



City of Port Hueneme

City Council Regular Meeting Minutes

November 7, 2022

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

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/84715024778?pwd=eUgzYmNRbjZ2b2ZXRFhTmhuYW44UT09>
Dial by your location: Meeting ID: 847 1502 4778 / Passcode: 134769
+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, Perez; Mayor Pro Tem Martinez; and Mayor Rollins
Absent: None

PUBLIC COMMENT – None.

CLOSED SESSION ITEMS

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

A. 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: Port Hueneme Police Officers' Association (POA)

Councilmember Perez disclosed a conflict of interest for Closed Session Item A, Conference with Labor Negotiators for POA, due to potential spousal income.

RECESS TO CLOSED SESSION

Mayor Rollins recessed to the closed session meeting at 5:31 p.m. Councilmember Perez did not attend the Closed Session due to her conflict of interest.

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

CALL TO ORDER / FLAG SALUTE

Mayor Rollins called the meeting to order at 6:36 p.m. Mayor Pro Tem Martinez led the flag salute.

ROLL CALL

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

INSPIRATION

Mayor Pro Tem Martinez provided the inspiration.

CLOSED SESSION REPORT

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

GENERAL PUBLIC COMMENT

Public Comments were provided by the following:

- Becky Breuning
- Ricardo Holden
- Steve Kinney
- Ricardo Holden

AGENDA APPROVAL FOR CITY COUNCIL

City Council Agenda Approval

A motion was made by Councilmember Perez, seconded by Mayor Pro Tem Martinez and passed unanimously to approve the City Council Agenda of November 7, 2022.

PRESENTATIONS

1. *Homeless Liaison Officer Update*
Homeless Liaison Officer Henry Montelongo provided a comprehensive report regarding homelessness and answered questions from Council.
2. *Strategic Plan Initiative– Employer of Choice Update*
Deputy City Manager Charles Peretz and Human Resources/Risk Manager Nick Jones presented a PowerPoint presentation highlighting the City's efforts to be an employer of choice. Human Resources/Risk Manager Nick Jones answered questions from Council.

CONSENT CALENDAR AGENDA

Councilmember Gama requested to pull Consent Calendar Item No. 6 for discussion.

A motion was made by Councilmember Gama, seconded by Councilmember Hernandez, to pull Consent Calendar Item No. 6, and approve Consent Calendar Item Nos. 1 – 5 as presented.

Motion passed 5-0 as follows:

AYES: Gama, Hernandez, Perez, Martinez, Rollins
NOES: None; ABSENT: None; ABSTAIN: None

City Council:

3. [Minutes](#)

Approved the October 17, 2022, City Council Regular Meeting Minutes.

4. [Register of Disbursements](#)

Received and filed the City's register of disbursements for the period of October 10, 2022 through October 30, 2022.

5. [Treasurer's Quarterly Investment Report](#)

Received and filed the September 30, 2022 Treasurer's Report as presented.

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

6. [Contribution to REACH Nonprofit Organization](#)

Recommendation: Authorize the City Manager to contribute \$25,000 to REACH (Recreation, Education, Arts and Culture in Hueneme), a nonprofit organization. The purpose of this contribution is to provide REACH funding to attain a break-even point for the 2022 Hueneme Beach Festival event.

City Manager Brick Connors and Finance Director Lupe Acero answered clarifying questions.

A motion was made by Councilmember Perez, seconded by Councilmember Hernandez, to approve Consent Calendar Item No. 06 as presented.

Motion passed 5-0 as follows:

AYES: Gama, Hernandez, Perez, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

PUBLIC HEARING

7. [Ordinance Adopting the 2022 Editions of the California Building Standards Code](#)

There were no conflicts of interest disclosed.

City Attorney Kevin Spaulding stated for the record that a notice of public hearing was published in the Tri-County Sentry Newspaper on September 23, 2022, and has been posted on the City website and at City Hall since September 29, 2022; and Council can proceed with the Public Hearing in accordance with the exceptions to the formal procedures for adoption of a code by reference contained within Government Code Section 50022.2, which provides that a code may be adopted by reference via an ordinance when that code is required to be adopted by reference by a state law (Health & Saf. Code § 17922). In addition, the City Attorney identified that actual notice of the public hearing had been published in the Tri-County Sentry on September 23, 2022 and notice had been posted continuously on the City's website and bulletin board for the November 7, 2022 public hearing.

Community Development Director Tony Stewart provided a brief overview and read the recommendation including Ordinance title into record. Contract Deputy Building Official Ed McGee presented the report and answered questions from Council.

The public hearing was opened at 8:11 p.m.

There were no public comments.

The public hearing was closed at 8:11 p.m.

