



City of Port Hueneme

City Council Regular Meeting Minutes

October 18, 2021

Port Hueneme City Hall: 250 North Ventura Road
Port Hueneme, CA 93041

6:00 p.m. Closed Session | 6:30 p.m. Regular Meeting (Virtual Meeting)

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54953, SUBDIVISION (e) AND THE RECOMMENDATION OF THE VENTURA COUNTY PUBLIC HEALTH OFFICER ISSUED SEPTEMBER 21, 2021 (SOCIAL DISTANCING RECOMMENDATION) AS DETERMINED BY THE CITY COUNCIL ON OCTOBER 4, 2021

In order to minimize the spread of the COVID-19 virus, the City Hall Council Chamber will be closed to the public until further notice. The following provides information to the public on how to observe and/or participate in City meetings remotely:

- **Meeting Zoom Link for Live Public Participation and Real Time Public Comments:**
<https://us02web.zoom.us/j/82041419267?pwd=cUZHZ2E4VG9SZUloWnh5cGF5dHY4QT09>
Dial by your location: Meeting ID: 820 4141 9267 / Passcode: 405331
+669 900 6833 US (San Jose) +346 248 7799 US (Houston) +253 215 8782 US (Tacoma)
+312 626 6799 US (Chicago) +929 205 6099 US (New York) +301 715 8592 US (Washington DC)
- Meetings can also be viewed at: <http://porthuenemeca.suiteonemedia.com/web/Home.aspx>
- *In-person (virtual) public comments may be made during the opportunities for General Public Comment during the 10-minute allotment in accordance with Government Code section 54953, subdivision (e)((2))(G)(iii). Submission of public comment may be accomplished through the raised hand function or identification to the City Clerk if made by telephone.*
- *Public comments pertaining to specific agenda items may be made in the same manner as during General Public Comment after the agenda item is announced and Staff has presented on the item. The City Council will allocate a reasonable amount of time for said comments pursuant to Government Code section 54953, subdivision (e)(2)(G)(ii).*
- *Written comments are requested to be received by 5pm and can be submitted to the City Clerk at: kbuxkemper@ci.port-hueneme.ca.us.*
- *All Public Comments will be part of the official record and minutes will notate all submissions.*
- *Additional electronic meeting guidelines can be found [here](#) and at the end of the agenda*
- *Detailed information and updates about COVID-19, can be found on the City of Port Hueneme's Emergency Website at: www.PortHuenemeEmergency.org*

6:00 P.M. – CITY COUNCIL CLOSED SESSION AGENDA

CALL TO ORDER Mayor Gama called the closed session meeting to order at 6:04 p.m.

ROLL CALL

Present: Council Members Hernandez, Martinez, Perez; Mayor Pro Tem Rollins (arrived at 6:07p.m.); and Mayor Gama

Absent: None

GENERAL PUBLIC COMMENT There were no closed session public comments.

CLOSED SESSION ITEM

City Attorney Kevin Spaulding read the closed session item into the record.

1. CONFERENCE WITH PROPERTY NEGOTIATORS

Authority: Government Code section 54956.8

PROPERTIES: The vacant property on the west side of Market Street, between Scott Street and Port Hueneme Road, Port Hueneme, CA (APN 206-0-091-285, -305).

AGENCY NEGOTIATORS: Brad Conners, City Manager; Kevin Spaulding, City Attorney; Steve Kinney, Consultant Kharis Navigating

NEGOTIATING PARTIES: City of Port Hueneme and Oxnard Harbor District

UNDER NEGOTIATION: Negotiate price and terms of payment

Mayor Gama asked if Council Members had any conflict-of-interest disclosures with the above listed item.

Councilmember Martinez declared a conflict of interest due to his property being located within 1000 feet of the stated property. Councilmember Martinez recused himself from the virtual dais and left the room, being placed in a waiting room for the duration of the closed session agenda.

Mayor Pro Tem Rollins joined the closed session meeting at 6:07p.m., after the roll call but prior to the Mayor recessing to closed session.

RECESS TO CLOSED SESSION Mayor Gama recessed to the closed session meeting at 6:07 p.m.

6:30 P.M. CITY COUNCIL REGULAR MEETING AGENDA

CALL TO ORDER / FLAG SALUTE Mayor Gama called the meeting to order at 6:49 p.m. and led the flag salute.

ROLL CALL

Present: Council Members Hernandez, Martinez, Perez; Mayor Pro Tem Rollins; and Mayor Gama
Absent: None

CLOSED SESSION REPORT

City Attorney Kevin Spaulding provided the closed session report, indicating there was no reportable action.

INSPIRATION Mayor Pro Tem Rollins provided the inspiration.

AGENDA APPROVAL FOR CITY COUNCIL

City Council Agenda Approval

A motion was made by Mayor Pro Tem Rollins, seconded by Councilmember Hernandez and passed unanimously to approve the City Council Agenda of October 18, 2021.

