$236,883 from General Fund balance.

Action: Item was continued at the request of staff.

12. [Maintenance and Access Agreement for the Mar-Y-Cel Project at the Northeast Corner of South Ventura Avenue and Thompson Boulevard](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the Mayor, or designee, to execute the attached Agreement with CRP-GREP VENTURA 140 OWNER, LLC, regarding access and on-going maintenance for public improvements constructed as part of the Mar-Y-Cel project.

Action: Approved recommendation. Agreement No. 2023-072.

13. [Reimbursement Agreement Between the Ventura Unified School District and the City of Ventura Regarding Crossing Guards for Fiscal Year 2024](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the Mayor to execute the first amendment to agreement 2022-053 for reimbursement between the Ventura Unified School District and the City of Ventura regarding crossing guards for Fiscal Year 2024 in the amount of \$95,512.

Action: Approved recommendation. Agreement No. 2023-053.1.

CONSENT ITEMS (CONTINUED)

14. [Professional Services Agreement No. 2019-124 Third Amendment with WaterWise Consulting, Inc. for the Turf Replacement Rebate Program](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the City Manager, or their designee, to execute an amendment to the Professional Services Agreement with WaterWise Consulting, Inc. (Agreement No. 2019-124) for administration of the WaterWise Turf Replacement Rebate Program; increase the agreement amount by \$30,500 for a total not to exceed amount of \$863,020.

Action: Approved recommendation. Agreement No. 2019-124.3.

15. [Grand Jury Response – Water Availability for Wildfires in Ventura County, June 12, 2023](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Review and receive the Grand Jury Response Report on Water Availability for Wildfires in Ventura County and authorize the Ventura Water General Manager to submit the response.

Action: Approved recommendation.

16. [Professional Services Agreement No. 2022-023 Second Amendment with Hamner, Jewell, & Associates, Inc. to Provide Easement Acquisition Services for the VenturaWaterPure Program](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

a. Approve and authorize the City Manager, or their designee, to execute the Second Amendment to Professional Services Agreement No. 2022-023 with Hamner, Jewell, & Associates in the amount of \$56,500 for a new contract not-to-exceed amount of \$147,525.

b. Authorize the City Manager, or their designee, to execute amendments to the Agreement in an amount up to \$5,650 in contingency funding.

Action: Approved recommendation. Agreement No. 2022-023.2.

CONSENT ITEMS (CONTINUED)

17. [Professional Services Agreement with La Salle Solutions to Provide Owner Controlled Insurance Program Services for the VenturaWaterPure Program](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the City Manager, or their designee, to execute a Professional Services Agreement with La Salle Solutions, initial term August 7, 2023 to December 31, 2024, for a total not-to-exceed amount of \$200,695, including \$18,245 in contingency.
- b. Authorize the City Manager, or their designee, to execute amendments, if necessary, to extend the term of the agreement for up to 365 days or modify the Schedule of Compensation in an amount not-to-exceed \$18,245 in order to accommodate the need for additional time or scope if required, pursuant to San Buenaventura Municipal Code Section 4.600.200.

Action: Approved recommendation. Agreement No. 2023-073.

18. [Memorandum of Agreement with Wishtoyo and Heal the Bay regarding the Tertiary Treated Flows Consent Decree](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Authorize the City Manager, or their designee, to execute a Memorandum of Understanding regarding the Tertiary Treated Flows Consent Decree.

Action: Approved recommendation. Agreement No. 2023-074.

PUBLIC HEARING ITEMS: Staff shall introduce the public hearing item and present their report to Council. Councilmembers may ask questions of staff if they desire. Any member of the public may speak or present evidence, after submitting a speaker card and being recognized by the Mayor. All rules of decorum apply during Public Hearings. Each member of the Council shall verbally disclose all ex parte communications concerning the subject of the hearing.

19. [Appeal of the Planning Commission’s Approval of a Mixed-Use Development with 94 Units and 3,181 Square Feet of Ground Floor Commercial Space Known as the Two Eleven Project \(PROJ-22-0092\) - Case Nos. APL-07-23-0001, MDR-07-22-0005, CDP-07-22-0007 and LLA-07-22-0002](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Conduct a public hearing and determine that the project is categorically exempt per the Infill Development Projects – Class 32 exemption of the California Environmental Quality Act (CEQA) Guidelines.
- b. Adopt a Resolution denying the appellant’s appeal and upholding the Planning Commission approval of Design Review, Coastal Development Permit, Lot Line Adjustment, and Density Bonus Concessions and Waivers in compliance with State Density Bonus Law (Government Code Section 65915 Et. Seq.) for the Two Eleven project, a mixed-use development with 94 units, including 13 very low-income units, 7 live/work units, and 3,181 square feet of ground floor commercial space located at 211, 231, and 245 Thompson Boulevard, Project 22-0092, case numbers APL-07-23-0001, MDR-07-22-0005, CDP-07-22-0007, and LLA-07-22-0002. Resolution titled:

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA DENYING THE APPELLANT’S APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF DESIGN REVIEW, COASTAL DEVELOPMENT PERMIT, LOT LINE ADJUSTMENT AND DENSITY BONUS CONCESSIONS AND WAIVERS IN COMPLIANCE WITH STATE DENSITY BONUS LAW (GOVERNMENT CODE SECTION 65915 ET. SEQ.) FOR THE TWO ELEVEN PROJECT, A MIXED-USE DEVELOPMENT WITH 94 UNITS, INCLUDING 13 VERY LOW-INCOME UNITS, 7 LIVE/WORK UNITS, AND 3,181 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE LOCATED AT 211, 231, AND 245 THOMPSON BOULEVARD”

PUBLIC HEARING ITEMS (CONTINUED)

Supplemental Packet:

Communications posted online.