A motion was made by Councilmember Hernandez, seconded by Councilmember Perez, to adopt Ordinance No. 789 entitled, "An Ordinance of the City Council of the City of Port Hueneme, California, Amending Article VIII, Building Regulations, of the Port Hueneme Municipal Code Incorporating the California Building Standards Code by Reference as Follows: (1) California Building Code (CBC) With Appendices C, I and J, California Residential Code (CRC) With Appendix AH, and California Green Building Standards Code (CGBSC), 2022 Edition; (2) California Electrical Code (CEC), 2022 Edition; (3) California Plumbing Code (CPC), 2022 Edition; (4) California Mechanical Code (CMC), 2022 Edition; (5) California Administrative Code (CAC), 2022 Edition; (6) California Energy Code (CENC), 2022 Edition; (7) California Existing Building Code (CEBC), 2022 Edition; (8) International Property Maintenance Code (IPMC), 2021 Edition; (9) International Swimming Pool And Spa Code (ISPSC), 2021 Edition; (10) Gypsum Association Fire Resistive Design Manual, Twenty-Third Edition, GA-600-2021; and Making Miscellaneous Revisions to Article VIII, Building Regulations, to Provide Consistency with the California Building Standards Code; and Direct staff to send the changes to the Code to the California Building Standards Commission.

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

AYES: Hernandez, Perez, Gama, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

BUSINESS ITEMS

8. [Cross Base Pipeline Agreement with Channel Islands Beach Community Services District](#)
Public Works Director Don Villafana presented the report and answered questions from Council. There were no public comments.

A motion was made by Councilmember Perez, seconded by Councilmember Hernandez, to authorize the City Manager to sign an agreement with Channel Islands Beach Community Services District (District) that lets the City of Port Hueneme (City) tie into the existing Cross Base Pipeline serving the District, allowing the City to construct an extension on Victoria Avenue to Channel Islands Boulevard creating a loop water distribution system for the City of Port Hueneme.

Motion passed 5-0 as follows:

AYES: Gama, Hernandez, Perez, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

9. [Revisions to City Council Policy and Procedures Manual to Address Bullying/Harassment](#)
City Attorney Kevin Spaulding presented the report.

City Clerk Georgianna Alvarez indicated for the record that Ricardo Holden submitted a speaker card to provide public comment; however, was not present to speak.

Written Public Comments were provided by the following:

- Jeffrey Scarberry
- David Scrivner
- Jan Berk

Discussion included, but was not limited to, the following:

Councilmember Gama expressed his support for the anti-bullying section and a super majority vote. Councilmember Gama indicated that a super majority vote should only be for egregious behavior.

Councilmember Hernandez also expressed her support for the anti-bullying section.

Councilmember Hernandez expressed her concerns regarding councilmembers violating numerous provisions in the the policies and procedures; including but not limited to, misusing City letterhead, conflict of interest violations, sharing confidential information out of closed door sessions, using City resources for personal use, interfering with staff decisions, failing to carry out or support council decisions, undermining City Manager authority, espousing political views under your City Council title rather than as a citizen of the community.

Councilmember Hernandez expressed her support for a majority vote as she indicated "egregious" is not clearly defined as it can be one item or a pattern of behavior of many items added up; violations are hard to recognize and prove; and when Councilmembers have formed an alliance it's difficult to receive a super majority vote. Councilmember Herndandez asked that Council consider that if there is a potential violation suspected that there should be an opportunity to bring it to City Council to be transparent with the community in terms of what's going on and to at least be able to ask for an investigation. Councilmember Hernandez indicated that Council does not have to agree with the simple majority vote, but that something needs to be done to address the continual violations that she has experienced and witnessed over the past four years.

Councilmember Hernandez addressed the public comments by stating she doesn't think the issues that they are addressing in their comments are what Council is attempting to do. Councilmember Hernandez reiterated that she is trying to ask that Council become more mindful of the policies and procedures, that they are enforced and that Council hold each other accountable when any part of the policy and procedures manual is violated.

Councilmember Perez indicated that at the very least the change in the vote may help to deter bad behavior. In response to an inquiry from Councilmember Perez, City Attorney Kevin Spaulding indicated that the reason for removing Item E on page 3 related to agenda development was it was inconsistent with its placement.

Mayor Rollins expressed his concern with a majority vote indicating that politics will rule it as opposed to the egregiousness of the behavior. In response to an inquiry from Mayor Rollins, City Attorney Kevin Spaulding informed that Council is free to make any amendments regarding this item.

Mayor Rollins confirmed his support for anti-bullying, acting in a professional manner, Council brining up items of concern and investigating the issue should it be warranted.

A motion was made by Mayor Rollins, seconded by Councilmember Gama, to adopt Resolution No. 4431 of the City Council of the City of Port Hueneme, California, amending the City Council Policy and Procedures Manual as amended, approving all proposed amendments except to maintain the super majority requirements.

Discussion included, but was not limited to, the following:

Councilmember Hernandez expressed her concerns with obtaining a super majority vote when three councilmembers could potentially be involved in a Brown Act violation and inquired how she would look into that.

Councilmember Hernandez asked Council's permission to look into and investigate whether or not that the following instance as reported by Councilmember Hernandez is a Brown Act violation: At a recent meeting Councilwoman Perez was delivering a presentation to a group of community members and Mayor Rollins and Councilmember Gama were also there; the meeting was to discuss landscaping and the trees for fees which is City Business. There was no support or second of Councilmember Hernandez' request to look into or investigate the matter.

