

CITY OF VENTURA  
**CITY COUNCIL MINUTES**



MONDAY, SEPTEMBER 25, 2023

SPECIAL CLOSED SESSION – 4:00 P.M.  
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

Bill Ayub  
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=m0458a3a84460015ac2f102c2838a81da>

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: 2556 489 8811

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](mailto: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](http://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 4:01 p.m.**

**ROLL CALL**

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

**Absent:** None

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**

Name of Case: Deneau v. City of San Buenaventura  
VCSC Case No. 56-2020-00544717-CU-WT-VTA  
Authority: Government Code Section 54956.9(d)(1)

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Name of Case: Iralex v. City of San Buenaventura  
VCSC Case No. 2022-00572920-CUMC  
Authority: Government Code Section 54956.9(d)(1)

**3. CONFERENCE WITH LEGAL COUNSEL—EXPOSURE TO LITIGATION**

Significant Exposure to Litigation: 2  
Authority: Government Code Section 54956.9(d)(2)

**4. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Name of Case: Southern California Gas Rate Case  
Authority: Government Code Section 54956.9(d)(1)

**5. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Name of Case: Livable Ventura v. City of San Buenaventura, et al.  
Case Number: 2023CUWM013832  
Authority: Government Code Section 54956.9(d)(1)

**6. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Name of Case: City of Grants Pass v. Johnson  
Case Number: 23-175  
Amicus Participation

**ADJOURNMENT:** 4:59 p.m.

**CALL TO ORDER – CLOSED SESSION 5:01 p.m.**

**ROLL CALL**

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

**Absent:** None

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.*

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**6. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Name of Case: City of Grants Pass v. Johnson  
Case Number: 23-175  
Amicus Participation

**ADJOURNMENT:** 5:54 p.m.

**CALL TO ORDER – REGULAR SESSION:** 6:05 p.m.

**ROLL CALL**

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

**Absent:** None

Mayor Schroeder presiding

**PLEDGE OF ALLEGIANCE:** Councilmember Johnson

**SPECIAL PRESENTATIONS AND ANNOUNCEMENTS**

- Childhood Cancer Awareness Month
- Ventura County Vietnam Veterans Update

**CLOSED SESSION REPORT:** City Attorney Andy Heglund reported that there was no reportable action.

**CITY COUNCIL COMMUNICATIONS**

**CITY MANAGER COMMUNICATIONS**

**CONSENT ITEMS:**

**Supplemental Packet:** Communications posted online.

**Public Speakers:** James Hrabak, Spencer Noren

**Action:** M/S/C (McReynolds/Halter) to approve the Consent Items, excluding Item 3, 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.

## CONSENT ITEMS (CONTINUED)

2. **Resolution Authorizing Access to State and Federal Level Summary Criminal History Information for Background Investigations**

Staff: Andy Heglund, City Attorney

**RECOMMENDATION**

Adopt a Resolution approving an application for authorization to access state and federal level summary criminal history information for employment including volunteers and contractors, and for licensing or certification purposes.

**Action:** Approved recommendation. Resolution No. 2023-68.

3. **Award of Conditional Cardroom Licenses**

Staff: Bill Ayub, City Manager

**RECOMMENDATION**

- a. Award William Kracht and Kevin Pound the two available cardroom licenses, conditioned on approval of their State of California Gambling Control Commission cardroom license applications by means of Resolution No. 2023-032.
- b. Adopt a Resolution to codify the Council's conditional grant of cardroom licenses to William Kracht and Kevin Pound.

**Public Speakers:** Spencer Noren

**Action:** M/S/C (McReynolds/Halter) to approve the staff recommendation. Resolution No. 2023-69.

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

## CONSENT ITEMS (CONTINUED)

4. **Final Acceptance of Public Improvements – Tract No. 5961 – The Voelker Project – Developer McCarthy Companies**

Staff: Phillip Nelson, Public Works Director

**RECOMMENDATION**

- a. Accept the public improvements associated with Tract No. 5961.
- b. Release the developer from the “Agreement to Construct Improvements.”
- c. Authorize the City Clerk to release the grading bonds, 90% of the faithful performance bonds, and 100% of the survey monuments bonds.
- d. Authorize the City Clerk to release the labor and materials bonds a minimum of 90 days from the date of final acceptance.

**Action:** Approved recommendation.

5. **Software as a Service Agreement with Can/Am Technologies, Inc. to provide Software Implementation and Subscription Services Related to the Revenue Cashiering Function for the Deployment of Workday Software**

Staff: Greg Morley, Chief Financial Officer

**RECOMMENDATION**

Approve and authorize the City Manager, or designee, to execute a software as a service (SaaS) agreement with Can/Am Technologies, Inc, to provide cashiering software implementation, training, delivery assurance services, and subscription rights to the Teller Software in the amount of \$387,559 over a five-year term.