Public Speakers:

Brian Brennan, Donald Parrish, Eileen Shaw, Saria Kraft, Roger Osborne, Martha Monson, Jared Sapp, Pete Freeman, Bob Guthrie, Mark Sirota, Natalie Bruton, Jackie Woods, Scott Spencer, Christy Weir, Dave Wilkinson, Stephanie Caldwell, Alex Mangone, Susan Dempsey, Susan Vinson, Wendy Sauter, Dela Truthsayer-Kastenbaum, April Rengstorf, Christina Greer, Lilith, Amy Cherrie, George Amandola, Karen Flock, Robert Chianese, Steven Quat, Charlie Gartman, Scott McCarty, Terry Foley, Matt Bello, Jynell Dimalanta, Adrian Gonzalez, Todd Howeth, Spencer Noren, Scott McCarty.

Action:

M/S/C (Sanchez-Palacios/Duran) to extend the meeting beyond 11 p.m. per the City Council Protocols.

Vote:

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

Action:

M/S/C (McReynolds/Duran) to approve the staff recommendation and to send the public comments and meeting video to Assemblymember Bennett and Senator Limon with a request to host a town hall at City Hall regarding state law. Resolution No. 2023-064.

Vote:

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

Councilmember Campos recused due to previously expressing position to a member of the public.

PUBLIC HEARING ITEMS (CONTINUED)

20. [Consideration for the Readoption of the Sixth Cycle Housing Element \(2021-2029\)](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Conduct a public hearing.
- b. Approve an Addendum to the 2005 General Plan Final Environmental Impact Report.
- c. Adopt a Resolution approving a General Plan Amendment to update the Housing Element and Technical Background Report, titled as follows:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA APPROVING A GENERAL PLAN AMENDMENT TO ADOPT THE SIXTH CYCLE HOUSING ELEMENT”

Supplemental Packet:	Communications posted online.
Public Speakers:	Denise Wise, Kyler Carlson, Karen Flock, Debora Schrieber, Judy Alexandre
Action:	M/S/C (Sanchez-Palacios/Duran) to hear a new item after 10 p.m. per the City Council Protocols.
Vote:	Ayes: Duran, McReynolds, Campos, Deputy Mayor Dr. Sanchez-Palacios; Noes: Johnson, Halter; Abstain: None; Absent: None
Action:	M/S/C (Campos/Duran) to approve the staff recommendation. Resolution No. 2023-065.
Vote:	Ayes: Duran, McReynolds, Halter, Campos, Deputy Mayor Dr. Sanchez-Palacios, Mayor Schroeder; Noes: Johnson; Abstain: None; Absent: None

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.*

21. [Amendment of the Compensation and Terms of the City Attorney’s Employment Agreement](#)

Introduced by: Joe Schroeder, Mayor
Jeannette Sanchez-Palacios, Deputy Mayor

RECOMMENDATION

Adopt a Resolution amending the compensation and terms of the City Attorney’s Employment Agreement No. 2022-019, providing a 3% cost-of-living adjustment, in accordance with the City Attorney’s revised and restated Employment Agreement, Section 4A.

Action: M/S/C (Sanchez-Palacios/Duran) to hear a new item beyond 10 p.m. per the Council Protocols.

Vote: All Ayes

Action: No speakers. M/S/C (McReynolds/Duran) to approve the staff recommendation. Resolution No. 2023-066. Agreement No. 2022-019.3.

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

22. [Adoption of a Resolution Appointing William Ayub to the Position of City Manager and Approving an Employment Agreement that Establishes Salary and Benefits for the Position of City Manager](#)

Introduced by: Joe Schroeder, Mayor
Jeannette Sanchez-Palacios, Deputy Mayor

RECOMMENDATION

Adopt a Resolution appointing William Ayub to the position of City Manager and approving an employment agreement that establishes salary and benefits for the position of City Manager effective August 8, 2023.

Supplemental Packet: Communications posted online.

FORMAL ITEMS (CONTINUED)

- Public Speakers:** Mark Watkins, Spencer Noren
- Action:** M/S/C (Sanchez-Palacios/Duran) to hear a new item beyond 10 p.m. per the Council Protocols.
- Vote:** All Ayes
- Action:** M/S/C (Johnson/Schroeder) to approve the staff recommendation. Resolution No. 2023-067.
- Vote:** Ayes: Duran, McReynolds, Halter, Johnson, Deputy Mayor Dr. Sanchez-Palacios, and Mayor Schroeder; Noes: Campos; Abstain: None; Absent: None

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

Staff: Andy Heglund, City Attorney

RECOMMENDATION

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

Action: Item continued to a future meeting.

PUBLIC COMMUNICATIONS

Public Speakers: None

ADJOURNMENT

Adjourned at 12:36 p.m.

The meeting was adjourned in honor of Johnny Armstrong and Dee Dowel.

I hereby certify that this is a true and correct record of the City Council meeting held on August 7, 2023.

Michael B. MacDonald, CMC
City Clerk