

## Minutes

### City Council/Public Financing Authority City of Huntington Beach

Monday, March 15, 2021  
4:00 PM — via Zoom  
6:00 PM — via Zoom  
Huntington Beach, California 92648

A video recording of the 4:00 PM and 6:00 PM portions of this meeting is on file in the Office of the City Clerk, and archived at [www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)

#### 4:00 PM — VIRTUAL ZOOM MEETING

#### CALLED TO ORDER — 4:02 PM

#### ROLL CALL

Present: Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
Absent: Peterson (excused)

Pursuant to Resolution 2001-54, Councilmember Peterson requested and was granted permission to be absent from the Study Session portion of the meeting.

City Attorney Michael Gates requested and received permission to be absent pursuant to City Charter Section 309(d)

#### ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications received by her office following distribution of the Council Agenda packet.

#### Study Session

- #1. (21-184) PowerPoint Presentation titled *Joint Meeting of the City Council and Citizen Participation Advisory Board to Review 2021-22 CDBG & HOME Funding Recommendations* submitted by Steve Holtz, Deputy Director of Community Development.
- #2. (21-227) PowerPoint Presentation titled *Major City Facility Upgrade Options – Public Private Partnership Options* submitted by Sean Crumby, Director of Public Works.

#### Closed Session

- #3. (21-244) Two (2) emails received regarding the proposed litigation of SCAG Assessment.

#### PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS

(3 Minute Time Limit) — None

## STUDY SESSION

### 1. 21-184 **Mid-Year Joint Meeting of the Citizen Participation Advisory Board (CPAB) and City Council to review Community Development Block Grant (CDBG) Recommendations 2021-22 — Staff and CPAB Committee**

#### **ROLL CALL — CITIZEN PARTICIPATION ADVISORY BOARD**

Present: Mike Massie (Chair); Peter Andres (Vice-Chair); Gigi Jackson (Secretary); Parna Ghosh; Macey Lachman

Absent: None

City Manager Oliver Chi introduced Director of Community Development Ursula Luna-Reynosa and Economic Development Project Manager Robert Ramirez who presented a PowerPoint communication titled *Review 2021-22 CDBG & HOME Funding Recommendations* with slides entitled: *Background, Public Participation, CDBG Program Objectives, CDBG National Objectives, CDBG Local Priority Objectives, CDBG Allocations, HOME Program Objectives, HOME Local Priority Objectives, HOME Allocations, 2021-22 Available Funding, and Schedule*. Board Chair Mike Massey presented *CDBG Public Services, CDBG Administration, CDBG Capital & Housing Preservation Projects, and Thank You/Questions*.

Councilmember Kalmick, Director Luna-Reynosa and Deputy Director Steve Holtz discussed the correlation between CARE stimulus funds, CDBG funding, and the criteria used to determine the amount of funding that is available.

Councilmember Delgleize, Deputy Director Holtz and Director Luna-Reynosa discussed the allocation for Homeless services, which Councilmember Delgleize would like to see increased if possible.

Councilmember Posey stated his support for Stand Up for Kids because of the impact the program has in reducing current and future social ills, and stated his preference for funding spread among many service providers.

Councilmember Moser and Deputy Director Holtz discussed the process of sharing program details with the public, and the organization application and review process. Deputy Director Holtz explained how adding new programs could potentially reduce funds considered for current programs. Board Chair Massie how public service organizations represent the greatest number of applicants, but receive the lowest amount of available funding. Councilmember Moser stated she would find it beneficial for future reports to show current and immediate past year program amounts.

Mayor Carr stated she also would like to see the year-over-year comparison in the report as well as increased support for Stand Up for Kids, if possible. She expressed appreciation for the Board's decisions, and thanked the members for their service.

### 2. 21-227 **City Facility Capital Project Update**

City Manager Chi introduced Director of Public Works Sean Crumby who presented a PowerPoint communication entitled *Public Private Partnership Program Options* with slides titled: *Overview of Existing City Facilities, Managing and Maintaining Our City Facilities, City Current Has Several Major Facility Needs, City Hall Facility Overview (3), Police Station Facility Overview (2), Lake Fire Station Facility Overview (2), Public Works Corporate Yard Facility Overview (2), Lifeguard HQ Facility Overview*

*(2), Major Facility Rehabilitation Cost Estimates, Project Funding Options, DBFOM Project Model - Long Beach Case Study, DBFOM Project Model Assessment, Viability - DBFOM Project Model Feasible in HB Given Existing Assets, DBFOM Process Next Steps, and Questions?*

Councilmember Delgleize and Director Crumby discussed details regarding the Long Beach experience to clarify options and the process, including important community outreach.

