

CITY OF VENTURA
CITY COUNCIL ACTION AGENDA



Resolution No. 2023-79
Ordinance No. 2023-10

CITY COUNCIL AGENDA

MONDAY, NOVEMBER 13, 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 SÁNCHEZ-
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.

Live broadcasts of City Council meetings are available on Cable TV (Channel 15) and via internet accessible video stream at <https://www.cityofventura.ca.gov/718/Videos> or on YouTube at <https://www.YouTube.com/cityofventura/live>.

To access the meeting remotely: Join the WebEx meeting live at: <https://cityofventura.webex.com/cityofventura/j.php?MTID=m9530cb77da2ea68896ce9636119b8b32>

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: 2552 152 5771

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: 5:01 p.m.

ROLL CALL

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

Absent: Councilmembers Johnson, Campos

Councilmember Johnson arrived at 5:03 p.m.

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

Jensen v. City of San Buenaventura, et al.
Santa Barbara County Superior Court case no. 19CV05988
Authority: Government Code §54956.9(d)(1)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Diana Boydston v. City of Ventura, et al.
Ventura County Superior Court Case no.: 2023CUPP006589
Authority: Government Code §54956.9(d)(1)

ADJOURNMENT: 5:43 p.m.

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

ROLL CALL

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

Absent: None

Mayor Schroeder presiding

PLEDGE OF ALLEGIANCE: Mayor Schroeder

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

- World AIDS Day
- Sister City Proclamation

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

CITY COUNCIL COMMUNICATIONS

CITY MANAGER COMMUNICATIONS

CONSENT ITEMS:

Action: No Speakers. M/S/C (Halter/ Sánchez-Palacios) to approve the consent items, excluding Item 8, 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. **Council Protocols Update Extension Request**

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve an extension for the City Council Protocols to return for Council’s consideration in February 2024.

Action: Approved recommendation.

CONSENT ITEMS (CONTINUED)

3. [Approval of City Council Minutes – Regular Meetings held on October 9, 2023, October 16, 2023, October 23, 2023, and Special Meeting held on October 30, 2023](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve City Council Minutes for Regular Meetings held on October 9, 2023, October 16, 2023, October 23, 2023, and Special Meeting held on October 30, 2023.

Action: Approved recommendation.

4. [Professional Services Agreement PW23-1072 Third Amendment with Noble Consultants, Inc. for Design Services on Ventura Pier Fire Line Repair, Project 62414](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the City Manager, or designee, to execute the third amendment to Professional Services Agreement Number PW23-1072 with Noble Consultants, Inc. for a new contract completion date of July 30, 2024.

Action: Approved recommendation. Professional Agreement No. PW23-1072.3.

5. [General Services Agreement P2020-037 Fourth Amendment with Performance Pipeline Technologies for Storm Drain On-Call Construction Services](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the City Manager, or designee, to execute the Fourth Amendment to General Services Agreement No. P2020-037 with Performance Pipeline Technologies to increase the contract in the amount of \$228,145, for a new total not-to-exceed contract amount of \$528,145.

Action: Approved recommendation. Agreement No. P2020-037.4.

CONSENT ITEMS (CONTINUED)

6. [Resolution of Intention to Vacate a Portion of the Public Alley North of Thompson Boulevard and Between South Ann Street and South Hemlock Street](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Adopt a Resolution declaring the Intention to Vacate (abandon) a portion of the public alley north of Thompson Boulevard and between South Ann Street and South Hemlock Street.

Action: Approved recommendation. Resolution No. 2023-079.

7. [Construction Contract PW24-1128 with Toro Enterprises, Inc. on Project 91157 - Ventura River Trail Improvements](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve the Ventura River Trail Improvements project and determine that it is categorically exempt from the California Environmental Quality Act (CEQA) as defined in Article 19 Section 15301 Class 1 (c) of the CEQA guidelines because it is considered maintenance of an existing bicycle and pedestrian trail with no expansion of existing or former use.
- b. Waive all Minor Bid Irregularities, Approve and Authorize the City Manager, or designee, to execute subject Agreement with Toro Enterprises, Inc. in the amount of \$3,635,660 with a contract completion date of June 30, 2023.
- c. Authorize the City Manager, or designee, to execute future amendments to subject Agreement up to a total maximum contingency of \$364,000 for a total not-to-exceed Agreement amount of \$3,999,660.

Action: Approved recommendation. Agreement No. PW24-1128.

