



City of Port Hueneme

City Council Regular Meeting Minutes

November 21, 2022

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

6:00 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/83955264088?pwd=eVBMNzRIWXFDNVVGa2NkUGRUMHd0UT09>
Dial by your location: Meeting ID: 839 5526 4088 / Passcode: 115998
+669 900 6833 US (San Jose) +346 248 7799 US (Houston) +253 215 8782 US (Tacoma)
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- 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

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

CALL TO ORDER

Mayor Rollins called the closed session meeting to order at 6:00 p.m.

ROLL CALL

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

GENERAL PUBLIC COMMENT – None.

CLOSED SESSION ITEMS

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

A. CONFERENCE WITH REAL 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 Pro Tem Martinez disclosed a conflict of interest in regards to Closed Session Item A., as described above, due to the proximity of his residence. Mayor Pro Tem Martinez recused himself from the meeting and did not enter into Closed Session.

RECESS TO CLOSED SESSION

Mayor Rollins recessed to the closed session meeting at 6:01 p.m.

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

CALL TO ORDER / FLAG SALUTE

Mayor Rollins called the meeting to order at 6:44 p.m. Councilmember Perez led the flag salute.

ROLL CALL

Present: Councilmembers Gama, Hernandez, Perez; Mayor Pro Tem Martinez; and Mayor Rollins

Absent: None

INSPIRATION Councilmember Gama 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:

- Kathy Stolkin
- Veronica Lopez

AGENDA APPROVAL FOR CITY COUNCIL

City Council Agenda Approval

A motion was made by Councilmember Gama, seconded by Councilmember Perez, and passed unanimously to approve the City Council Agenda of November 21, 2022.

PRESENTATIONS

1. *Cannabis Report – Financial Obligations and Community Benefit Fund Information*
Finance Director Lupe Acero gave a PowerPoint presentation and answered questions from Council.
2. *Bubbling Springs Creek Clearing Update*
Principal Engineer Charles Cable gave a PowerPoint presentation providing an update on the Bubbling Springs Vegetation Removal Project and answered questions from Council.

CONSENT CALENDAR AGENDA

Councilmember Hernandez requested that Consent Calendar Item No. 3 be amended to include her statements made at the November 7, 2022, City Council meeting, regarding violations, during Business Item No. 9 "Revisions to City Council Policy and Procedures Manual to Address Bullying/Harassment". Councilmember Hernandez expressed the importance of such statements being documented and recorded for the record. Councilmember Gama expressed his support for Councilmember Hernandez' request so long as all Council comments are accurately documented for the record. Councilmember Perez requested to pull Consent Calendar Item No. 7 for discussion.

A motion was made by Councilmember Hernandez, seconded by Councilmember Perez, to amend Consent Calendar Item No. 3 in regards to the Minutes for the November 7, 2022, City Council Regular Meeting, to include Council comments for Business Item No. 9 and bring them back at the following meeting for approval, pull Consent Calendar Item No. 7 for discussion, and approve Consent Calendar Item Nos. 4 – 6 and 8 – 9 as presented.

City Attorney Kevin Spaulding indicated for accuracy the Minute taker will take Minutes directly from the recorded meeting.

Motion passed 5-0 as follows:

AYES: Gama, Perez, Hernandez, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

City Council:

3. Minutes

Approved the Minutes for the November 2, 2022, City Council Special Meeting; and directed the City Clerk to amend the Minutes to include Council comments for Business Item No. 9 "Revisions to City Council Policy and Procedures Manual to Address Bullying/Harassment" for the November 7, 2022, City Council Regular Meeting and bring them back at the following meeting for approval.

4. Register of Disbursements

Received and filed the City's register of disbursements for the period of October 31, 2022 through November 15, 2022.

5. Cost Allocation Plan (CAP) Services Contract Award

1. Awarded and authorized the City Manager to execute the agreement with MGT for cost allocation plan services in an amount not to exceed \$15,475. The cost allocation plan will provide a plan to allocate citywide overhead costs to the City's programs, departments and funds.
2. Authorized an appropriation of \$15,475 in fiscal year 2022-23 for cost allocation plan services. The costs are to be allocated to General, Enterprise and Housing Funds.