Councilmember Kalmick, City Manager Chi and Director Crumby discussed concerns related to selling City property and other considerations such as long-term land leases, as well as negotiating many options through the process guided by experts hired to represent the City.

Councilmember Posey and Director Crumby discussed that this process could free up Capital Improvement Program (CIP) dollars depending on negotiations, and described this opportunity as trading land for development opportunities, and whether any potential sites could trigger a Measure C vote.

Mayor Pro Tem Ortiz and Director Crumby discussed that the plan will most likely involve one developer rather than multiple developers for the multiple sites, and the selected developer would become the expert partner to help identify assets, bring financing to the table, streamline the construction in a faster and more cost-effective manner, and develop the priority for projects while the City continues to provide services. Director Crumby explained that Fire response times would be part of the analysis to determine whether or not it is feasible to move a fire station.

Mayor Carr stated there are many details to be considered, and she looks forward to more discussions.

With no objections there was Council consensus for staff to move ahead with this item and provide a follow-up report in early Fall.

#### **RECESSED TO CLOSED SESSION — 5:16 PM**

Motion by Posey, second Delgleize, to recess to Closed Session Item No. 3. With no objections, the motion passed.

#### **CLOSED SESSION**

- 3. 21-244 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9 (Deciding Whether to Initiate Litigation): Number of cases, one (1) - File lawsuit re Appeal of Southern California Association of Governments (SCAG) Final Regional Housing Needs Assessment (RHNA) Methodology for the Sixth Housing Element Cycle.**

#### **6:00 PM — VIRTUAL ZOOM MEETING**

#### **RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:01 PM**

#### **ROLL CALL**

Present: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
Absent: None

**City Attorney Michael Gates requested and received permission to be absent pursuant to City Charter Section 309(d)**

**PLEDGE OF ALLEGIANCE** — Led by Councilmember Kalmick

#### **INVOCATION**

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

**4. 21-119 Charlie Niederman of Temple Beth David in Westminster and member of the Greater Huntington Beach Interfaith Council**

**CLOSED SESSION REPORT BY CITY ATTORNEY — None**

#### **AWARDS AND PRESENTATIONS**

**5. 21-176 Mayor Carr presented the Making A Difference award to Tayna Hoxsie of the Boys and Girls Club of Huntington Valley**

Mayor Carr described Tayna Hoxsie as an exceptional individual who has been making positive changes as a leader in Fountain Valley and Huntington Beach since 1979. Today she is the CEO of the Boys and Girls Club of Huntington Valley. Tayna has always focused on serving the needs of children and their families, and was instrumental in establishing the Learning Center Child Development Preschool, the Clubhouse Academy, and the Kingston Technology Family Campus at Golden West College that includes a preschool, gymnasium and a Boys and Girls Club branch. Tayna teaches non-profit management at Cal State Long Beach, serves on the Orange Coast Memorial Medical Center's Grants Committee, United Way Task Force, and Rotary Club, among other organizations.

Tayna expressed her appreciation for receiving this acknowledgement. Councilmember Delgleize congratulated Tayna and thanked her for being a role model.

**6. 21-200 Orange County Human Relations 2020 Annual Report presented by Minzah Malik**

Minzah Malik, Orange County Human Relations Council Board Member, described the Council's belief that all people have the right to live free of discrimination and violence, and their focus on ways to create safe and respectful communities. Ms. Malik reported that 2020 has seen a dramatic increase in incidents of hate and crimes against people, and described the Council's efforts to facilitate conversations, deliver presentations about Orange County's Civil Rights history, and provide training on implicit bias, diversity, equity and inclusion for corporate and non-profit organizations, schools and communities. Ms. Malik described a number of the specific interactions the Council had this past year in Huntington Beach, and reported that working together provides a safe and respectful community.

**7. 21-201 Mayor Carr presented the Mayor's HB Excellence Award to Laura Jenkins, Library Services Clerk**

Laura Jenkins has worked as Library Clerk in the Children's Department for the last four and a half years, where she provides Ms. Laura's Story Time that encourages early learning and literacy. Director of Library and Community Services Chris Slama shared that in addition to her popular Story Time, she

shines in planning and producing children's programming and pivoted to effective on-line programming this past year. Laura and her team have also created the very successful Make and Take Activity Bags for various age groups. She received her Master's Degree in Library and Information Sciences degree in Spring of 2020, and was recently promoted to Children's Librarian.

Laura expressed her appreciation for the opportunity to assist with providing early learning and literacy opportunities for preschoolers and their families.