CONSENT ITEMS (CONTINUED)

8. Procurement Agreements for Membrane Bioreactor and Ultraviolet Light Disinfection Equipment

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the City Manager, or designee, to execute an Agreement with Veolia WTS Systems USA, Inc. for the Membrane Bioreactor System Equipment for the amount of \$5,761,557.
- b. Approve and authorize the City Manager, or designee, to execute an Agreement with Trojan Technologies Group ULC for Ultraviolet Disinfection System Equipment for the amount of \$2,930,388.
- c. Approve and authorize the City Manager, or designee, to assign “Stage 2” of the equipment procurement agreements to the Construction Manager At Risk (CMAR) Contractor upon the City’s award of the CMAR Construction Contract.
- d. Authorize an increase in CIP appropriations in the amount of \$9,662,627 in the Wastewater Capital Fund (Fund 71).
- e. Authorize an increase in budget appropriations in the Fiscal Year 2024 budget in the amount of \$10,856,978 in the Wastewater Capital Fund (Fund 71) and in the amount of \$217,170 in the Water Capital Fund (Fund 72).

Public Speakers: Burt Handy, Alex Mangone

Action: M/S/C (Halter/ Sánchez-Palacios) to approve the staff recommendation. Agreement Nos. 2023-090 and 2023-091.

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

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.*

9. Mills Act Contracts for Historic Landmarks – Historic Landmark No. 118 – Brown Busch House and Historic Landmark No. 117 – George Zander Men’s Clothing Store

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Conduct a Public Hearing.
- b. Adopt a Resolution approving Mills Act contracts for:
 - 1. Historic Landmark No. 118 “Brown Busch” located at 10807 Telegraph Rd, (PROJ-23-364)
 - 2. Historic Landmark No, 117 “George Zander Men’s Clothing Store” located at 384 E Main Street, (PROJ-23-0330)

Action: No Speakers. M/S/C (Sánchez-Palacios/Duran) to approve the staff recommendation. Resolution Nos. 2023-080 and 2023-081.

Vote: All Ayes

Council Recess 8:49 p.m. – 9:07 p.m.

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.*

10. Status Update on Undergrounding Utilities City-Wide

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Direct Staff to hold a Workshop on undergrounding City-wide utilities by March 30, 2024, where City Council will make a decision on which Rule 20A project to pursue.

Public Speakers: George Amandola, Spencer Noren, Pete Freeman

Action: M/S/C (Duran/Johnson) to direct staff to begin discussions with Southern California Edison about undergrounding on Park Row and Olive Street with Rule 20A funds and to hold a Workshop by March 30, 2024, regarding undergrounding City-wide utilities.

Vote: All Ayes

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

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

11. Downtown Parking Update

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

a. Approve and authorize the City Manager, or designee, to execute subject Agreement with TRC Parkitects, LLC in the amount of \$207,220 with a contract completion date of February 28, 2025.

FORMAL ITEMS (CONTINUED)

- b. Authorize the City Manager, or designee, to execute future amendments to subject Agreement up to a total maximum contingency of \$20,722 for a total not-to-exceed Agreement amount of \$227,942 and a total time extension of 180 calendar days.
- c. Authorize the use of General Fund Investment Plan funding that was previously designated for Mission Park-Main Street Frontage Improvements in the amount of \$227,942.
- d. Authorize the Finance Department to transfer \$227,942 from the General Fund (Fund 01) to the Parking District (Fund 30) to support the contract.
- e. Authorize the Finance Department to increase budget appropriations in the Fiscal Year 2024 budget in the amount of \$227,942 in the Downtown Parking District Fund (Fund 30), project budget 62633.

Public Speakers: Spencer Noren

Action: M/S/C (Johnson/Halter) to continue the meeting beyond 11 p.m. per the City Council Protocols.

Vote: All Ayes

Action: M/S/C (Duran/Halter) to approve the staff recommendation and to further direct staff to return with conceptual design for 3 or 4 stories, not including retail, options for the Harbor Parking structure, and updated financial modeling by the first quarter of next year, to begin paid surface lots in May 2024, and to transfer assets to the Parking Authority by July 1, 2024. Agreement No. PW24-1122.

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

FORMAL ITEMS (CONTINUED)

12. [VenturaWaterPure and Wastewater Capital Improvement Plan Membrane Bioreactor/Ultraviolet Light Project Update and Authorization to Apply for Grant Funds](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Receive a written report and presentation that provides an update on the VenturaWaterPure Program and Wastewater Capital Improvement Plan Membrane Bioreactor/Ultraviolet Light Project.
- b. Authorize the Ventura Water General Manager, or designee, to apply for up to \$125,000,000 in grants under the United States Bureau of Reclamation WaterSMART: Large-Scale Water Recycling Projects for Fiscal Years 2023 and 2024 grant program.

Supplemental Packet: Communications posted online.

Public Speakers: Burt Handy, Vincent Kinsch, George Amandola, Spencer Noren, Kristen Kessler

Action: M/S/C (Johnson/ Sánchez-Palacios) to approve the staff recommendation.

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

PUBLIC COMMUNICATIONS

Public Speakers: Burt Handy, Spencer Noren, Trevor Gotsman

ADJOURNMENT

Meeting adjourned at 11:48 p.m.

I hereby certify that this is a true and correct record of the City Council meeting held on November 13, 2023.

Michael B. MacDonald, CMC
City Clerk