



DVP EXECUTIVE COMMITTEE

DVP Members: Peter Goldenring, Erik Feingold, Hutton Becker, Yvonne Besvold

Monday, June 17, 2024, 12:30pm
Conference room inside law offices,
39 N. California Street.

Call to Order – 12:30pm

Peter Goldenring, President

Roll Call:

Public Comments:

Items:

- 1. PRA inquiry status**
- 2. DVP Seat on Downtown Parking Advisory Committee**
- 3. DVO items: liaison appointment and MOU**
- 4. City survey process and DVP involvement**
- 5. City Resolution on Main Street and DVP Issues Resolution**
- 6. Discussion on next DVP Board meeting agenda items**
- 7. Possible expenditure of money to support downtown businesses during Fairgrounds events**

Adjournment

*In compliance with Government Code Section 54954.3, Public Comments is the portion of Committee meetings set aside for members of the public to address the Committee on items of any business other than scheduled agenda items. Comments are limited to items within the subject matter jurisdiction of the Committee and are limited to no more than three (3) minutes.

Thursday, June 13, 2024 at 15:29:20 Pacific Daylight Time

Subject: Fwd: -EXT- Re: Downtown Ventura Partners/City--5/21 Agenda Item 12
Date: Thursday, June 13, 2024 at 9:13:42 AM Pacific Daylight Time
From: G&P Attorneys
To: Kevin Clerici
CC: Hogan, Miles

Kevin: For the DVP files, please see below. The five categories of activities you have identified and as delineated in the May 20 email to the city are confirmed as acceptable to the City to continue under the Resolution effective July 1, 2023. So no need to change operations or staffing and status quo in operational activities can continue unchanged.

Should you hear otherwise from any staff at the City please let me know.

I am copying Miles, Interim city attorney, so he is aware of the DVP operational status under the Resolution and per the contracts with the City by DVP and so his files are complete on this.

If any questions, let me know.

thx

Peter

Peter A Goldenring

Pachowicz | Goldenring APLC

6050 Seahawk St.

Ventura, CA 93003

(805) 642-6702

Fax (805) 642-3145

----- Forwarded message -----

From: **G&P Attorneys** <attorneys@gopro-law.com>

Date: Thu, Jun 13, 2024 at 9:10AM

Subject: Re: -EXT- Re: Downtown Ventura Partners/City--5/21 Agenda Item 12

To: Miles Hogan <mhogan@cityofventura.ca.gov>

Cc: Bill Ayub <bayub@cityofventura.ca.gov>, Brad Brick Conners

<bconners@cityofventura.ca.gov>, Joe Schroeder <jschroeder@cityofventura.ca.gov>

Miles: Thx for your email. As I read it, I am cleared to communicate to the DVP Executive Kevin, the Exec. Committee and the Board that under the City Resolution effective July 1 all 5 categories of activities by DVP as specified in the email dated May 20 below (first email in the chain) are authorized and permitted to continue without interruption or modification. Logically this also includes DVP personnel moving and then re-placing any bollards or similar traffic blocking items as necessary to facilitate the access and use of the streets by vehicles consistent with the defined scope of usage below.

If I misunderstand, please let me know **immediately**. If I don't hear then DVP will understand the status to be as I have confirmed and will act consistent therewith.

On behalf of DVP I appreciate the City confirmation and thus DVP will continue the status quo in its activities under the City Resolution effective July 1.

I assume this arrangement is not confidential as it governs DVP and its activities. If the City wants this to be held confidential then please let me know immediately.

Thanks so much for clarifying and resolving this matter,
Peter
Peter A Goldenring
Pachowicz | Goldenring APLC
6050 Seahawk St.
Ventura, CA 93003
(805) 642-6702
Fax (805) 642-3145

On Thu, Jun 13, 2024 at 9:01AM Miles Hogan <mhogan@cityofventura.ca.gov> wrote:

Hello, Peter.

As I previously informed you, staff supports the important activities performed by DVP which benefit the Downtown Ventura community. Any DVP contract-related activities should not be a problem and you can communicate that to your Executive Committee. Brick will reach out to Kevin Clerici to discuss your specific issues as well as any others which Kevin wants to discuss. In addition, please note that City staff is working on a set of written guidelines for necessary vehicular access to the properties within the Main Street Moves area which we anticipate being completed by the end of the month.

Best,

Miles P. Hogan

Interim City Attorney /

Senior Assistant City Attorney

City of San Buenaventura

501 Poli Street, Room 213

Ventura, California 93001

(805) 654-7818

(805) 641-0253 (fax)

mhogan@cityofventura.ca.gov

CONFIDENTIALITY NOTICE: This communication with its contents may contain

confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: G&P Attorneys <attorneys@gopro-law.com>
Sent: Thursday, June 13, 2024 8:30 AM
To: Miles Hogan <mhogan@cityofventura.ca.gov>
Cc: Bill Ayub <bayub@cityofventura.ca.gov>; Brad "Brick" Conners <bconners@cityofventura.ca.gov>; Joe Schroeder <jschroeder@cityofventura.ca.gov>
Subject: Re: -EXT- Re: Downtown Ventura Partners/City--5/21 Agenda Item 12

Dear Miles: I've not heard from you on the below. I just left you a v/m. I am getting ready to notice a DVP Executive Committee meeting and I have to delineate issues etc in the notice/agenda per Brown Act as you are aware so I am really truly out of time.