#### **ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications received by her office following distribution of the Council Agenda packet:

#### **City Manager's Report**

**#8. (21-225)** PowerPoint communication titled *HB's Mobile Crisis Response Program Overview – C.A.R.E. – Crisis Assessment Response Effort* submitted by Oliver Chi, City Manager.

#### **Consent Calendar**

**#14. (21-202)** Email communication received from Gino Bruno regarding the proposed contract with Public Sector Personnel Consultants, Inc. to conduct a class and comp study.

#### **Administrative Items**

**#16. (21-219)** PowerPoint communication titled *2021 Fourth of July Celebration Proposal* submitted by Chris Slama, Director of Community and Library Services.

**#18. (21-228)** PowerPoint communication titled *Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Kimley-Horn and Associates, Inc. for Preparation of the 2021-2029 General Plan Housing Element Update* submitted by Nicolle Aubé, Associate Planner.

#### **Ordinances for Adoption**

**#19. (21-241)** Four (4) emails received regarding the proposed adoption of Emergency and Interim Ordinance No. 4229 regarding establishing limitations on third-party food delivery fees.

#### **Council Member Items**

**#20 (21-243)** Letter from multiple business owners regarding the proposed recommendation to analyze and assess zoning and parking requirements received from Duke Dufresne.

#### **PUBLIC COMMENTS (3-Minute Time Limit) — 8 Speakers via Zoom**

*The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas>.*

Chad Kroeger was invited to speak and shared the continued bullying that he and TJ are experiencing at the Vans Off the Wall Skate Park and again asked for some support from Mayor Pro Tem Ortiz. Mayor Carr explained that Councilmembers are not allowed to interact with speakers during Public Comments. (01:41:27)

Caller #460, Finance Commissioner Casey McKeon, was invited to speak and shared the Commission's concerns regarding the Orange County Power Authority (OCPA) contract for the Community Choice

Energy program, and encouraged the Council to amend specific sections of the contract before the April 1 deadline, as outlined in a letter previously sent to Council. (01:43:25)

Amory Hanson, a Candidate for City Council in 2022 and member of the Huntington Beach Historic Resources Board, was invited to speak and stated his support for Ordinances for Adoption, Item 19 (21-241) regarding establishing limits on third-party food delivery fees. (01:46:34)

Mark Sheldon, a 30+ year resident of Huntington Beach and former member of the Environmental Board, was invited to speak and stated his opposition to Councilmember Item No. 21 (21-242) regarding the elimination of two staff level committees. (01:47:29)

Austin Edsell, a resident of Huntington Beach, was invited to speak and stated his opposition to participating in the Orange County Power Authority (OCPA) Community Choice Energy program because in his opinion, the risks outweigh potential benefits, but if the Council decides to participate, he stated his support for the concerns and comments made by Finance Commissioner McKeon. (01:50:47)

Chad Horrell, Government Relations, DoorDash Food Delivery, was called to speak and stated opposition to Ordinances for Adoption Item 19 (21-241) regarding establishing limitations on third-party food delivery fees. (01:52:02)

Caller #283, Founder of Parents Rights, was called to speak and shared an editorial letter he recently wrote to the *O. C. Breeze* related to mental and emotional stress related to inadequate park acreage and opportunity for outdoor activities. (01:55:01)

Caller #927 was called to speak, but unfortunately was using an old version of Zoom and a speaking connection was not possible. (01:58:20)

Caller #523, Eric Silkenson, a Candidate for City Council in 2020, was invited to speak and stated his support for Ordinances for Adoption Item 19 (21-241) regarding Establishing Limitations on Third-Party Food Delivery Fees, support for Finance Commissioner McKeon's comments regarding the Orange County Power Authority (OCPA) contract for the Community Choice Energy program, support for the changes implemented for Downtown Main Street businesses during this challenging time, and encouraged Mayor Pro Tem Ortiz to focus his social media efforts on the benefits of Huntington Beach. (01:58:49)

### **COUNCIL COMMITTEE — APPOINTMENTS — LIAISON REPORTS, AB 1234 REPORTING, AND OPENNESS IN NEGOTIATIONS DISCLOSURES**

Councilmember Posey reported attending meetings of the Orange County Parks Commission, Vector Control, and Orange County Power Authority; and, announced that he was appointed to the Nominations Committee for Southern California Association of Government (SCAG) to provide a slate of potential officers.

Councilmember Moser reported attending meetings of the Huntington Beach Human Relations Task Force, Youth Board, and Finance Commission.

Councilmember Kalmick reported attending meetings of the Southern California Association of Governments (SCAG) Joint Policy Committee, Orange County Power Authority (OCPA), Orange County Sanitation Administrative Committee, and Smart City Ad Hoc Committee.

