

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, September 20, 2022
4:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648
OR Virtual via Zoom Webinar

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/

4:00 PM - COUNCIL CHAMBERS

CALL TO ORDER — 4:01 PM

ROLL CALL

Present: Peterson, Bolton, Posey (via Zoom), Delgleize, Carr, Moser, and Kalmick
Absent: None

City Clerk Robin Estanislau requested, and was granted, permission to be absent pursuant to City Charter Section 310 (a).

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Patty Esparza announced supplemental communications that were received by her office following distribution of the Council Agenda packet:

Study Session

#1 (22-730)

PowerPoint presentation entitled "Ocean View Estates" submitted by Ursula Luna-Reynosa, Director of Community Development.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS

(3 Minute Time Limit) — 1 Public Speaker

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/>.

Shari Engel, a 20-year volunteer at Huntington Central Park, was called to speak and noted that improvements for Mile Square Park in Fountain Valley are paid by Orange County taxpayers through the Orange County Park system, and asked why Central Park Huntington Beach doesn't benefit financially from any of the many tax generating community events held throughout the year. Shari also thanked Mayor Delgleize for her support for Huntington Beach parks. (00:01:30)

STUDY SESSION

1. 22-730 Ocean View Estates Leases

Community Development Director Ursula Luna-Reynosa presented a PowerPoint communication titled *Ocean View Estates*, with slides entitled: *Ocean View Estates Mobilehome Park; Background; Current Rental Agreement Term Expires September 30, 2024; Course of Action for Cessation of Use; Options - Cost Estimate Report; Options to Extend Closure Date; and Questions?*

Mayor Delgleize confirmed with Director Luna-Reynosa the processes and time-frame required for cessation of use. Administrative Aide Kim Radding confirmed that the City is responsible to maintain roadways, and noted the concern of the homeowners regarding the City's plans.

Councilmember Peterson confirmed with Director Luna-Reynosa that relocation options exist for someone moving in today as well as those who have been residents since the beginning of the mobile home park development. Councilmember Peterson stated his support for extending rental agreements, as well as designating a portion of the revenue for the City's park maintenance fees.

Councilmember Kalmick confirmed with Director Luna-Reynosa that the City has not put any effort into decreasing the number of tenants, and that State laws now stipulate conditions for mobile home park land conversions. They also reviewed the financial numbers projected for returning the land to open green space. Councilmember Kalmick said he does not believe the City should be a landlord, and confirmed with Director Luna-Reynosa that selling or converting the land would be a Measure C issue.

Director Luna-Reynosa clarified for Councilmember Kalmick the purpose of this Study Session is for Council to provide direction to staff for preparing an agenda item, and explained if Council decides to close this mobile home park, the process must begin before the end of this year in order to meet deadlines. Councilmember Kalmick stated he supports closing the mobile home park, but not incurring costs to do so, and suggested extending current leases by five years, with an option for an additional five years to allow another look at the situation in five years.

Councilmember Carr stated her desire for much more information, such as an analysis of the local market data for mobile homes, before making a decision on this item. She suggested another option, could be to provide an opportunity for the current owners to buy this park, even if that option would fall under Measure C. Councilmember Carr stated her support for seeing this land remain as affordable housing. She also stated her concern about how accurate the financial numbers presented tonight will be in another ten or fifteen years, and therefore recommended hiring a consultant to research and provide accurate information for Council's consideration.

Director Luna-Reynosa noted that if the residents were interested in purchasing the land, it would be a Surplus Land Act and Measure C issue, and require re-zoning with a general plan amendment, and entitlement process. She also stated that mobile homes are not affordable housing under State law. Director Luna-Reynosa also noted that the financial numbers presented did come from consultation with a Relocation Consultant, and if Council wants to proceed with a mobile home park closure, a Request for Proposal (RFP) would be issued.

Councilmember Moser expressed her appreciation for the details presented, and stated her support for a ten- to fifteen-year lease extension. She also stated support for an effort to retain some park revenue each year to set aside funding for the eventual mobile home park closure. Councilmember Moser asked staff to provide the expected on-going costs to maintain the roadways and any other required short-term and long-term costs.

