

CITY OF VENTURA
CITY COUNCIL AGENDA

Mayor Erik Nasarenko

Neal Andrews, Deputy Mayor
Cheryl Heitmann, Councilmember
Jim Monahan, Councilmember

Carl E. Morehouse, Councilmember
Mike Tracy, Councilmember
Christy Weir, Councilmember

Mark D. Watkins, City Manager
Gregory G. Diaz, City Attorney
Cynthia M. Rodriguez, City Clerk

REGULAR MEETING
MONDAY, FEBRUARY 22, 2016, 6:00 P.M.
COUNCIL CHAMBERS, 501 POLI STREET, VENTURA

The regular meetings of the San Buenaventura (Ventura) City Council also serve as regular meetings of the Successor Agency and Public Facilities Financing Authority when Successor Agency and Public Facilities Financing Authority items are listed on the agenda.

The public has the opportunity to address the City Council on any item appearing on the agenda. Persons wishing to address the City Council should complete and submit a green "Speaker Form." If a member of the public wishes to comment on an item and does not want to speak before the City Council, the person may complete a pink "Comment Form." Both forms are on a table inside the meeting room.

Persons wishing to address the City Council are limited to three minutes on any agenda item with a cumulative total of five minutes for all agenda items, except if there are one or more Successor Agency and Public Facilities Financing Authority items on the agenda, members of the public shall have an additional total of three minutes on any agenda item with a cumulative total of five minutes for all agenda items to address all Successor Agency and Public Facilities Financing Authority matters.

ROLL CALL

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Mayor for a Moment – Sunset School – Responsibility

CLOSED SESSION REPORT

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 his or her own activities.

CITY COUNCIL CONSENT ITEMS

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon by the City Council at one time, without discussion, unless a Councilmember, the Administration, or a member of the public requests an opportunity to address any given item. Items removed from the Consent Calendar will be discussed at the beginning of the Formal Items. Approval by the City Council of Consent Items means that the recommendation of the Administration is approved along with the terms and conditions described in the Administrative Report.

1. **Request for Authorization to Execute Third Amendment to Outside Counsel Legal Services Agreement for *Santa Barbara Channelkeeper v. City of San Buenaventura et al.* (38)**

Staff: Gregory G. Diaz, City Attorney

RECOMMENDATION

- a. Authorize the City Attorney to enter into a Third Amendment to the Legal Services Agreement with the law firm of Best, Best and Krieger, LLP in an amount not to exceed an additional \$978,000 to continue its defense of the City in the matter of *Santa Barbara Channelkeeper v. State Water Resources Control Board and the City of San Buenaventura*, San Francisco County Superior Court Case No.: CPF-14-513875.
- b. Appropriate and authorize the expenditure of funds in Account No. 52304-63151-63151-224-52.

2. **Fiscal Year 2015 Report on Local Agency Developer Improvement Fees Assembly Bill 1600 (31)**

Staff: Gilbert Garcia, Finance and Technology Director

RECOMMENDATION

- a. Accept the annual report for fees required by Government Code Sections 66000, 66001, 66006, and 66477.
- b. Make findings based upon the attachments in the administrative report as follows:

Identify the purpose to which the fee is to be used.
Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified.

Designate the approximate dates which the funding for incomplete improvements is expected to be deposited into the appropriate account or fund.

- c. Reauthorize the intended use of retained funds collected for improvements that remain unspent for more than five years.

3. Recycled Water Program (123)

Staff: Shana Epstein, Ventura Water General Manager

RECOMMENDATION

- a. Adopt a resolution approving the Initial Study and Negative Declaration environmental review for the proposed Ventura Wastewater Reclamation Facility Recycled Water Project (Recycled Water Program).
- b. Approve the Recycled Water Program.