Councilmember Delgleize reported attending meetings of the Orange County Transportation Authority (OCTA) Board, Smart City Ad Hoc Committee, and Association of California Cities - Orange County (ACC-OC).

Mayor Carr reported attending meetings of the Human Relations Task Force, Huntington Beach Council on Aging, Orange County Sanitation Legislative and Public Affairs Committee, National Water Research Institute, Economic Development Committee, and the Downtown Business Improvement District (BID).

## **CITY MANAGER'S REPORT**

### **8. 21-225 Mobile Crisis Response Unit Update**

City Manager Chi was joined by Interim Police Chief Julian Harvey to present a PowerPoint communication entitled *C.A.R.E. — Crisis Assessment Response Effort* with slides titled: *The Problem, The Impact, The Frustration, The Result, OK, So What To Do, The Potential Solution, Benefits to C.A.R.E. Approach, C.A.R.E. Program Currently Under Development, Models Similar to C.A.R.E. Demonstrate Proof Of Concept, Next Steps, and Questions.*

Councilmember Posey, City Manager Chi and Interim Police Chief Harvey discussed opportunities for decreasing the improper use of Emergency Room resources for issues like non-emergency attention to wound care and mental health issues, and confirmed that "Wound Walk" is an important component of the program.

Councilmember Kalmick stated his support for the plan to collaborate with other cities, and discussed with Interim Police Chief Harvey some statistics from the successful CAHOOTS (Crisis Assistance Helping Out On The Streets) model being used in Eugene, Oregon since 1989. In summary, developing a C.A.R.E. program is expected to provide qualified and appropriate resources to people in need throughout the community so that police officers can focus on their responsibilities.

Councilmember Delgleize shared some statistics regarding the number of people with mental health issues and stated her support for the benefits this program can provide.

Councilmember Moser stated her support for this integrated healthcare model and all the benefits this approach will provide.

Mayor Carr stated her excitement at moving forward with a regional approach and thanked City Manager Chi and Interim Police Chief Harvey for the excellent report.

## **CONSENT CALENDAR**

Mayor Carr pulled Item #13 and Councilmember Posey pulled Item #10 for further discussion.

### **9. 21-195 Approved and Adopted Minutes**

A motion was made by Posey, second Delgleize to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated March 1, 2021, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**10. 21-218 Approved appointments to the Human Relations Task Force (HRTF) as recommended by City Council Liaisons Mayor Carr and Councilmember Moser**

Councilmember Posey stated for the record that it is customary practice for City Council Liaisons to make recommendations for committees and commissions and he expressed his full support for the appointment of Chris Hoff and Debbi Parrott.

A motion was made by Posey, second Delgleize to approve the appointment of Debbi Parrott as a member of the Human Relations Task Force through December 31, 2023, the end of term for the current vacancy; and, approve the appointment of Chris Hoff as a member of the Human Relations Task Force through December 31, 2021, the end of term for the current vacancy.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**11. 21-191 Adopted Resolution No. 2021-14 ordering the Summary Vacation of an Easement over a portion of Third Street in the City of Huntington Beach; and, authorized recordation with the Orange County Recorder**

A motion was made by Posey, second Delgleize to adopt Resolution No. 2021-14, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement Over a Portion of Third Street in the City of Huntington Beach;" (Attachment 2) and, instruct the City Clerk to record Resolution No. 2021-14 and the respective, attached exhibits with the Orange County Recorder.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**12. 21-194 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with All American Asphalt in the amount of \$2,614,115 for the Residential Overlay of Maintenance Zone 3, CC-1618**

A motion was made by Posey, second Delgleize to accept the lowest responsive and responsible bid submitted by All American Asphalt in the amount of \$2,614,115; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None



**13. 21-220 Approved and authorized execution of the First Amended and Restated Memorandum of Understanding (MOU) between the City of Huntington Beach and the Friends of the Huntington Beach City Junior Guards (FJG)**

Mayor Carr pulled this item to request that the City cover uniform costs one more year due to the pandemic, and suggested looking for a potential uniform sponsor moving head.