6. 5-Year Sole-Source Purchase Agreement with Axon Enterprises, Inc. for the Purchase of Taser 7 Certification Bundle with Virtual Reality (VR) Program and Approval of a FY 22/23 Budget Appropriation of \$22,111.89

Authorized the Chief of Police to enter into a 5-year sole-source purchase agreement, per Municipal Code Section 2564(a), with Axon Enterprises, Inc. for the purchase of the Taser 7 Certification Bundle with Virtual Reality (VR) Program; and authorized a FY 22/23 budget appropriation of \$22,111.89 to pay the first year of the purchase agreement.

8. Adoption of a Resolution Ratifying the Implementation of Chapter 5 Section 507, Chapter 9 Section 903 and Appendix B of the Ventura County Fire Protection District (Fire District) Ordinance No. 32 to be Effective within the City

1. Adopted by majority vote Resolution No. 4432, a Resolution of the City Council of the City of Port Hueneme, California, ratifying the Ventura County Fire Protection District (VCFPD) Ordinance No. 32, Chapter 5 Section 507, Chapter 9 Section 903, and Appendix B pertaining to building standards for application within the jurisdictional

boundaries of the City, which allows the Ventura County Fire Protection District to enforce certain building standards within the City of Port Hueneme.

2. Authorized the Building Official to file a copy of the findings of the Ventura County Fire Protection District together with a copy of Chapter 5 Section 507, Chapter 9 Section 903 and Appendix B of Ordinance 32 to the California Department of Housing and Community Development and California Building Standards Commission.
9. [Enter into a Grant Agreement for the Acceptance of \\$5,850 from the Air Pollution Control District \(APCD\) for the Purchase of Battery Electric Landscape Equipment](#)

Approved and authorized the City Manager to execute an agreement between the Ventura County Air Pollution Control District and the City of Port Hueneme to provide Clean Air Funds in the amount of \$5,850 for the purchase of four hand operated battery electric landscaping tools, one battery electric self-propelled mower, supporting chargers, and batteries to replace equivalent gasoline-powered landscaping equipment, approved as to form by the City Attorney; and approved and authorized the appropriation of grant revenue and expense to execute the purchase of the landscaping tools.

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

7. [Authorization for Out of State Travel and Teacher Leave Reimbursement for Mayor Pro Tem Bobby Martinez to Participate in Sister City Event](#)

Councilmember Perez requested to amend the motion to exclude the amount for reimbursement for substitute costs due to absence of work because it has not been past practice and sets a bad precedent to pay for employment time for volunteer opportunities.

Discussion followed. During discussion, Mayor Pro Tem Martinez indicated that he would not vote on the item and would recuse himself, but offered comments.

Councilmember Perez' request to amend the motion failed for a lack of second.

A motion was made by Councilmember Gama, seconded by Councilmember Hernandez, to approve Consent Calendar item No. 7 as follows:

1. Authorize out of state travel for Mayor Pro Tem Bobby Martinez to represent the City of Port Hueneme at a Sister City event between Santa Barbara and Puerto Vallarta in furtherance of Port Hueneme's efforts to establish a Sister City; and
2. Authorize teacher leave reimbursement for substitute teacher costs pursuant to Education Code Section 44987.3(b), in the amount of \$450.00, payable to the Oxnard Unified School District, to cover Mayor Pro Tem Bobby Martinez absence from December 5, 2022, through December 7, 2022.

Motion failed 2-2-0-1 as follows:

AYES: Gama, Hernandez,

NOES: Perez, Rollins; ABSENT: None; ABSTAIN: Martinez

Comments followed regarding the failed motion.

PUBLIC HEARINGS

10. [Planned Development/Conditional Use Permit No. PHCU-862, Major Mod. #1 and Development Agreement No. PHDA-863, Major Mod. #1 - Skunkmasters Cannabis Consumption Lounge, Located at 233 E. Channel Islands Boulevard](#)

There were no conflicts of interest disclosed.

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.