Please let me know the city status on the 5 scopes of activities by the DVP below.

thx

Peter

Peter A Goldenring

Pachowicz | Goldenring APLC

6050 Seahawk St.
Ventura, CA 93003
(805) 642-6702
Fax (805) 642-3145

On Wed, Jun 12, 2024 at 11:20 AM Miles Hogan <mhogan@cityofventura.ca.gov> wrote:

Hi, Peter.

We are meeting this afternoon and should be able to get back to you later today or tomorrow.

Best,

Miles P. Hogan

Interim City Attorney /

Senior Assistant City Attorney

City of San Buenaventura

501 Poli Street, Room 213

Ventura, California 93001

(805) 654-7818

(805) 641-0253 (fax)

mhogan@cityofventura.ca.gov

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: G&P Attorneys <attorneys@gopro-law.com>

Sent: Wednesday, June 12, 2024 11:17 AM

To: Miles Hogan <mhogan@cityofventura.ca.gov>

Cc: Bill Ayub <bayub@cityofventura.ca.gov>; Brad "Brick" Conners <bconners@cityofventura.ca.gov>; Joe Schroeder <jschroeder@cityofventura.ca.gov>

Subject: Re: -EXT- Re: Downtown Ventura Partners/City--5/21 Agenda Item 12

Dear Miles and all: Please see below. Miles represented that if Council passed the Resolution the city would be communicating to address the DVP concerns below. I've been trying to do that as President since the council meeting. This does need to happen promptly. I am available to talk or come over to the city to meet on behalf of DVP to get clarity on the city position for the 5 categories of scope described below so we are all on the same page going forward. I ask for a response today given how long this has been outstanding.

Very truly yours

Peter

Peter A Goldenring

Pachowicz | Goldenring APLC

6050 Seahawk St.
Ventura, CA 93003
(805) 642-6702
Fax (805) 642-3145

On Tue, May 21, 2024 at 2:22 PM Miles Hogan <mhogan@cityofventura.ca.gov> wrote:

Hello, Peter.

If City Council adopts Staff's recommendations at tonight's meeting, Staff will confer with DVP to discuss the below activities and address any concerns. It is not Staff's intent to prevent DVP from continuing its important activities that benefit the community.

We are not going to put a detailed response in writing given that there is pending litigation. I know you understand and appreciate this concern.

Sincerely,

Miles P. Hogan

Interim City Attorney /

Senior Assistant City Attorney

City of San Buenaventura

501 Poli Street, Room 213

Ventura, California 93001

(805) 654-7818

(805) 641-0253 (fax)

mhogan@cityofventura.ca.gov

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: G&P Attorneys <attorneys@gopro-law.com>
Sent: Tuesday, May 21, 2024 12:03 PM
To: Miles Hogan <mhogan@cityofventura.ca.gov>
Cc: Bill Ayub <bayub@cityofventura.ca.gov>
Subject: Re: -EXT- Re: Downtown Ventura Partners/City--5/21 Agenda Item 12

thx so much. it would certainly help if i could get the requested email from Bill as CM so I could provide that to Kevin going forward. Then you or he can handle with council hopefully as requested to clarify this.

thx

P

Peter A Goldenring

Pachowicz | Goldenring APLC

6050 Seahawk St.
Ventura, CA 93003
(805) 642-6702
Fax (805) 642-3145

On Tue, May 21, 2024 at 8:52 AM Miles Hogan <mhogan@cityofventura.ca.gov> wrote:

Hello, Peter.

We are reviewing this issue and will get back to you before City Council Meeting or will address it in the meeting.

Best,

Miles P. Hogan

Interim City Attorney /

Senior Assistant City Attorney

City of San Buenaventura

501 Poli Street, Room 213

Ventura, California 93001

(805) 654-7818

(805) 641-0253 (fax)

mhogan@cityofventura.ca.gov

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: G&P Attorneys <attorneys@gopro-law.com>

Sent: Tuesday, May 21, 2024 11:49 AM

To: Bill Ayub <bayub@cityofventura.ca.gov>

Cc: Miles Hogan <mhogan@cityofventura.ca.gov>

Subject: -EXT- Re: Downtown Ventura Partners/City--5/21 Agenda Item 12

Gentlemen: I've not heard back on the below. This is on behalf of DVP and in my status as President. It is critical that any Resolution and/or decision as proposed by staff, assuming Council follows the staff recommendation, be clarified to make sure that the below necessary and critical services by DVP not be in violation and be allowed to

continue. While I can be seen perhaps as being "too overly lawyerly" in my concerns, having read the Vehicle Code being used which on its face prohibits **all** vehicles upon abandonment, if adopted without clarification for DVP below it could place everyone at risk and would certainly create legal confusion. I very much hope we can accomplish this clarification as described below. I have not disseminated the below email to the council but will instead be relying on the two of you to ensure that these issues are fairly raised and resolved hopefully in the manner requested.