A motion was made by Carr, second Delgleize to approve and authorize the Mayor and City Clerk to execute the "First Amended and Restated Memorandum of Understanding Between the City of Huntington Beach and the Friends of the Huntington Beach City Junior Guards," ***as amended - City to absorb uniform costs for the current year (2021).***

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**14. 21-202 Approved and authorized execution of an Agreement with Public Sector Personnel Consultants, Inc. (PSPC) to conduct a Citywide Classification and Compensation Study**

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and Public Sector Personnel Consultants, Inc. for a City-Wide Classification and Compensation Study" in the amount of \$175,000.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**15. 21-237 Approved a Professional Services Contract with Carl Warren & Company for Liability Claims Administration Services**

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute the agreement, "Professional Services Contract Between the City of Huntington Beach and Carl Warren & Company Liability Claim Investigation and Processing," in the amount of \$309,000 for three (3) years, and delegate authority to the City Manager to execute any extensions thereto.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**ADMINISTRATIVE ITEMS**

**16. 21-219 Approve a recommended Action Plan and authorized execution of Amendment No. 1 to the Contract between the City of Huntington Beach and Soundskilz, Inc., for the 2021 4th of July Celebration in light of the ongoing COVID-19 pandemic**

City Manager Chi introduced Director of Community and Library Services, Chris Slama who jointly with Community Services Manager Chris Cole, presented a PowerPoint communication entitled *2021 4th of July Celebration Proposal* with slides titled: *4th of July Tradition, COVID-19 Impact on 4th of July Celebration, Proposed 2021 4th of July Celebration, Neighborhood Parade, Pier Plaza Festival, Home Decorating Contest, Modified 5K Run, Fireworks Show Over HB Pier, Soundskilz Contract Amendment to Facilitate 2021 4th of July Events, Recommended Action, and Questions.*

Councilmember Posey stated he is getting a mixed message because the plan does not include the traditional parade, but there are plans for crowd activities like a Pier Plaza festival and fireworks at the Pier. City Manager Chi stated that at the moment event planners, Visit HB and the hotels are hopeful that some of the pandemic restrictions will be lifted by July 4, but most likely not all of them, so the plan has to be fluid. Councilmember Posey and staff discussed possible parking options, and the fact that beaches may, or may not, be closed at that time.

Councilmember Peterson, as a Council Liaison for the Fourth of July Executive Board, described the difficulties in trying to scale back while not knowing what specific safety measures will be in place, considering that the typical parade route produces the biggest crowd especially when compared to the space available for the fireworks crowd. He added that the Board and Soundskilz are working diligently to find sponsors and provide a safe event.

Mayor Carr asked if there is an opportunity to add activities if health and safety restrictions are lifted, and Councilmember Peterson replied to the best of his knowledge it is in the plan to include the 5th Street Block Party if safety guidelines allow.

Councilmember Posey and Director Slama discussed financial considerations and potential sources of revenue. Steve Clayton, Founder and President of Soundskilz, described how guideline uncertainties for public gatherings influence commitments from potential sponsors, and the importance of devising a realistic plan that will deliver anticipated results. Councilmember Posey clarified for the record that parking fees collected are to only be used to offset public safety costs.

Mayor Pro Tem Ortiz offered to assist Mr. Clayton with efforts to recruit sponsors.

A motion was made by Peterson, second Ortiz to direct staff to proceed with a modified version of the traditional 4th of July Celebration, as approved by the Fourth of July Executive Board, to include a neighborhood parade, home decorating contest, Pier Plaza Festival, modified 5K run, and fireworks show; and, approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Soundskilz, Inc. for the Production and Management of the Annual Fourth of July Celebration."

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize

NOES: None

**17. 21-221 Approved Establishment of a City Council Ad-Hoc Committee to Perform a Formal Review of the City's Current Boards, Commission, and Committee Structure**

City Manager Chi briefly introduced this item by describing the Council's request for an assessment in 2019, a process that was derailed due to COVID-19, and stated it is now time to move forward. There are currently over 40 different City-initiated Boards and Commissions, and this effort will be to assess where there may be overlapping duties and responsibilities.

Councilmember Kalmick stated his interest in cutting red tape, but also providing opportunity for citizen participation in the decision-making process. He added that he would like to include for review all of the State and County organizations that Councilmembers participate in, while also keeping in mind that staff is involved in all City Board and Commission meetings. Councilmember Kalmick expressed his interest in being on this Ad-Hoc committee.

Councilmember Posey provided some basic costs for staff time to support all of the Boards and Commissions, and described the need for transparency and citizen involvement, as reasons to approve this Ad-Hoc Committee.

Councilmember Moser stated her agreement with the comments made by Councilmembers Posey and Kalmick. She further stated that in addition to the staff costs, there is benefit to the City from the services that community members provide through their volunteer participation.

Councilmember Delgleize stated her support for this item, and agreement with Councilmember Kalmick's comments.