Assistant Planner Jose Coyotl presented a PowerPoint presentation for the Skunkmaster Cannabis Consumption Lounge PHCU-862 Major Mod. #1/PHDA-863 Major Mod. #1. Assistant Planner Jose Coyotl read staff recommendation into record including the Resolution and Ordinance titles; and identified a correction in the agenda and staff report which referenced Ordinance No. 780 and should have referenced Ordinance No. 784. City Clerk Georgianna Alvarez clarified that staff's recommendation is to also include that City Council find the project exempt under CEQA.

Questions followed.

The public hearing was opened at 8:00 p.m.

There were no public comments.

The public hearing was closed at 8:01 p.m.

A motion was made by Councilmember Perez, seconded by Councilmember Hernandez, to:

1. Adopt Resolution No. 4433, a Resoluton of the City Council of the City of Port Hueneme, California, granting approval of Conditional Use Permit No. PHCU-862, Major Modification No. 1 (Skunkmasters Cannabis Consumption Lounge); and
2. Introduce, by title only waiving full reading, *an Ordinance 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 modified operation of a cannabis facility for Freedom 1st Association, Inc.* (with adoption to follow at the next regularly scheduled City Council meeting); and
3. Find the project exempt under CEQA; and
4. Take such additional, related, action that may be desirable.

Councilmember Hernandez provided comment.

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

AYES: Perez, Hernandez, Gama, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

11. [Appeal of City Denial of an Application for a Certificate of Approval for Beachside Delivery Service, Proposed at 720 North Ventura Road, Suites 1-3](#)

There were no conflicts of interest disclosed.

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.

City Attorney Kevin Spaulding acknowledged Larry Conlan, who was participating via Zoom, there to represent the applicant/appellant. City Attorney Kevin Spaulding provided a brief background of the case. City Attorney Spaulding also provided a brief overview of the roles and duties of Council, the Community Development Director and Mr. Conlan for this case indicating that Council will sit in a quasi-judicial capacity and act as a judge hearing a dispute between two parties.

Community Development Director Tony Stewart presented his case. Mayor Rollins asked for questions from the Council. City Attorney Kevin Spaulding suggested that Council defer

questions until after Mr. Conlan and Beachside Delivery have an opportunity to state their case. Mr. Conlan stated their case.

Community Development Director Tony Stewart, Larry Conlan, HDL Economic Consultant Matthew Eaton, and Chief of Police Andrew Salinas answered questions from Council.

The public hearing was opened at 9:47 p.m.

Public comment was provided by Joe Kyle from Beachside Delivery via Zoom.

The public hearing was closed at 9:52 p.m.

A motion was made by Councilmember Hernandez, seconded by Councilmember Perez, to:

1. Adopt Resolution No. 4434, a Resolution of the City Council of the City of Port Hueneme, California, denying the appeal and upholding the City's denial of an application for a Certificate of Approval for the proposed Beachside Delivery Service cannabis delivery business; and
2. Take such additional, related, action that may be desirable.

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

AYES: Hernandez, Perez, Gama, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

Mayor Rollins recessed the City Council meeting at 9:54 p.m. and reconvened the meeting at 9:59 p.m.

BUSINESS ITEMS

12. [Hideaway Proposed Rental Cap](#)

Housing and Facilities Director Gabby Basua presented a PowerPoint presentation regarding the Hideaway proposed rental cap.

Public comments were provided by the following:

- Shawn Bergert
- Daniel Melo
- Jess Gutierrez
- Lynne Hsia (written)

Questions and discussion followed. Daniel Melo and Jess Gutierrez also responded to questions from Council.

A motion was made by Mayor Pro Tem Martinez, seconded by Councilmember Hernandez, to Vote yes. City Attorney Spaulding asked for the motion to be clarified. A motion was made by Mayor Pro Tem Martinez, seconded by Councilmember Hernandez, to authorize and direct staff to cast a YES vote to the proposed Amendment to the Declaration of Covenants, Conditions and Restrictions (CC&Rs).

Motion passed 3-2 as follows:

AYES: Martinez, Hernandez, Rollins

NOES: Perez, Gama; ABSENT: None; ABSTAIN: None

13. Adoption of a Resolution Regulating Parking on City Streets for Purposes of Street Sweeping

Deputy Public Works Director Fred Camarillo presented the report. Questions and discussion followed. There were no public comments.

