



City of Port Hueneme

City Council Regular Meeting Minutes

February 6, 2023

**Port Hueneme City Hall
250 North Ventura Road, Port Hueneme, CA 93041
(In-Person and Virtually via Zoom)**

5:00 PM Closed Session | 6:30 PM

The following information was provided 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/83917511301?pwd=SFgrZHZDVfJ1eW9WTUR4MXF6OHBBZz09>
Dial by your location: Meeting ID: 839 1751 1301 / Passcode: 222671
+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>
- *Public comments may be submitted in person, virtually via Zoom, or written. In-person and virtual comments should be no longer than 3 minutes.*
In-Person: Complete a speaker request form located at the entrance of the Council Chamber and give it to the City Clerk. Your name will be called when it is your turn to speak.
Virtually via Zoom: Access the meeting Zoom link to provide real-time (virtual) comments at appropriate public comment times throughout the meeting by using the raise hand feature.
Written: All written public comments should be no more than 500 words and are subject to the Public Records Request Act. Written comments should be submitted to the City Clerk by 5:00 p.m. on the day of the City Council meeting by email or directly to the City Clerk's Office. Email clerk@cityofporthueneme.org and enter "City Council Public Comment" in the Subject line (and agenda item number if applicable). Mail or drop off written comments to the City Clerk's Office located at 250 N. Ventura Road, Port Hueneme, CA 93041. Please clearly mark envelope with "Public Comment and meeting date".
- *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*

5:00 PM – CITY COUNCIL CLOSED SESSION AGENDA

CALL TO ORDER

Mayor Martinez called the closed session meeting to order at 5:00 p.m.

ROLL CALL

Present: Councilmembers Steven A. Gama, Laura D. Hernandez, Martha R. McQueen-Legohn;
Mayor Pro Tem Misty Perez; Mayor Roberto "Bobby" Martinez
Absent: None

PUBLIC COMMENT – None.

CLOSED SESSION ITEMS

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code § 54956.8

PROPERTY: 140 Pleasant Valley Road

NEGOTIATING PARTIES: City of Port Hueneme and Larramendy Family Trust

UNDER NEGOTIATION: Price and Terms of Payment

B. CONFERENCE WITH LABOR NEGOTIATORS

Authority: Government Code § 54957.6

AGENCY DESIGNATED REPRESENTATIVES: Brad Conners, City Manager; Charles Peretz, Deputy City Manager; Kevin Spaulding, City Attorney; and Steven M. Berliner, Special Counsel

EMPLOYEE ASSOCIATION: SEIU Service Employees International Union, Local 721

C. PUBLIC EMPLOYEE APPOINTMENT

Authority: Government Code Section 54957 and 54954.(e)

Title: City Manager (Interim)

CONFLICT OF INTEREST DECLARATION

There were no conflicts of interest disclosed.

RECESS TO CLOSED SESSION

Mayor Martinez recessed to the closed session meeting at 5:02 p.m.

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

CALL TO ORDER / FLAG SALUTE

Mayor Martinez called the meeting to order at 6:00 p.m. and led the flag salute.

ROLL CALL

Present: Councilmembers Steven A. Gama, Laura D. Hernandez, Martha R. McQueen-Legohn; Mayor Pro Tem Misty Perez; Mayor Roberto "Bobby" Martinez

Absent: None

INSPIRATION

Given by Mayor Pro Tem Perez

CLOSED SESSION REPORT

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

PUBLIC COMMENT

Public Comments were provided by the following:

- Thomas Fiala (in person)
- Richard Rollins (written)
- Timothy Furgal (written)
- Jacob Marquez Pantoja (written)

AGENDA APPROVAL FOR CITY COUNCIL

City Clerk Georgianna Alvarez indicated that staff would like to pull Business Item No. 11 "Temporary Snack Bar at Bubbling Springs Park" from the agenda. Deputy City Manager Charles Peretz indicated the request to pull Business Item No. 11 is due to recent receipt of news from the state regarding the statewide Proposition 68 grant program; and further indicated that staff is looking to collect information and return to Council with a continued discussion regarding the item tonight plus additional information about upcoming grant funding. In response to an inquiry, Deputy City Manager Charles Peretz informed Council that the report will be brought back as soon as available; the expectation is the next meeting.