GENERAL PUBLIC COMMENT

Public Comments were submitted by the following:

- Francisco Magana (pertaining to item #7)
- Jacob Marquez

PRESENTATIONS

1. Great Shake Out Presentation
Public Works Director Don Villafana presented to the Council regarding the Great Shake Out and the importance of being prepared for earthquakes.
2. Emergency Well Rehabilitation
Public Works Director Don Villafana and consultants presented to the Council regarding Emergency Well Rehabilitation, including information regarding: municipal water supply wells, well locations and city infill relocation difficulties, and construction costs and schedule, and answered questions from the Council.

CONSENT CALENDAR AGENDA

The Mayor read the titles of the items on the Consent Calendar prior to the motion.

3. Approved Minutes of the City Council for the Regular Meeting of October 4, 2021
4. Received and Filed the Finance Cash Disbursements from September 27, 2021 through October 12, 2021

5. [Approved and Authorized the Award of a Contract to J&H Engineering General Contractors, Inc. to Resurface Surfside Drive from Market Street to Ventura Road](#)
6. [Approved and Authorized Out of State Travel for Property and Evidence Supervisor Frank Montelongo to Attend the Axon Conference in Phoenix, Arizona from November 1-3, 2021](#)

Mayor Gama recused himself from consent calendar agenda item #5 stating a material conflict of interest and recused himself and abstained from voting on that item.

Councilmember Martinez declared a conflict of interest pertaining to item #5 due to his residence being located within 1000 feet of the said location and recused himself and abstained from voting on that item.

Two separate roll call votes were conducted for the consent calendar agenda.

ROLL CALL VOTE #1

It was moved by Councilmember Hernandez, seconded by Councilmember Martinez and passed unanimously by voice vote to approve the Consent Calendar Agenda items #3, 4, and 6.

AYES: Hernandez, Gama, Martinez, Perez, Rollins

ROLL CALL VOTE #2

It was moved by Councilmember Hernandez, seconded by Councilmember Perez and passed by majority vote (Mayor Gama and Councilmember Martinez abstained) to approve the Consent Calendar Agenda item #5.

AYES: Hernandez, Perez, Rollins

ABSTAIN: Martinez, Gama

Following the vote, Mayor Pro Tem Rollins questioned the City Attorney as to whether he needed to recuse himself from the vote for item #5 as well. After a brief review, Mayor Pro Tem Rollins determined his residence was further than 1000 feet and the vote held for item #5.

PUBLIC HEARINGS

7. [Planned Development Permit No. PHPD-853, A Request to Convert a Portion of an Existing Motel \("Surfside Motel"\) into 41 Apartment Units and Maintain Two of the Existing Motel Buildings as Motel Uses – Located at 615 E. Port Hueneme Road](#)

The Public Hearing was opened at 7:39 p.m.

Mayor Gama declared a conflict of interest, out of abundant caution, due to his residence being located within 1000 feet of said property.

City Attorney Spaulding clarified potential conflicts of interest for Councilmembers. Mayor Gama reaffirmed his conflict and was removed from the virtual dais and placed in a waiting room for the duration of the public hearing.

City Clerk Buxkemper affirmed Proof of Publication and a complete set of reports and exhibits were on file in the Office of the City Clerk.

Community Development Director Tony Stewart provided the report to Council regarding each dispensary and their level of compliance. Stewart answered questions from the Council.

Public Comments were submitted by the following:

- David Scrivner
- Mark Sanchez

Council discussion ensued among members regarding the proposed planned development project.

Applicant's attorney Paul Burns provided additional comments and expressed concerns regarding the conditions required for this project and asked for consideration that the time requirement be amended to two and a half years.

Applicant Architect Bryan Murphy and Frank Thompson spoke regarding the parking allocations and addressed concerns regarding motel and apartment parking spaces.

City Attorney Spaulding provided clarity regarding the language of the proposed conditions and compliance with the Government Code Section referenced by the applicant's attorney.

Applicant proposed amending guest parking to be changed to assigned parking, and requested again a revision to the time requirements.

Councilmember Hernandez proposed approval of the project with the caveat that the city will look into providing an additional time line or extension.

Director Tony Stewart confirmed that Council had the authority to modify Condition #6 to be two and a half years, as requested by the applicant. City Attorney Spaulding recommended amending the time requirement for Condition #6 to two and a half years.

The public hearing was closed at 8:58p.m.

ROLL CALL VOTE

It was moved by Councilmember Martinez, seconded by Councilmember Perez and passed by majority vote (4-1 with Mayor Gama abstaining) to adopt Resolution No. 4386 approving Planned Development Permit No. PHPD-853 and an Affordable Housing Agreement (Surfside Motel and Apartments); with the amendment to modify condition #6 to reflect a modification of the time requirement to two and a half years.

AYES: Martinez, Perez, Hernandez, Rollins

ABSTAIN: Gama

8. [Adopt a Resolution Granting Special Use Permit No. 22-21 for the Dar-Vida Cannabis Cultural and Sales Event](#)

The Public Hearing was opened at 9:03 p.m. There were no disclosures by Council.