Mayor Carr acknowledged the list of Boards and Commissions presented is not complete, and there are task forces and committees that may have served their purpose and are no longer needed. She described her support for this effort is not to decrease the number of people involved but rather decreasing the number of committees to eliminate overlapping responsibilities.

Councilmember Posey stated for the record that the purpose of the Ad Hoc Committee is to review purpose, objectives, and goals to determine the best way to deliver for the taxpayers.

A motion was made by Kalmick, second Posey to establish a 3-member City Council Ad-Hoc Committee, comprised of the Mayor and two (2) Council Members, to perform an assessment of the City's overall board, commission, and committee structure.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**18. 21-228 Approved and authorized execution of Contract Amendment No. 1 with Kimley-Horn, Inc. for preparation of the 6th Cycle Housing Element in an amount not to exceed \$52,900 for Public Outreach**

City Manager Chi introduced Associate Planner Nicolle Aubé who presented a PowerPoint communication entitled *Kimley-Horn Contract Amendment No. 1*, with slides titled: *Existing Contract - Public Outreach, Proposed Contract Amendment No. 1: Options for Expanded Public Outreach, Online Community Survey, Geographic Area Specific Meetings, Subject Group Meetings, Targeted Focus Group Meetings, Informational Fact Sheets, and Informational Video Segments.*

Councilmember Posey stated how important community outreach is and asked for clarification as to why this was not included in the original contract and is being added as an amendment. Community Development Director Luna-Reynosa explained that at the time the original contract was presented to Council, it was explained that public outreach is a contingency component that can increase as a project proceeds.

Councilmember Kalmick requested that the indigent communities be included in outreach efforts by providing information in the Spanish and Vietnamese languages. Kimley-Horn Consultant Nick Chen confirmed that the planned meetings and information materials would be provided in English and Spanish, and they can also provide for the Vietnamese community as well if staff determines that is necessary.

Councilmembers Delgleize and Moser stated support for doing what it takes to keep the community informed, especially for this challenging project.

Mayor Carr stated her support for this item and reiterated that it is critical to reach into each area of the City so all of the diverse voices are heard.

A motion was made by Kalmick, second Posey to approve and authorize the Mayor and City Clerk to execute "Amendment No.1 to Professional Services Contract between the City of Huntington Beach and Kimley-Horn, Inc. for the 6th Cycle Housing Element Update."

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

## **ORDINANCES FOR ADOPTION**

### **19. 21-241 Failed to Adopt Emergency and Interim Ordinance No. 4229, Establishing Limitations on Third-Party Food Delivery Fees**

#### **Five Affirmative Votes are required to adopt per Charter Section 501**

City Manager Chi introduced Assistant City Manager Travis Hopkins who provided background on this item as originally proposed by Councilmember Moser, and explained that proposed Ordinance No. 4229 limits delivery fees to no more than 15 percent (15%) of the purchase price; any other fees limited to no more than five percent (5%) of an online food order; the retail food establishment sets the price for online orders; and, all tips and gratuities paid by the customer would go the delivery person. Additional stipulations require the delivery service to provide a detailed invoice itemizing each cost component, and enforcement could result in a misdemeanor or infraction, at the discretion of the City Attorney, who may bring civil action for enforcement. Assistant City Manager Hopkins reminded everyone that per Charter Section 501, five affirmative votes are required for approval and an Emergency and Interim Ordinance automatically expires in 120 days.

Councilmember Posey and Assistant Chief City Attorney Vigliotta discussed enforcement mechanisms based on what other cities are doing such as involving Code Enforcement, or filing injunctive action asking the court for a temporary restraining order.

Councilmember Moser clarified that enforcement is on the third-party delivery company, not against any of the local businesses. She further explained that currently it appears that third-party delivery companies are aware of and following city ordinances to control costs for residents. Councilmember Moser stated her opinion that this temporary ordinance, coupled with micro grants and Federal aid will help local restaurant businesses. She further described this effort as a temporary solution to an emergency.

Councilmember Delgleize and City Manager Chi discussed that an industry organization does not have the authority to implement the regulations being presented. Councilmember Delgleize stated her hesitancy to support any city dictating how a business should operate.

Councilmember Ortiz stated he can understand the effort to curtail costs for residents, but does not feel comfortable doing that at the expense of other businesses.

Councilmember Kalmick shared his discussion with DoorDash representatives, and confirmed with City Manager Chi that the proposed ordinance does not prevent a food business from opting in for DoorDash's Premium Service. He further shared his opinion that this ordinance may make it possible for the City's small businesses to hang on until the pandemic is gone.

Councilmember Peterson stated his opposition to this item, and his opinion it is not appropriate for government to interfere with business contracts. He is not aware of any restaurant that is closing down because of the delivery service charges. Councilmember Peterson noted that the delivery service businesses hire many people, and he will never support policies that restrict any business.