City Council Agenda

A motion was made by Mayor Pro Tem Perez, seconded by Councilmember Hernandez, and passed unanimously to approve the City Council Agenda of February 6, 2023, with the exception of Business Item No. 11.

CONFLICT OF INTEREST DECLARATION

There were no conflicts of interest disclosed.

PRESENTATIONS

1. *Black History Month Proclamation*

Mayor Martinez read the proclamation into record and proclaimed the month of February 2023, as "Black History Month," and invited everyone to celebrate the diversity and character of the our community and highlighted the importance of sharing our culture, customs and traditions with those around us.

CONSENT CALENDAR

A motion was made by Mayor Pro Tem Perez, seconded by Councilmember Gama, to approve Consent Calendar Item Nos. 2 – 7 as presented.

Motion passed 5-0 as follows:

AYES: Gama, Hernandez, McQueen-Legohn, Perez, Martinez

NOES: None; ABSENT: None; ABSTAIN: None

City Council:

2. Minutes

Approved the December 5, 2022, City Council Regular Meeting Minutes and the December 19, 2022, City Council Regular Meeting Minutes.

3. Register of Disbursements

Received and filed the City's register of disbursements for the period of January 11, 2023 through January 29, 2023.

4. Treasurer's Quarterly Investment Report – December 31, 2022

Received and filed the December 31, 2022 Treasurer's Report as presented.

5. Tax and Fee Administration Services for Transient Occupancy Tax – Short-Term Rentals

Authorized the City Manager to sign an agreement with Hinderliter De Llamas & Associates (HDL) for Transient Occupancy Tax (TOT)/Short-Term Rental management services.

6. Citizen Advisory Commission and Transaction and Use Tax Citizens Oversight Committee Appointments

Confirmed and approved the following appointments:

Citizen Advisory Commission (Four-year terms ending January 31, 2027)

- Councilmember Hernandez to reappoint Steven Auclair
- Councilmember McQueen-Legohn to reappoint Becky Breuning

Transaction and Use Tax Citizens Oversight Committee (Two-year terms ending January 31, 2025)

- Mayor Pro Tem Perez to appoint Randy Diaz
- Councilmember Hernandez to appoint Julia (Beth) Williams

7. City Council Legislative Platform Policy

Considered and adopted the attached Legislative Platform following incorporation of Council revisions provided on January 17, 2023.

PUBLIC HEARINGS

8. Continued Public Hearing on Annual Development Agreement Compliance Reviews

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.

Recommendation:

1. Open the continued public hearing to take testimonial and documentary evidence; and
2. Close the continued public hearing and consider the evidence; and
3. Adopt Resolutions determining that the following cannabis dispensaries are in complete compliance with their respective Development Agreements: Emerald Perspective; Harbor Management Group, LLC; Port Retail, LLC; and Westside Professional Management Group, LLC; and
4. Adopt a resolution determining that the following cannabis dispensary is in substantial compliance with its Development Agreement: DBO Investments PH, LLC; and
5. Adopt resolutions determining that the following cannabis dispensaries are out of compliance with their respective Development Agreements: Caseo Verde, LLC; and Hueneme Patient Consumer; and
6. Make a determination the project is exempt under CEQA; and
7. 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 reports dated December 5, 2022 and February 6, 2023.

Questions followed.

The public hearing was opened at 7:01 p.m.

A written public comment was submitted by Beth Thuna.

The public hearing was closed at 7:04 p.m.

Questions followed. Community Development Director Tony Stewart clarified for the record that Westside Professional Management Group, LLC, is in complete compliance, only DBO Investments PH, LLC, is in substantial compliance, and there are only two out of compliance.