City Clerk Buxkemper affirmed Proof of Publication and a complete set of reports and exhibits were on file in the Office of the City Clerk.

Mayor Gama asked the Councilmembers if there were any conflicts of interest to disclose. No conflicts were disclosed by Council.

Community Development Director Tony Stewart provided the report to Council regarding each dispensary and their level of compliance. Stewart answered questions from the Council.

Council discussion ensued regarding on site consumption and concerns. Applicant Dan Perez spoke regarding his event to address Council concerns.

City Attorney Spaulding addressed questions by the Council.

No public comments were received.

The public hearing was closed at 9:37 p.m.

ROLL CALL VOTE

It was moved by Councilmember Hernandez, seconded by Councilmember Martinez and passed by majority vote 3-2 (Councilmember Perez and Mayor Gama dissenting) to:

1. Adopt Resolution No. 4387 of the City Council of the City of Port Hueneme deeming a temporary event exempt from the California Environmental Quality Act and conditionally approving Special Use Permit No. 22-21 (Dar-Vida Cannabis Cultural and Sales Event) – Located at 550 E. Surfside Drive; and
2. Authorize the Director of Community Development to file a Notice of Exemption for the project in accordance with provisions of the California Environmental Quality Act (“CEQA”).

AYES: Hernandez, Martinez, Rollins

NOES: Gama, Perez

BUSINESS ITEMS

9. [Resolution Authorizing the City Manager, or his Designee, to Execute a 25-Year General Lease with the California State Lands Commission for Submerged Public Lands Beneath Port Hueneme Pier](#)

City Attorney Kevin Spaulding presented the report to City Council regarding a 25-year General Lease with the California State Lands Commission regarding the Port Hueneme Pier and answered questions.

ROLL CALL VOTE

It was moved by Councilmember Hernandez, seconded by Councilmember Perez and passed unanimously to adopt Resolution No. 4388 of the City Council of the City of Port Hueneme, California, authorizing the City Manager to execute a 25-year lease between the City and the California State Lands Commission for the Land over which the Port Hueneme Pier is situated and to execute a Lease Maintenance Agreement for consideration of same.

AYES: Hernandez, Perez, Martinez, Rollins, Gama

CITY MANAGER COMMENTS AND REPORTS

City Manager Conners provided comments and reports regarding the following topics:

- CJPIA award to the City of Port Hueneme for extraordinary best in performance for general liability claims award in risk management
- Bubbling Springs update including ongoing mitigation of reeds and trash
- Public health official renewed indoor mask mandate

COUNCIL MEMBERS' REPORTS AND COMMENTS

Mayor Gama provided comments and reports regarding the following topics:

- Lack of signage off freeway directing visitors to the beach
- Importance of taking care of the environment
- Honored those who have been impacted by Breast Cancer
- Unfunded liability, 115 Trust, surplus funds, and a stabilization plan
- Sand Deficiency and BEACON's letter to Julia Brownley's Office regarding Sand Deficiency at Port Hueneme Beach

Mayor Pro Tem Rollins provided comments and reports regarding the following topics:

- Lack of signage directing visitors to the beach
- Ventura County Air Pollution meeting
- Recommendation for staff to look into grants for electric blowers

Councilmember Hernandez provided comments and reports regarding the following topics:

- Attended RDP Planning Meeting regarding beach replenishment program and next dredging cycle
- Update on advisory panel discussion regarding public safety and power shut offs and the efforts to give advanced warnings
- Ventura Regional Sanitation District's SWAT analysis and review of goals and objectives
- Attended summit for water sustainability and upcoming workshop annual symposium
- Government Affairs Committee reviewing list of projects, will provide additional updates
- Attended movie night at Bolker Park to meet with residents who expressed concerns regarding parking
- Working with City Manager regarding speed bump issues
- Acknowledged City Clerk Kristy Buxkemper for earning her Certified Municipal Clerks (CMC) designation

Councilmember Martinez provided comments and reports regarding the following topics:

- Update on City of Oxnard cleaning up the Halaco site and indicated his desire for better communication with Oxnard regarding projects that affect Port Hueneme
- Requested an update on the Volunteer Program
- Commented on the City's volleyball courts being installed soon
- Questioned when staff might provide a report on the speed bump issues

Councilmember Perez provided comments and reports regarding the following topics:

- Indicated an upcoming EDC meeting
- Congratulated City Clerk Kristy Buxkemper for her CMC designation

REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Hernandez: Requested feasible options to establish time limits for City Council meetings and ways to streamline and have more efficient meetings.

ROLL CALL VOTE: A motion was made by Councilmember Hernandez, seconded by Councilmember Perez and passed by majority vote (4-1 with Mayor Gama dissenting) to add the item to a future Council agenda.

ADJOURNMENT

The City Council adjourned at 10:09 p.m. to the regular meeting of Monday, November 1, 2021, at 6:30 p.m.

Minutes approved by City Council: November 15, 2021



Steven A. Gama, Mayor



Kristy Buxkemper, City Clerk