**Action:** Approved recommendation. Agreement No. 2023-079.

## CONSENT ITEMS (CONTINUED)

6. **Construction Contract with Blois Construction, Inc. for Project 96938, VenturaWaterPure – Ocean Outfall Onshore**

Staff: Gina Dorrington, Ventura Water General Manager

**RECOMMENDATION**

- a. Approve and authorize the City Manager, or designee, to execute a construction contract with Blois Construction, Inc. for the construction of the conveyance pipeline (Ocean Outfall Onshore Project) in the amount of \$7,699,190 with a contract completion date of July 31, 2024.
- b. Authorize the City Manager, or designee, to execute future amendments to the construction contract up to a maximum contingency of \$769,919 for a total not-to-exceed Agreement amount of \$8,469,109 and a total time extension of 180 calendar days.
- c. Approve and authorize the City Manager, or designee, to execute a contract with Mimiaga Engineering Group Inc. for construction management of the Ocean Outfall Onshore project in the amount of \$745,557 with a contract completion date of July 31, 2024.
- d. Authorize the City Manager, or designee, to execute future amendments to the construction management contract to a maximum contingency of \$74,556 for a total not-to-exceed contract amount of \$820,113 and a total time extension of 180 calendar days.
- e. Approve and authorize the City Manager, or designee, to execute a contract with HDR Engineering, Inc. for design support during construction of the Ocean Outfall Onshore project in the amount of \$311,690 with a contract completion date of July 31, 2024.
- f. Authorize the City Manager, or designee, to execute future amendments to the design support during construction contract to a maximum contingency of \$31,169 for a total not-to-exceed contract amount of \$342,859 and a total time extension of 180 calendar days.
- g. Authorize an increase in appropriations in the Fiscal Year 2024 budget in the Water Capital Fund (Fund 72) project 22072 by \$4,986,866 to cover the water enterprise portion of the costs.
- h. Authorize an increase in CIP appropriations for project 96938 in the Wastewater Capital Fund (Fund 71) by \$9,973,732.

**Action:** Approved recommendation. Agreement Nos. 2023-080 2023-081, and 2023-083.

**PUBLIC HEARING ITEM:** *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.*

7. **The facilitation of the Annexation of a 10-acre property into the City and Related Zoning and Comprehensive Plan Changes amending the Local Coastal Program for future use as an Advanced Water Purification Facility in the Coastal Zone Located at the Southeast Corner of Harbor Boulevard and Olivas Park Drive**

Staff: Neda Zayer, Interim Community Development Director

**RECOMMENDATION**

- a. Conduct a public hearing.
- b. Adopt a Resolution of application initiating proceedings to reorganize territory for a 10-acre vacant parcel identified as Assessor Parcel Number 138-0-050-090 within the sphere of influence for the City of San Buenaventura, and which incorporates legal maps and legal descriptions for the proposed reorganization to meet all of the requirements for application to the Local Agency Formation Commission.
- c. Adopt a Resolution approving amendment to the General Plan and Comprehensive Plan to provide development standards and amend maps to add the subject site, a Zone Map Amendment to pre-zone the subject 10-acre property located at the southeast corner of Harbor Boulevard and Olivas Park Drive to the Harbor Commercial (H-C) zone, as part of a Major Amendment to the Local Implementation Plan and Major Amendment to the Land Use Program of the Local Coastal Program.
- d. Introduce and approve the first reading of an Ordinance approving text amendments to the Zoning Ordinance to amend Section 24.238.020, Uses Permitted, Harbor Commercial District, to clarify public service facilities are generally permitted to facilitate the construction of an advanced water purification facility, amending the local implementation plan of the Local Coastal Program. Ordinance titled:



## PUBLIC HEARING ITEM (CONTINUED)

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA APPROVING TEXT AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF VENTURA MUNICIPAL CODE TO AMEND SECTION 24.238.020, USES PERMITTED, HARBOR COMMERCIAL DISTRICT, TO CLARIFY PUBLIC SERVICE FACILITIES ARE GENERALLY PERMITTED TO FACILITATE THE CONSTRUCTION OF AN ADVANCED WATER PURIFICATION FACILITY, AND TO AMEND THE LOCAL IMPLEMENTATION PLAN OF THE LOCAL COASTAL PROGRAM”

- e. Set the second reading of the Ordinance for the next regular meeting upon which notice can be provided.
- f. Adopt a Resolution directing staff to submit a major amendment to the City’s Land Use Plan and Implementation Plan of the Local Coastal Program to the California Coastal Commission.
- g. Adopt Addendum #2 to the Certified Environmental Impact Report (EIR-9-19-52130) for the Ventura Water Pure Program.