A motion was made by Mayor Pro Tem Perez, seconded by Mayor Martinez, to approve recommendation No. 2, to allow a one-time "payment plan" with fixed terms and conditions. The payment plan would be based on the unaudited gross receipts. Upon completion of the Financial Audit, a true up adjustment will be calculated based on the audit results. If there are additional revenues owed to the City, the amount of additional revenues will be due within 30 days of completion of the audit. These amounts will not be included in the payment plan. In response to clarification from City Clerk Georgianna Alvarez, Mayor Pro Tem Perez confirmed that her motion was for the following:

1. Adopt Resolutions determining that the following cannabis dispensaries are in complete compliance with their respective Development Agreements: Emerald

- Perspective; Harbor Management Group, LLC; Port Retail, LLC; and Westside Professional Management Group, LLC; and
2. Adopt a resolution determining that the following cannabis dispensary is in substantial compliance with its Development Agreement: DBO Investments PH, LLC; and
 3. Adopt resolutions determining that the following cannabis dispensaries are out of compliance with their respective Development Agreements: Caseo Verde, LLC; and Hueneme Patient Consumer; and to allow a one-time "payment plan" with fixed terms and conditions. The payment plan would be based on the unaudited gross receipts. Upon completion of the Financial Audit, a true up adjustment will be calculated based on the audit results. If there are additional revenues owed to the City, the amount of additional revenues will be due within 30 days of completion of the audit. These amounts will not be included in the payment plan.
 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 reports dated December 5, 2022 and February 6, 2023.

Motion passed 5-0 by Roll Call Vote as follows:

AYES: Perez, Martinez, Gama, Hernandez, McQueen-Legohn

NOES: None; ABSENT: None; ABSTAIN: None

9. [Adopt Resolution Granting Special Use Permit No. 01-23 for the City of Port Hueneme's 75th Anniversary Event](#)

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 Direct Tony Stewart and Maya Zumaya presented a PowerPoint presentation regarding the report.

Recommendation:

1. Open the public hearing to take testimonial and documentary evidence; and
2. Close the public hearing and consider the evidence; and
3. Adopt a Resolution approving Special Use Permit No.01-23 (City of Port Hueneme's 75th Anniversary Event); and
4. Take such additional, related, action that maybe desirable.

Questions followed.

The public hearing was opened at 7:24 p.m.

There were no public comments.

The public hearing was closed at 7:25 p.m.

A motion was made by Mayor Pro Tem Perez, seconded by Councilmember Hernandez, to adopt a Resolution approving Special Use Permit No.01-23 (City of Port Hueneme's 75th Anniversary Event); and take such additional, related, action that maybe desirable.

Comments followed.

Motion passed 5-0 by Roll Call Vote as follows:

AYES: Perez, Hernandez, Gama, McQueen-Legohn, Martinez

NOES: None; ABSENT: None; ABSTAIN: None

BUSINESS ITEMS

10. Ad Hoc Museum Governance Committee Appointment

City Clerk Georgianna Alvarez presented the report.

Recommendation: City Council discuss and consider appointment(s) to the Ad Hoc Museum Governance Committee.

There were no public comments.

A motion was made by Councilmember Hernandez, seconded by Mayor Pro Tem Perez, to revise the membership of the committee and include on the Committee Councilmember McQueen-Legohn as Rich Rollins' replacement and designate Rich Rollins as an alternate or Citizen representative.

Discussion followed.

Due to misunderstanding of the motion amongst Council, Councilmember Hernandez clarified that her motion was to nominate Councilmember McQueen-Legohn as a Primary Member, designate Rich Rollins as a Citizen representative and deciding whether there would be two citizen representatives or if he would replace Gailen Vick, and to pick a Councilmember other than Steven Gama as Alternate. Mayor Pro Tem Perez indicated that was not the motion she seconded and that it was presented differently; therefore, Mayor Pro Tem withdrew her second. Motion failed for lack of second.

Councilmember Hernandez requested a second to her motion to appoint Councilmember McQueen-Legohn as Primary and move Rich Rollins into the Citizen representative position. Motion failed for lack of second.

A motion was made by Mayor Pro Tem Perez, seconded by Councilmember Gama, to place Councilmember Martha McQueen-Legohn as Primary, move Rich Rollins to a Citizen representative, and keep Councilmember Gama as an Alternate.

Discussion followed.

Motion passed 5-0 as follows:

AYES: Perez, Gama, Hernandez, McQueen-Legohn, Martinez

NOES: None; ABSENT: None; ABSTAIN: None

11. Temporary Snack Bar at Bubbling Springs Park *This item was pulled from the agenda to be brought back at a future date.*

~~*Recommendation:* City Council discuss the proposed temporary snack bar solutions and take such action as it deems appropriate.~~

12. City Manager Recruitment Update

The presenters of this item were not present. Deputy City Manager Charles Peretz indicated that City Council would be notified upon their arrival and may consider at that time to take the item out of order.