City Attorney Kevin Spaulding clarified that a simple majority would be required to request an investigation, it is not a resolution of censure or discipline so it would not be subject to four-fifths requirement as long as it's within the subject matter authority of the Council to investigate, the Council is always free to request an investigation by a majority vote. In response to an inquiry from Councilmember Perez, City Attorney Kevin Spaulding indicated that a majority could vote for an investigation, and then upon receiving findings of the investigation, a super majority could move forward to censure.

In response to an inquiry from Councilmember Hernandez, City Attorney Kevin Spaulding indicated that a provision to allow a request for an investigation into a complaint can be added; however, is unnecessary as that power is inherent to Council.

Councilmember Hernandez indicated that she heard Councilmember Gama say he sent a letter to Supervisor Vianey Lopez and wasn't clear if he had received approval from Council. Councilmember Gama responded that he did not send it on behalf of Council, but as himself.

Councilmember Gama indicated that Councilmember Hernandez has texted during closed session and that Council could start going down a path that he does not think is prudent or smart. Councilmember Gama added that he has learned a lot over the last four years, all of Council has learned a lot and they continue to learn everyday.

Councilmember Hernandez indicated that she would like a process set up to address the issues.

Council discussion followed regarding communications, whether written or verbal, related to representing the City and representing oneself. City Attorney Kevin Spaulding provided clarification.

After discussion concluded, Mayor Rollins reiterated his motion, seconded by Mayor Pro Tem Martinez.

Motion passed 5-0 as follows:

AYES: Rollins, Gama, Hernandez, Perez, Martinez

NOES: None; ABSENT: None; ABSTAIN: None

CITY MANAGER COMMENTS AND REPORTS

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

- Introduced and welcomed Ventura County Division – West County Operations Fire Chief Joe Williams
- Bubbling Springs Creek Clearing Project
- Upcoming Landscape Design Committee meeting – November 10, 2022, and first meeting overview
- Announced November and December Community Events
 - Past Event - Movie Night – Coco – November 5, 2022
 - Movie Night – The Grinch – December 9, 2022
 - Veterans Day Banners and Veterans Day Ceremony – November 11, 2022
 - Turkey Drive – November 18, 2022
 - Tree Lighting Ceremony – November 29, 2022
 - Annual Senior Luncheon – December 6, 2022

City Manager Brick Conners provided confirmation to an inquiry from Councilmember Hernandez.

COUNCILMEMBERS' REPORTS AND COMMENTS

Council provided comments and reports regarding the following topics:

Mayor Pro Tem Martinez:

- REACH did not have a meeting but will meet this month
- Student Field Trip to the Port, Council Chamber, and the Water Plant
- Planning a sports event
- Attended Community Benefit Fund Meeting

Councilmember Hernandez:

- Attended Ventura Council of Governments (VCOG) Dinner
- Attended Cal Cities Channel Counties Division Annual Dinner
- Go Human Community Grants Program – Traffic Safety Messaging
- Student Field Trip to City Hall – Civics Lesson
- Adjourn in remembrance of the Borderline victims and the 248 survivors

Councilmember Gama:

- Dredging
- Attended VCOG Dinner
- Traffic/Speeding Concerns

Mayor Rollins:

- Recognized Public Works staff for traffic improvements
- Ventura County Farm Day
- Teen Center and Youth Council
- Attended Regional Defense Partnership for the 21st Century (RDP-21) meeting
- Attended Ventura County Transportation Commission (VCTC) meeting
- Attended Gold Coast Transit meeting

Councilmember Perez: none

REQUEST FOR FUTURE AGENDA ITEMS

Mayor Pro Tem Martinez requested:

1. Staff to bring back an agenda item regarding the process of selecting roads for speed bumps; seconded by Councilmember Hernandez. Councilmember Gama requested to amend the motion to broaden it to look at traffic safety as a whole. City Manager Brick

Conners confirmed that the item was previously requested by Council and in process; therefore, the motion was withdrawn.

2. Establish Sister City connections
3. Enforcement of Ordinance regarding trash bins; seconded by Mayor Rollins and passed unanimously to add the item to a future agenda.

Councilmember Perez requested:

1. An update on the Street lighting safety issue on Crossjack

Mayor Rollins requested:

1. An update on the street sweeping modifications

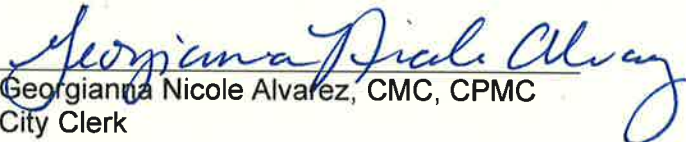
Councilmember Gama requested:

1. To review and discuss Parking Enforcement regulations. Mayor Rollins confirmed this item is included in a previously-requested agenda item.


ADJOURNMENT

The City Council adjourned in remembrance of the Borderline victims and the survivors at 9.29 p.m. to its next regular meeting scheduled for Monday, November 21, 2022, at 6:30 p.m.

Respectfully Submitted:


Georgianna Nicole Alvarez, CMC, CPMC
City Clerk

Approved this 19th day of December, 2022:


Richard Rollins, Mayor