Councilmember Posey stated that he believes the best way to support local restaurants and maximize their income is to call in your order, pick it up yourself, and tip more than normal. He also shared his opinion that this proposed ordinance could just drive the third-party delivery businesses to other cities that do not have these restrictions. Councilmember Posey stated he cannot support any policy, whether of a short-term emergency situation or not, where government modifies business contracts or sets prices.

Councilmember Moser that Council for their research, and stated that from what she has read, driver's wages would not be impacted by the ordinance. In addition, she provided her opinion that the ordinance if adopted would not drive delivery businesses to other cities.

Councilmember Kalmick expressed his opinion this ordinance is a means to benefit the residents during the remainder of the pandemic and he fully supports this item while respectfully disagreeing with Councilmember Posey.

Councilmember Delgleize thanked Councilmembers Moser and Kalmick for their passionate presentation on behalf of this item, and stated she still cannot support any city dictating how a business should operate.

Mayor Carr stated her support for this item because any effort to temporarily benefit local food service operations is critical at this point.

A motion was made by Moser, second Kalmick to adopt Ordinance No. 4229, "An Emergency and Interim Ordinance of the City of Huntington Beach Establishing Limitations on Third-Party Food Delivery Fees."

The motion failed by the following vote:

AYES: Carr, Moser, and Kalmick  
NOES: Peterson, Delgleize, Ortiz, and Posey

## **COUNCILMEMBER ITEMS**

### **20. 21-243 Item Submitted by Mayor Carr Approved - Direct staff to analyze and assess Zoning Code and Parking Requirement adjustments to facilitate ongoing Outdoor Dining and Retail Operations after the pandemic**

Mayor Carr introduced the item by explaining the request came from businesses in the community, especially the small businesses on private property, which would like to continue offering outdoor dining after the pandemic. She stated it is time to revisit parking ratios, especially now that more people are using Uber and Lyft for transportation, to determine if outdoor dining can continue on a more permanent basis.

Councilmember Delgleize stated her support for this item.

Councilmember Posey stated his enthusiastic support for this item, and that he is not aware of anyone complaining about not enough parking during this time of expanded outdoor dining.

Mayor Pro Tem Ortiz stated his support for this item, as he believes more people are choosing to eat out and leave the driving to Uber or Lyft, which can decrease the amount of parking space an establishment needs.

Councilmember Peterson suggested in some situations the use of a Conditional Use Permit (CUP) for a specific address might be appropriate because if that business moves out the parking requirements may revert for a different business moving in.

Community Development Director Ursula Luna-Reynosa stated that if the action is approved, staff will be looking at aesthetics, safety, design guidelines, and flexibility. She added that parking policies guided by a business's needs are important.

Councilmember Kalmick stated he would like to see parking requirements possibly tied to time of use, implementation of some shared use options, and consideration of valet parking and Conditional Use Permits in some circumstances. Councilmember Kalmick confirmed with Mayor Carr that the focus of this effort is related to expansion of outdoor dining and retail services on private property.

A motion was made by Carr, second Delgleize to recommend that the City Council direct staff to analyze and develop options for updating the City's zoning code and parking standards to allow for a permanent expansion of outdoor dining and retail services on private property.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize  
NOES: None

**21. 21-242 Item Submitted by Councilmember Kalmick Approved - Elimination of two staff level committees — Environmental Assessment Committee (EAC) and Subdivision Committee**

Councilmember Kalmick explained his opinion that the Subdivision Committee, which consists of staff and Planning Commissioners, was functional when created, but at this point, it just creates additional hurdles that increase project costs. He stated his intention is to ask staff to eliminate the Committee and change necessary code and policy.

Councilmember Kalmick described the Environmental Assessment Committee (EAC) as three staff members, including the City Attorney, holding a public meeting to discuss a position they have taken. He explained his opinion that the Brown "Open Meetings" Act does not apply to the EAC because it is composed of staff members, and they should just file a Notice of Action. He added that no one could say anything at an EAC meeting that would change a project outcome.

Councilmember Delgleize stated her support for the item because the issues discussed by these Committees are public and transparent with other options available in the process for the public to address any concerns.

Councilmember Posey stated his support for this item and shared his opinion this action dovetails with approved Consent Calendar Item No. 17 (21-221) regarding establishing an Ad-Hoc Committee to perform a formal review of the City's current Boards, Commission, and Committee structure. Councilmember Posey confirmed with Councilmember Kalmick that they are not aware of either of these Committee decisions ever being overturned.