I remain available to discuss these with either of you on my cell.

Thx

Peter

Peter A Goldenring

Pachowicz | Goldenring APLC

6050 Seahawk St.
Ventura, CA 93003
(805) 642-6702
Fax (805) 642-3145

On Mon, May 20, 2024 at 9:29 AM G&P Attorneys <attorneys@gopro-law.com> wrote:

Dear Bill and Miles: Please accept this email correspondence on behalf of the Downtown Ventura Partners. It is being sent in my capacity as President to you due to the shortness of time on the issues.

As you know DVP pursuant to its governing documents is obligated as a PBID to perform its duties which primarily involve the "clean and safe" program. This includes the ambassador/red shirts patrol as well as trash and garbage clean ups, power washing and many related and very necessary services. In addition the DVP is, pursuant to its governing documents, obligated to help and facilitate the economics of businesses/property owners.

Under the City Contracts including Exhibit A thereto the description of DVP's obligations include:

"As Service Provider the DVP will be responsible for all day to day activities related to maintenance of the Downtown Area in a clean, safe, and attractive manner on 7 days (sic) a week basis as described.... All areas within the Downtown are to be kept clean, sanitary, and free from all accumulation of debris, litter, filth, rubbish, garbage,, rodents and vermin and to maintain a clean environment and prevent hazards that may affect public health and safety"

The "Area of Maintenance" is defined in the City Contract and specifically includes what is commonly referred to as the closed Main Street Moves area of the downtown. This is all consistent with DVP's governing documents.

The Resolution for the above item contains language that would on its face prohibit any vehicular access or activity by DVP in the closed area. Section 2 of the Resolution is on its face absolute in its language of "no vehicles". Further the Resolution in its preamble section also appears to be absolute in its language. But neither are accurate as to DVP.

I have consulted with Kevin Clerici the Executive Officer of DVP and he has, in review with his staff confirmed the following DVP activities have been taking place under the current Permit, and would need to continue to take place going forward if DVP is to perform its obligations under its governing documents and its contract(s) with the city. These activities described below occur generally on a daily basis though some are, as you can see, less often though relatively frequent:

1. DVP Pickups access the closed streets. These pickups are used for, among other things, transporting equipment, towing the power washer, transporting personnel, picking up and transporting garbage and trash, and for moving items/materials in and out for various events and activities.
2. DVP Motorized electric carts access the closed streets. These carts are used for transporting personnel, removing trash and garbage, transporting equipment and materials, and patrolling for the "clean and safe" program.
3. DVP uses E-bikes on the closed streets. These are used by DVP Ambassadors and other DVP personnel for patrolling and implementing the "clean and safe" program.
4. DVP facilitates access by business owners' and property owners' vehicles on request. These are for transportation of equipment in and out, transportation of

goods and materials, repairs, construction and any other reasonable request by a business or property owner for vehicular access to their property.

5. DVP facilitates access by businesses and vendors to businesses allowing vehicles of all sorts to access for delivery of goods for the businesses operations.

Up to this point the issue has not arisen as the permit was with DVO and the permit did not express any preclusion of these activities. Neither did DVO indicate they were a problem. But under the Resolution this now would be governed by the City, the VPD and Code Compliance more directly, and the language of the Resolution on its face seems to preclude these continuing and important activities. It is very important that this be clarified. We would not want any misunderstandings. Thus on behalf of DVP I ask for the following to occur:

A. That Bill please send me an email as City Manager preferably prior to the Council meeting confirming that on behalf of the City these ongoing activities by DVP would NOT be in violation of the Resolution and that DVP would be able to continue to perform these important functions; and

B. That one or both of you raise this with Council at the meeting and obtain either an amendment to the Resolution specifying that the "no traffic" absolute language does NOT apply to DVP, or alternatively, adding an exception for DVP's activities.

I am available to further discuss and I hope that we can get this accomplished. DVP and the City have been and need to continue to be close working partners for the benefit of the community. I fear, perhaps too much as a lawyer, that if we don't get clarification someone could raise this issue and it could create conflicts and issues down the road, so best to clarify and resolve the matter at the front end.

Thank you for your anticipated assistance in getting this all clarified and confirmed.

Peter

President of DVP

Peter A Goldenring

Pachowicz | Goldenring APLC

6050 Seahawk St.
Ventura, CA 93003
(805) 642-6702
Fax (805) 642-3145

**CAUTION: This email originated from outside the City of Ventura.
Exercise caution when opening attachments or clicking links,
especially from unknown senders.**

>> Please verify all links and attachments before opening them!

<<