



City of Port Hueneme

City Council Regular Meeting Minutes

December 5, 2022

Port Hueneme City Hall

250 North Ventura Road, Port Hueneme, CA 93041

Teleconference Location: Redmond Inn 1545 South Highway 97, Redmond, Oregon 97756

5:30 p.m. Closed Session | 6:30 p.m. (In-Person and Virtually)

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/86430825098?pwd=QkVCNENKTStqZWttNGs5T2JTOGhXdz09>
Dial by your location: Meeting ID: 864 3082 5098 / Passcode: 591723
+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 and virtual public comments may be made during the opportunities for General Public Comment. Submission of public comment may be accomplished through the raised hand function or identification to the City Clerk if made by telephone. Live comments should be no more than 3 minutes in length.
- 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 the item.
- Written comments should be no more than 500 words, are requested to be received by 5:00 pm, and can be submitted to the City Clerk at: clerk@ci.port-hueneme.ca.us. Please enter "City Council Public Comment" in the Subject line and agenda item number if applicable.
- All public comments will be part of the official record and minutes will notate all submissions.
- Additional electronic meeting guidelines can be found 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

5:30 P.M. – CITY COUNCIL CLOSED SESSION AGENDA

CALL TO ORDER

Mayor Rollins called the closed session meeting to order at 5:30 p.m.

ROLL CALL

Present: Councilmembers Gama, Hernandez (via Zoom/teleconference), Perez; Mayor Pro Tem Martinez; and Mayor Rollins

Absent: None

GENERAL PUBLIC COMMENT

Closed session public comments were provided by the following:

- Martha McQueen-Legohn
- Tamah Figg

CLOSED SESSION ITEMS

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

A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Authority: Government Code section 54957, subdivision (b)(1)

Title: City Manager

B. PUBLIC EMPLOYEE APPOINTMENT

Authority: Government Code Sections 54957 and 54954.5(e)
Title: City Manager (Interim)

There were no conflicts of interest disclosed.

RECESS TO CLOSED SESSION

Mayor Rollins recessed to the closed session meeting at 5:38 p.m.

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

CALL TO ORDER / FLAG SALUTE

Mayor Rollins called the meeting to order at 6:49 p.m. and led the flag salute.

ROLL CALL

Present: Councilmembers Gama, Hernandez (via Zoom/teleconference), Perez; Mayor Pro Tem Martinez; and Mayor Rollins

Absent: None

INSPIRATION Councilmember Hernandez provided the inspiration.

CLOSED SESSION REPORT

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

GENERAL PUBLIC COMMENT

Mayor Rollins called a point of protocol and excused himself from the dais at 6:52 p.m. to call in City Manager Brick Conners. Mayor Rollins returned to the dais at 6:52 p.m.

Public Comments were provided by the following:

- Joan Tharp
- Jacob Marquez Pantoja
- Ricardo Holden

AGENDA APPROVAL FOR CITY COUNCIL

City Council Agenda Approval

A motion was made by Councilmember Perez, seconded by Councilmember Gama, and passed unanimously to approve the City Council Agenda of December 5, 2022.

PRESENTATIONS

1. *Certificates of Recognition in Honor of Police Explorers*
Officer Henry Montelongo Explorer Advisor presented the Police Explorers with certificates of recognition, in recognition of their volunteer services with the Thanksgiving Turkey Giveaway.
2. *City Employee Recognition*
Department directors presented City employees with years of service recognition.
3. *Community Engagement Plan*
Public Information Officer Scott Matalon shared efforts made to engage the community and goals to improve community engagement; and answered questions from Council.

4. *Community Forum Regarding Chief of Police Recruitment*
Bob Murray & Associates Senior Vice President and Executive Recruiter Joel Bryden provided an update on the Chief of Police Recruitment process and was available to take input from Council and the community regarding the recruitment process. City Manager Brick Conners and Mr. Bryden answered questions from Council.

Tamah Figg provided public comment.

CONSENT CALENDAR

Councilmember Gama requested to pull Consent Calendar Item No. 9 for discussion.

A motion was made by Councilmember Perez, seconded by Councilmember Gama, to pull Consent Calendar Item No. 9, and approve Consent Calendar Item Nos. 5 – 8 as presented.

Motion passed 5-0 as follows:

AYES: Perez, Gama, Hernandez, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

City Council:

5. [Minutes](#)

Approved the November 21, 2022, City Council Regular Meeting Minutes.

6. [Register of Disbursements](#)

Received and filed the City's register of disbursements for the period of November 16, 2022 through November 28, 2022.

7. [Second Reading, by Title Only, Waiving Full Reading, and Adoption of Ordinance Approving Development Agreement No. PHDA-863 Major Modification #1, Freedom 1st Association Inc, Cannabis Consumption Lounge, Located at 233 East Channel Islands Boulevard](#)

Read, by title only, waived a full reading of the Ordinance, and adopted Ordinance No.790, entitled, "An Ordinance of the City Council of the City of Port Hueneme, California, approving and adopting a development agreement under Government Code Sections 65864 to 65869.5 and Ordinance No. 784 of the Port Hueneme Municipal Code Relating to the Operation of a Cannabis Facility [Freedom 1st Association, Inc] - (Development Agreement No. PHDA-863, Major Modification #1).