Mayor Carr, Councilmember Kalmick and Chief Assistant City Attorney Vigliotta discussed the fact that they do not ever recall any members of the public attending any of these Committee meetings. Director Luna-Reynosa explained that for the Subdivision Committee, the action is a tentative tract map that goes before the Planning Commission with a Notice of Public Hearing for public input. The Planning Commission's recommendation goes before the City Council with another opportunity for public comment. She further stated that the EAC process follows the same path with several other opportunities for public input, and explained that most other cities do not have comparable committees.

Councilmember Mosey stated her opinion that these committees appear to be redundant and therefore she supports the item.

Councilmember Kalmick and Director Luna-Reynosa discussed the multiple opportunities the public has to be involved in these processes, and confirmed that Environmental Impact Reports, Negative, and Mitigated Declarations are disclosure documents which include public participation.

A motion was made by Kalmick, second Delgleize to recommend that the City Council direct staff to prepare the ordinances and/or resolutions necessary to comply with relevant State law to eliminate both the EAC and the Subdivision Committee and to roll those existing functions into the appropriate review body.

The motion carried by the following vote:

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize

NOES: None

**COUNCILMEMBER COMMENTS** (Not Agendized)

Mayor Pro Tem Ortiz responded to public speakers Chad and TJ who requested assistance regarding repeated bullying incidents at Vans Off The Wall Skatepark by asking them to email him with the date and time of their next visit to the Skatepark. He also described his willingness to function as a mediator and help the parties involved to cooperate so everyone can enjoy the facility.

Councilmember Posey stated his interest in joining Mayor Pro Tem Ortiz at the Skatepark meeting, and also encouraged his fellow Councilmembers and the public to visit any Wound Walk event, and applauded the work they are doing.

Councilmember Moser reported on the trauma-informed care that is provided by Wound Walk under the leadership of Michael Sean Wright, and the many volunteers who recently joined with Huntington Beach Police and Fire Departments to build trust with the City's homeless population. She also reported meeting with United to End Homelessness, Interim Police Chief Harvey regarding enforcement efforts in and around Harriett Weider Park, and Jason Austin with the County to develop a collaborative effort to address homelessness. She participated in Children Read Across America by reading to Mrs. Grey's Third Grade and Mrs. Hepburn's Fourth Grade Gifted and Talented Education (GATE) classes, and thanked Huntington Beach Library staff for their support; met over Zoom with a nine year old student from Mrs. Grey's Third Grade class who was seeking advice on how to address her concerns about Mylar balloons; volunteering at OTHENA senior vaccinating event; attending Youth Day Public Policy Academy meetings; and thanked the Huntington Beach Fire Department and EMT Response Team for responding with care and concern when her Dad recently had a bad fall. Councilmember Moser read a statement she prepared to express her opinion on issues that are not appropriate for Councilmembers to express public opinions on, and asked her fellow Councilmembers to focus on serving with justice and compassion.

Councilmember Kalmick expressed his appreciation for the opportunity to participate in Children Read Across America by reading to Ms. Anderson's class at Peterson Elementary School; meeting as a Board Member of the Bolsa Chica Land Trust with members of supporting agencies, including Interim Police Chief Harvey and several members of the Huntington Beach Police force and Dispatch, to address the issue of parking lot break-ins where expensive camera equipment is being stolen. He also reported helping out at Central Net with vaccinations.

Councilmember Delgleize reported attending the Tree Society Arbor Day event and thanked Jean Nagy and the many volunteers who spend countless hours improving the City's green space.

Mayor Carr reported also attending the Tree Society Arbor Day event and presenting the Council's Certificate of Appreciation; participating in Children Read Across America with Mrs. Newton's Fourth Grade and Ms. Forgiarini's First Grade classes at Peterson Elementary School, City of Huntington Beach and Huntington Beach Hospital vaccination clinic; and announced the next Town Hall Meeting, an informational webinar to present details on the Small Business Micro Grant Program, at 6 PM on Wednesday, March 17, with a follow-up webinar on March 22, at 2 PM to present the Micro Grant application process. Mayor Carr also announced that the next City Council meeting on Monday, April 5, 2021, will be an in-person meeting for Councilmembers and Public Speakers only. Public speakers will also have the opportunity to participate via Zoom, or phone call, but in-person observation will not be allowed.



**ADJOURNMENT** — 10:01 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, April 5, 2021, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT <http://www.huntingtonbeachca.gov>

---

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Secretary of the Public Financing Authority of the City of Huntington Beach, California

**ATTEST:**

---

City Clerk-Secretary

---

Mayor-Chair