**Public Speakers:**

Spencer Noren, Wayne Simpson,  
Burt Handy, Glenn Overley

**Action:**

M/S/C (McReynolds/Campos) to approve the staff recommendation and to revise the design standards as follows: the facility must include a bike repair center, be pre-wired for solar, and the facility must include “make-ready” infrastructure to support the immediate and convenient installation of EV supply equipment, including all items necessary such as electrical panels, conduit/raceways, overprotection devices, wires and pull boxes. Resolution Nos. 2023-70, 2023-71, and 2023-072. Ordinance No. 2023-08.

**Vote:**

All Ayes

**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.*

8. **City Charter Evaluation and Amendment Process** *(Continued from September 11, 2023)*

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.

**Public Speakers:** Spencer Noren, Burt Handy

**Action:** M/S/C (Johnson/Sánchez-Palacios) to approve the staff recommendation to hold a series of separately scheduled workshops.

**Vote:** All Ayes

9. **General Plan Update Draft Land Use Designations and Preferred Land Use Map** *(Continued from September 11, 2023)*

Staff: Neda Zayer, Interim Community Development Director

**RECOMMENDATION**

Endorse the draft Land Use Designations and Preferred Land Use Map for the General Plan Update.

**Supplemental Packet:** Communications posted online.

**Public Speakers:** Tiffany McDermott, Amy Cherrie, Mary Ann Biewener, Kyler Carlson, Mark Abbe, Lisa Gasaway, Karen Martin, Jason Martin, Gracelyn Brown, PW Robinson, Kate Bello, Jeff Lambert, Roger Osborne, Christy Weir, Jeff Klemme, Bianca Botta, Mike Blumenberg, Alfredo Martinez, Steven Quat, Karen Flock, Scott Spencer, Kathy Bremer, Mark Sirota, Patty

## FORMAL ITEMS (CONTINUED)

Overley, Mariza Sullivan, Matt Bello, Cherie Egbert, Dan Crawford, Karba, Shelby Moss, Judy Alexandre, Jackson Piper, Lucia Marquez, Burt Handy, Tanner Shelton

**Action:** M/S/C (McReynolds/Halter) to discuss the Midtown and Pacific View Mall proposed maps only.

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

**Action:** M/S/C (Johnson/Halter) to continue the meeting beyond 11 p.m. and to hear a new item beyond 10 p.m. per the City Council Protocols.

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

**Action:** M/S/C (McReynolds/Schroeder) to revise the Midtown corridor map to include all 3-stories.

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

**Action:** M/S/C (McReynolds/Schroeder) to endorse the Planning Commission recommendation for the Five Points/Pacific View Mall map.

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

## FORMAL ITEMS (CONTINUED)

**Action:** M/S/C (McReynolds/Schroeder) to continue the item to October 9, 2023 and to prioritize the Montalvo and College area maps first.

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

**Councilmember Duran absent at 9:22 p.m.**

### 10. POLICY CONSIDERATION - Thomas Fire Rebuild Overlay Zone

Introduced by: Doug Halter, Councilmember, District 2

#### RECOMMENDATION

- a. Staff provide the City Council with an update of the Thomas Fire Rebuild at the November 13, 2023, City Council meeting.
- b. Staff prepare a Resolution extending the Thomas Fire Rebuild Overlay Zone for consideration at the November 13, 2023, City Council meeting. The resolution should automatically extend the Thomas Fire Rebuild Overlay Zone until an updated Hillside Management Program is adopted by the City Council.
- c. Staff prepare and present the City Council a draft plan and budget to adopt an update Hillside Management Program before January 1, 2026. The draft plan and budget should be presented at the January 22, 2024, City Council meeting for potential consideration into the 2024/2025 City Council Goals.

**Public Speakers:** Spencer Noren

**Action:** M/S/C (McReynolds/Halter) to direct staff to return on October 9, 2023, with the first reading of an Ordinance extending the Thomas Fire Ordinance and to direct staff to return at the second meeting of January 2024 to provide an update of the Thomas Fire Rebuild and a draft plan and budget to update the Hillside Management Plan.

## FORMAL ITEMS (CONTINUED)

### Vote:

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

## PUBLIC COMMUNICATIONS:

**Public Speakers:** Farid Hentabli, Spencer Noren, Terry Foley, John K, Sadie, Judy S, Yagoda, Glenn Overley

## ADJOURNMENT

Meeting adjourned at 12:03 p.m.

Meeting adjourned in memory of Casey Johnson

I hereby certify that this is a true and correct record of the City Council meeting held on September 25, 2023.



Michael B. MacDonald, CMC  
City Clerk