4. Lease Agreement between the City and Brooks Institute, LLC for Office Space Located Within City Hall North at 505 Poli Street (50)

Staff: Dan Paranick, Assistant City Manager

RECOMMENDATION

- a. Authorize the City Manager to execute a Lease Agreement between Brooks Institute, LLC and the City of Ventura in substantially the form submitted for the use of office space in City-owned property located at 505 Poli Street, the portion of which is the Fourth and Fifth floors, hereinafter referred to as the Premises and detailed in Exhibit B of Attachment A and subject to final language approval by the City Manager and City Attorney.
- b. Authorize the Finance and Technology Department to adjust budgets for projects, accounts, and funds to reflect any fiscal changes needed to implement the Lease Agreement.

CITY COUNCIL PUBLIC HEARING

5. **Residential Allocation Program and Associated Actions: Review Addendum No. 3 to the 2005 Ventura General Plan Final Environmental Impact Report, the Proposed Residential Allocation Program, Associated General Plan Amendments, Revised City Council Appeal Procedure, and Planning Commission Recommendation Not to Adopt the Proposed Residential Allocation Program or Associated General Plan Amendment and to Adopt the Revised City Council Appeal Procedure, Project No. 10072, Case No. GPA-10-15-30877, OA-10-15-30881, OA-10-15-30876, and EIR-10-15-30943 (80)**

Staff: Jeffrey Lambert, Community Development Director

RECOMMENDATION

Adopt the proposed Residential Allocation Program including General Plan Amendment and amendments to the municipal code to establish the Residential Allocation Program and modify the Appeal Procedure as originally proposed to the Planning Commission on November 12, 2015, which included the following actions:

- a. Adopt a resolution to adopt Addendum No. 3 to the 2005 General Plan Final Environmental Impact Report for the proposed Residential Allocation Program, General Plan Amendment, and the changes to the Appeal Procedure.
- b. Adopt a resolution to approve a General Plan Amendment to update Chapter 3, Our Well Planned and Designed Community, and Appendix A to include the Residential Allocation Program.
- c. Introduce and waive the first reading of an ordinance to rescind Resolution No. 2006-057 to amend Division 24R, the Housing Approval Program, and adopt a new Chapter 24.508 of Division 24, Part 5 of the municipal code to codify the Residential Allocation Program.
- d. Introduce and waive the first reading of an ordinance to amend Chapter 24.565, Appeal Procedure, of the municipal code to provide a specific procedure for members of the City Council to call for review of decisions of the Design Review Committee and/or Planning Commission.
- e. Set the proposed ordinances for a second reading and adoption at the City Council meeting of March 7, 2016.

Alternatively

- f. Not adopt a new Chapter 24.508, "Residential Allocation Program," Division 24, Part 5 of the municipal code establishing a Residential Allocation Program.
- g. Not amend the 2005 General Plan to include the Residential Allocation Program ordinance.
- h. Amend the City's Appeal Procedures contained in Chapter 24.565 of the municipal code in order to comply with existing law.

CITY COUNCIL FORMAL ITEM

6. Proposed 2016-2022 Capital Improvement Program Study Session (31)

Staff: Rick Raives, Public Works Director

RECOMMENDATION

Receive staff presentation and conduct a study session regarding the Proposed Capital Improvement Plan for 2016-2022.

PUBLIC COMMUNICATIONS

CITY COUNCIL COMMUNICATIONS

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REPORTS – REGIONAL BOARDS/COMMISSIONS/COMMITTEES

This time is set aside to allow Councilmembers serving on regional boards, commissions, or committees to present a verbal report to the full City Council on the activities of the respective boards, commissions, or committees upon which they serve.

CITY MANAGER COMMUNICATIONS

ADJOURNMENT

Administrative Reports relating to this agenda are available in the City Clerk's Office, 501 Poli Street, Room 204, Ventura, during normal business hours as well as on the City's Web Site – www.cityofventura.net. Materials related to an agenda item submitted to the City Council after distribution of the agenda packet are available for public review at the City Clerk's Office.

This agenda was posted on Thursday, February 18, 2016, at 1:00 p.m. in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at (805) 658-4787 or the California Relay Service at (866) 735-2929. Notification by Thursday, February 18, 2016, at 5:00 p.m. will enable the City to make reasonable arrangements for accessibility to this meeting.