8. [2023 City Council Meeting Schedule](#)

Approved the proposed 2023 City Council Meeting Schedule.

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

9. [Award of Contract for City-Wide Surveillance Camera Project to Vector USA](#)

Recommendation: Award a contract to Vector USA for the Citywide Surveillance Camera Project ("Project") and approve the appropriation of \$85,000 from the General Fund. This allocation is necessary due to the funds being previously allocated only accounted for equipment and installation of the cameras and not an additional service agreement to

keep the equipment up and running for the length of 5 years. This project will commence upon Council approval and is expected to be completed by mid 2023. The amount of the contract is not to exceed \$335,000.

Emergency Preparedness and Communications Manager Scott Matalon presented the report and answered questions from Council.

A motion was made by Mayor Pro Tem Martinez, seconded by Councilmember Perez, to approve Consent Calendar Item No. 9 as presented.

Motion passed 4-1 by Roll Call Vote as follows:

AYES: Martinez, Perez, Hernandez, Rollins

NOES: Gama; ABSENT: None; ABSTAIN: None

PUBLIC HEARINGS

10. Annual Development Agreement Compliance Review

Recommendation:

1. Adopt Resolutions determining that the following cannabis dispensaries are in complete compliance with their respective Development Agreements: Emerald Perspective; Harbor Management Group, LLC; and Port Retail, LLC; and
2. Adopt a Resolution determining that the following cannabis dispensary is in substantial compliance with their Development Agreement: Westside Management Group, LLC; and
3. Adopt Resolutions determining that the following cannabis dispensaries are out of compliance with their respective Development Agreements: Caseo Verde, LLC; DBO Investments PH, LLC; and Hueneme Patient Consumer; and
4. Make a determination the project is exempt under CEQA; and
5. Take such additional, related, action that may be desirable, including determining which course of action to take regarding the three businesses who are out of compliance with their respective Development Agreements, per the options noted in the staff report dated December 5, 2022.

Mayor Rollins asked if there were any conflicts to disclose. No conflicts of interest were disclosed at this time.

City Clerk Georgianna Alvarez 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 presented the report.

Discussion included, but was not limited to the following:

Mayor Rollins inquired of City Attorney Kevin Spaulding whether or not he would need to recuse himself having accepted a campaign donation from one of the cannabis dispensaries. City Attorney Spaulding indicated he would need more information and time to research; however, he did inform the council of new FPPC regulations coming in 2023 and advised that he would brief Council on those new regulations before they go into effect. City Attorney Spaulding advised that if any Councilmember took any money from any of the people in these businesses to declare their conflict, recuse themselves, and not move forward because there are potential FPPC violations and in the event there are any issues. City Attorney Spaulding added, for clarification, as it pertains to the Political Reform Act reliance on advice of Counsel is no defense when it comes to the FPPC and the only immunity that can be gained is through an FPPC determination letter. Mayor

Rollins stated he would recuse himself from any decision making on this item. City Attorney Spaulding clarified, if money was received in the preceding 12 months, Council should probably recuse themselves, and state the conflict, the amount, and from whom it was received.

Councilmember Hernandez declared a conflict of interest having received a \$1,000 donation for her campaign from From the Earth. Councilmember Hernandez stated her concern regarding members of Council having business associations with the named cannabis dispensaries. City Attorney Spaulding indicated the City would need to find legally required participation and reach out to the FPPC for determining which Councilmembers would be allowed to violate the Political Reform Act in this instance. City Attorney Spaulding suggested the matter be continued until such time that he can review each of the Councilmembers various financial interests that will be incumbent upon every member of the Council to disclose whatever monies they have received from these organizations.

Councilmember Gama also declared a conflict of interest having received a campaign donation from From the Earth and indicated that is not to say he has business associations as previously alleged.

Community Development Director Tony Stewart indicated this is the first of several reviews which needs to be done on an annual basis so the bigger picture needs to be looked at to see how our City Council will be able to take action not only this year but in future years. Mr. Stewart reiterated that the development agreement reviews are required by law and the City Council would need to take action at some point.

City Attorney Spaulding indicated that SB 1439 is the Senate bill that amends the Political Reform Act and that in the future it might be worthwhile to refuse campaign contributions from regulated industries. City Attorney Spaulding clarified that a regulated industry is an industry that Council has the authority to regulate in a public hearing.

In response to Council, City Attorney Spaulding indicated this would need to be continued to a date certain.

Councilmember Gama inquired how the Council can legally vote on this if they have to recuse themselves.

City Attorney Spaulding indicated that this is not a motion that effects any property interest and is simply procedural and doesn't believe there should be an issue especially when the purpose of moving this is to determine potential ethical violations and leaves everyone in status quo.