Director Luna-Reynosa referred back to the *Current Rental Agreement Term Expires September 30, 2024* presentation slide to document that maintenance currently costs approximately \$100,000 annually. It was noted that the City maintains the mobile park irrigation along with Central Park irrigation maintenance. Councilmember Moser asked that projected numbers include expected inflation.

Mayor Pro Tem Posey asked for a market rate survey for space rent, as well as a detailed income/expense report for consideration. Director Luna-Reynosa noted that the "Less Expenditures and 5% Vacancy Rate" line shows the net revenue, and noted that the space rent survey was included in the annual Tenant Based Rental Assistance (TBRA) report in April which showed market at about \$1,700 and the City's rate at about \$1,358.

Mayor Pro Tem Posey stated he would rather see revenue build over time and accrue funds to properly handle a transition rather than the potential of having a piece of fenced open land waiting for funds to create a proper park.

Councilmember Bolton stated she would like to better understand the processes and timeframe required if the current residents decided to purchase the land. She further stated she sees no reason to compel the residents to leave at the end of the current lease.

Mayor Delgleize clarified with Director Luna-Reynosa that the Council can reserve part, or all, of the revenue generated from this mobile home park for closure and relocation costs, or a portion for Central Park maintenance, or for park improvement. Mayor Delgleize stated that with the planned in-depth study on the City's infrastructure needs, to her it makes sense to extend the leases five years with another five-year option to provide a better "complete" picture before determining the time to transition this mobile home park.

Councilmember Kalmick asked that all of the costs, including rezoning fees, and considerations be included for an option offering to sell the parcel to the residents.

Director Luna-Reynosa thanked Councilmembers for their comments and questions.

A motion by Kalmick, second by Carr, to recess to Closed Session. With no objections the motion passed.

CLOSED SESSION ANNOUNCEMENT(S)

- 2. 22-790 Mayor Delgleize Announced: Pursuant to Government Code § 54957.6., the City Council takes this opportunity to publicly introduce and identify labor negotiators: Al Zelinka, City Manager; also in attendance: Brittany Mello, Director of Administrative Services, regarding the following: Huntington Beach Municipal Teamsters (HBMT), Management Employees' Organization (MEO), Police Officers' Association (POA), Police Management Association (PMA), Huntington Beach Firefighters' Association (HBFA), Fire Management Association (FMA), Marine Safety Management Association (MSMA), Surf City Lifeguard Employees' Association (SCLEA), and Non-Represented (Non-Associated) Employees (NA) City Manager Zelinka added that Public Sector Consultants will also be attending Closed Session.**

RECESSED TO CLOSED SESSION — 4:46 PM

CLOSED SESSION

3. 22-786 **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Tabares (Tiffany) v. City of Huntington Beach/Eric Esparza, OCSC Case No.: 30-2021-01200297**
4. 22-787 **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Whitaker (Brittany) v. City of Huntington Beach; OCSC Case No.: 30-2021-01235807**
5. 22-791 **CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager; also in attendance: Brittany Mello, Director of Administrative Services, and Public Sector Consultants regarding the following: Huntington Beach Municipal Teamsters (HBMT), Management Employees' Organization (MEO), Police Officers' Association (POA), Police Management Association (PMA), Huntington Beach Firefighters' Association (HBFA), Fire Management Association (FMA), Marine Safety Management Association (MSMA), Surf City Lifeguard Employees' Association (SCLEA), and Non-Represented (Non-Associated) Employees (NA)**
6. 22-798 **CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): Number of Cases, one (1) — Oil Spill**

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:07 PM

ROLL CALL

Present: Peterson, Bolton, Posey (via Zoom), Delgleize, Carr, Moser, and Kalmick
Absent: None

City Clerk Robin Estanislau requested, and was granted, permission to be absent pursuant to City Charter Section 310 (a).

PLEDGE OF ALLEGIANCE — Led by Councilmember Carr

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.

7. 22-698 **Jynene Johnson of the Huntington Beach Stake of The Church of Jesus Christ of Latter-day Saints and member of the Greater Huntington Beach Interfaith Council**

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

8. 22-667 Mayor Delgleize called on Lisa Rudy and Mel Williams to recognize them for their contributions to the July 13, 2022 Neighborhood Watch Public Safety meeting and other crime prevention measures in the Huntington Harbour area

Mayor Delgleize introduced Lisa Rudy and Mel Williams and thanked them for coordinating and organizing the Neighborhood Watch program for the Huntington Harbour area. This Neighborhood Watch and Public Safety program was acknowledged by the Harbour Commission for the over 200 attendees, plus 900 remote viewers.