CITY MANAGER COMMENTS AND REPORTS – None.

COUNCILMEMBERS' REPORTS AND COMMENTS

Council provided comments and reports regarding the following topics:

Councilmember McQueen-Legohn:

- Black History Month
- Council Committee Appointments
- Attended Cal Cities New Mayors and Councilmembers Academy

Councilmember Gama:

- Air Pollution Control Board and air pollution credits
- BEACON
- Hueneme Beach Clean Up
- Attended Air Guard Band of the West Coast at Ocean View Pavillion
- Hueneme High School Varsity Baseball Fundraising Event

Councilmember Hernandez:

- Upcoming Channel Islands Site Authority meeting
- Southern California Association of Governments (SCAG) meetings & SCAG Committees
- Ventura Regional Sanitation District (VRSD) – serving as Vice-Chair
- Attended Gold Coast Transit meeting as Alternate
- BEACON Meetings

Councilmember Gama:

- Animal Services Commission

Mayor Pro Tem Perez:

- Status update regarding City/Port Standing Committee, Economic Development Collaborative and Executive meeting, SCAG Committee – Community Economic Human Development Committee (CEHD)
- Volunteer Auction Idea
- Lions Club Ventura County All-Star Football Game

Mayor Martinez:

- Hosted two sporting events: basketball 3-point contest and soccer shoot-out challenge
- Sister City efforts

Councilmember Hernandez:

- Black History Month and 1619 Project
- Recognized and thanked City Manager Brick Conners for his service to the City.

City Attorney Kevin Spaulding informed Council that the presenters of Business Item No. 12 “City Manager Recruitment Update” were now present and inquired if they wanted to take the item out of order. With Council consensus, Business Item No. 12 was taken out of order.

12. [City Manager Recruitment Update](#)

Human Resources (HR) Manager Nick Jones presented the report.

Recommendation: City Council review the “Port Hueneme City Manager Recruitment Framework Recommendations” by Wendi Brown Consulting Professionals Inc. and provide input & direction to staff on the City Manager Recruitment.

There were no public comments.

Consultant Wendi Brown presented a PowerPoint presentation regarding City Manager Recruitment framework recommendations.

Questions and discussion followed.

Consultant Wendi Brown continued to present information regarding the City Manager Recruitment process.

Comments followed.

A motion was made by Councilmember Gama, seconded by Mayor Pro Tem Perez, to have Mayor Pro Tem Perez and Councilmember Hernandez work with HR Manager Nick Jones and the Consultant regarding the City Manager recruitment process.

Motion passed 5-0 as follows:

AYES: Gama, Perez, Hernandez, McQueen-Legohn, Martinez

NOES: None; ABSENT: None; ABSTAIN: None

REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Gama:

1. Requested an item be placed on a future agenda regarding how to be designated as the public good option for dredge projects. There was clarifying discussion in which Councilmember Hernandez suggested that the Director of the Air Pollution Control Board present a presentation regarding that process. Councilmember Gama withdrew his request and indicated that Councilmember McQueen-Legohn make the request in her capacity as the City representative on the Air Pollution Control Board and notify the City Clerk to place it on the agenda schedule as a presentation item.

Mayor Martinez:

1. Requested an agenda item be placed on a future agenda for approval and funding of Sister City travel to be reimbursed retroactively, seconded by Mayor Pro Tem Perez. Motion passed unanimously, 5-0.
2. Requested an agenda item be placed on a future agenda regarding volleyball court placement. Councilmember Gama requested a friendly amendment to include sand management. Mayor Martinez accepted the friendly amendment, seconded by Councilmember Gama. Motioned passed unanimously, 5-0.


ADJOURNMENT

The City Council adjourned at 8:41 p.m. to its next regular meeting scheduled for Tuesday, February 21, 2023, at 6:30 p.m.

Respectfully Submitted:


Georgiana Nicole Alvarez, MMC
City Clerk

Approved this 6th day of March, 2023:


Roberto "Bobby" Martinez, Mayor