A motion was made by Mayor Rollins, seconded by Councilmember Hernandez, to continue the public hearing to the February 6, 2023, regular City Council meeting.

Motion passed 4-0-0-1 by Roll Call Vote as follows:

AYES: Rollins, Hernandez, Perez, Martinez

NOES: None; ABSENT: None; ABSTAIN: Gama

Councilmember Hernandez excused herself and left the meeting at 8:55 p.m. due to technical difficulties.

BUSINESS ITEMS

11. Selection of Large-Scale Community Events Pursuant to Services Agreement with REACH (Recreation, Education, Arts and Culture in Hueneme)

Recommendation:

1. Direct REACH to proceed with the planning and execution of Port Hueneme's 75th Anniversary Celebration and July 4th Fireworks Event
2. Appropriate \$65,000 from the Unassigned General Fund balance for expenses associated with the City's 75th Anniversary Celebration
3. Direct REACH to continue planning efforts associated with Arts, Music and Food Festival, Regional Running Race and Chumash Pow Wow events

Deputy City Manager Charles Peretz provided an overview of the report. REACH President Steve Kinney provided a brief overview of the REACH organization. REACH Executive Director Maya Zumaya presented the report.

Questions followed. Councilmember Hernandez rejoined the meeting via Zoom at 9:11 p.m.

Public comments were provided by the following:

- Joan Tharp
- Alecia Smith

Discussion followed.

A motion was made by Councilmember Gama, seconded by Mayor Pro Tem Martinez, to approve the 75th Anniversary celebration and the Hueneme Chumash Intertribal Pow Wow as a trial.

Motion passed 5-0 as follows:

AYES: Gama, Martinez, Hernandez, Perez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

A motion was made by Councilmember Gama to table the rest of the events. Discussion followed. There was no confirmed second.

A motion was made by Mayor Pro Tem Martinez, seconded by Councilmember Perez, to direct staff to bring back more information regarding the 10k race. Discussion followed including Council expressing their desire to have the focus on the two approved events and to conduct more research regarding other events.

Upon a request for clarification, from City Clerk Georgianna Alvarez, Mayor Pro Tem Martinez confirmed the motion was to direct staff to bring back more information regarding the 10k race and environmentally safe fireworks for the 4th of July celebration.

Motion passed 5-0 as follows:

AYES: Martinez, Perez, Gama, Hernandez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

CITY MANAGER COMMENTS AND REPORTS

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

- Tree Lighting Ceremony recap and thanked all participants involved
- Cops for Tots recap
- Upcoming Senior Luncheon event

- Santa Float schedule
- Last movie night – The Grinch

COUNCILMEMBERS' REPORTS AND COMMENTS

Council provided comments and reports regarding the following topics:

Councilmember Hernandez:

- Would like the City Manager's report to include an update on the status of items requested by Council to be added to a future agenda

Councilmember Perez:

- Corrected the record to an error she made earlier when indicating there is not adequate storage for body cams, stating that the Port Hueneme Police Department does have sufficient storage for body camera footage and the issue is the antiquated cameras at Moranda Park

Councilmember Gama:

- Attended the Animals Services Commission meeting
- Attended Tree Lighting Ceremony
- Shout out to Jacob Marquez for staying in contact and following up on the reeds removal project at Bubbling Springs Creek and thanked staff for a great job on the project
- Attended sentencing of Gregory Brewer and commented on mental health reform

Mayor Pro Tem Martinez:

- Reaffirmed interest to establish Sister City
- Attended 13th Annual Thanksgiving Meal
- REACH looking for more funding

Mayor Rollins:

- Attended Ventura County Transportation Commission

REQUEST FOR FUTURE AGENDA ITEMS

Mayor Pro Tem Martinez:

1. Requested a status update on the item to Change pier hours. Police Chief Salinas confirmed the item would be brought to Council at the next meeting.

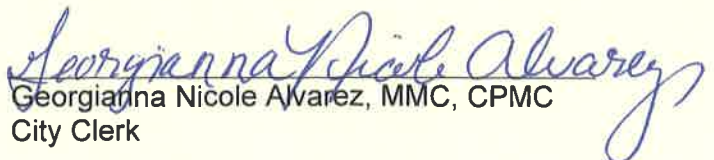
Councilmember Hernandez:

1. Reported on the State of the County presentation by Dr. Sevet Johnson and Chair of the Board, Supervisor Matt LaVere
2. Reported on the SCAG Economic Summit
3. Commented on the Carmen Ramirez Family Justice Center

ADJOURNMENT

The City Council adjourned at 9:56 p.m. to its next regular meeting scheduled for Monday, December 19, 2022, at 6:30 p.m.

Respectfully Submitted:


Georgianna Nicole Alvarez, MMC, CPMC
City Clerk

Approved this 6th day of February 2023:

A handwritten signature in blue ink that reads "Roberto Bobby Martinez". The signature is written in a cursive style with a horizontal line underneath it.

Roberto "Bobby" Martinez, Mayor