A motion was made by Councilmember Perez, seconded by Councilmember Hernandez, to:

1. Adopt Resolution No. 4435, a Resolution of the City Council of the City of Port Hueneme, California, regulating parking on City streets for street sweeping, including incorporating changes to the street sweeping schedule which will help alleviate parking conflicts during street sweeping operations; and
2. Appropriate \$50,000 to streets account #001-3102-631.63-03 for the purchase of the necessary signage and hardware.

Motion passed 5-0 as follows:

AYES: Perez, Hernandez, Gama, Martinez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

Deputy Public Works Director Fred Camarillo announced that there will be no street sweeping the Friday after Thanksgiving, per Council's request.

14. City/Port Community Benefit Fund (CBF) FY23 Proposed Projects

City Manager Brick Conners presented the report. Mayor Rollins and Mayor Pro Tem Martinez also provided input. Questions followed. There were no public comments.

A motion was made by Mayor Pro Tem Martinez, seconded by Councilmember Hernandez, to approve CBF projects as selected by the Port-City Committee.

Discussion followed.

Motion passed 5-0 as follows:

AYES: Martinez, Hernandez, Gama, Perez, Rollins

NOES: None; ABSENT: None; ABSTAIN: None

CITY MANAGER COMMENTS AND REPORTS

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

- Gave a reminder that there will be no street sweeping on the Friday after Thanksgiving
- Landscape Design Meeting Update
- Veteran's Day Ceremony recap
- Turkey Drive recap
- Tree Lighting Ceremony – November 29, 2022
- Santa float operations start December 3, 2022
- Senior Luncheon – December 6, 2022
- Cops for Tots Toys – December 17, 2022
- Last Movie Night – December 9, 2022

COUNCILMEMBERS' REPORTS AND COMMENTS

Council provided comments and reports regarding the following topics:

Mayor Pro Tem Martinez:

- Volleyball at the beach

Councilmember Perez:

- Landscape Committee Meeting Update
- Successful Turkey Event and requested to recognize the Explorers in a December meeting for their contribution and hard work and to appreciate Officer Henry Montelongo and Property and Evidence Supervisor Frank Montelongo

Councilmember Hernandez:

- Attended all committee meetings
- Attended and reported on PHWA meeting
- Recently appointed by the League of California Cities to the Government Transparency Labor Relations Policy Committee

Councilmember Gama:

- Beach clean up involvement and update

Mayor Pro Tem Martinez:

- Sister City partnership

Mayor Rollins:

- Commended staff for Veteran's Day Ceremony
- Attended Boys and Girls Club Gala
- Upcoming REACH Meeting
- Announced his end of term and encouraged Council to prioritize filling his various assignments

REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Hernandez:

1. Motioned to set a GOALS Setting Workshop for 2023 at a meeting in January, seconded by Councilmember Perez, and passed unanimously to add the item to a future agenda.
2. Expressed interest in having a discussion on whether or not the Council would like to continue to support the Sister City program. No vote was taken as no motion was made.
3. Informed she will be attending the Council meeting remotely on December 5, 2022.
4. Motioned that the City Attorney followup on the Brown Act Violation(s) at the Hueneme Coalition meeting and bring back an agenda item to a future Council meeting. Comments were made by Council regarding potential violations. City Attorney Kevin Spaulding provided some clarification regarding the Brown Act. Motion failed for lack of second; however, City Attorney Kevin Spaulding confirmed he would followup in the appropriate manner whether via memo or Council action.

Mayor Pro Tem Martinez:

1. Chief of Police Salinas responded to Mayor Pro Tem Martinez' inquiry regarding policing.
2. Requested staff to look into the Bubbling Springs children's playground

ADJOURNMENT

The City Council adjourned at 11:32 p.m. to it's next regular meeting scheduled for Monday, December 5, 2022, at 6:30 p.m.

Respectfully Submitted:


Georgianna Nicole Alvarez, CMC, CPMC
City Clerk

Approved this 5th day of December, 2022:


Richard Rollins, Mayor