Mr. Williams described the Crime Watch Newsletter which shares information on what is happening in the Harbour area, and describes ways residents can support police efforts.

Ms. Rudy noted that her home was burglarized earlier in the year, and that motivated her to let the neighbors know what was going on and to inform them of ways to secure their homes.

Fire Chief Haberle thanked Lisa and Mel for truly embodying the OneHB spirit and working with the Harbour Commission to present a very successful Neighborhood Watch Public Safety meeting.

9. 22-668 Mayor Delgleize called on Jeremy Johnson and the Walmart Team from Store 5601 for their continued support of the Huntington Beach Fire Department and their recent donation of \$3,000 for the purchase of essential equipment for the Department's Hazardous Materials Response Team

Mayor Delgleize welcomed Suehaine Ramos and Traci Allen of Walmart. Fire Chief Haberle noted this is another great example of community embodying the OneHB spirit through their donation of \$3,000 for essential equipment for the Fire Department's Hazardous Materials Response Team. Chief Haberle explained that the Hazardous Materials Response Team has completed extensive training and audits to meet State standards for increased level of service from Type 2 to Type 1. The Walmart donation made it possible to purchase the extra equipment needed to become Type 1 qualified. Chief Haberle noted that Huntington Beach has the only Type 1 Hazmat unit in Orange County. Chief Haberle thanked Walmart for their year-after-year support for the Huntington Beach Fire Department.

10. 22-784 Mayor Delgleize proclaimed September as National Service Dog Month and presented commendation to volunteer puppy raiser Doreen Mayo of Canine Companions and puppy, Brisket

Mayor Delgleize noted that National Service Dog Month aims to educate about the benefit of service dogs and the laws protecting them, and described some of the benefits service dogs provide for people with disabilities.

Doreen Mayo and her husband have been raising service dogs for 18 years, and stated that regardless of age, or disability, Canine Companions has a dog for you. Brisket is sponsored by the Los Angeles Chargers football team, and Lazy Dog Restaurant. Brisket has more than 16,000 followers on his Chargers Pup Instagram account. Doreen and Brisket thanked Huntington Beach for supporting National Service Dog Month.

11. 22-758 Mayor Delgleize presented the August Mayor's HB Excellence Award to Sergeant Scott Marsh with HBPD

Mayor Delglieze noted that the Mayor's Awardees are nominated by their fellow employees for meeting the criteria of humility, social awareness, passion, exceptionality, integrity, and being team oriented. Sergeant Marsh has served Huntington Beach with honor and distinction for over 20 years, and currently supervises the General Investigation Unit. Fellow employees further described his encouragement of team work, compassion, innovation, and personal growth. He is a personal supporter of the Special Olympics Torch Run by organizing and staffing the run through Huntington Beach.

Police Chief Parra noted that Sergeant Marsh is also in charge of the Crisis Negotiation Team. Chief Parra thanked Sergeant Marsh for his commitment, compassion and attention to details, and congratulated him for receiving this honor.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Patty Esparza announced supplemental communications that were received by her office following distribution of the Council Agenda packet:

City Manager's Report

- #12 (22-788)** PowerPoint presentation entitled "Glen Mar Frontage Road Improvements" submitted by Sean Crumby, Director of Public Works.
- #13 (22-789)** PowerPoint presentation entitled "Be Well OC in Huntington Beach: One Year Update" submitted by Marshall Moncrief of MindOC and Jason Austin, Deputy Director of Homelessness and Behavior Services.

Consent Calendar

- #20 (22-719)** Inter-department communication regarding American Asphalt South for Residential Zone Slurry Maintenance in Maintenance Zones 2 and 5 received from Sean Crumby, Director of Public Works.

Administrative Items

- #26 (22-780)** PowerPoint presentation entitled "Recognition of Michael E. Rodger at Senior Center in Central Park & naming of the former Senior Outreach Building at 17th Street Park submitted by Chris Slama, Director of Community & Library Services.

Two (2) email communications received regarding the dedication of the central hallway at the Senior Center in Central Park.

PUBLIC COMMENTS (3 Minute Time Limit) — 24 In-Person and 2 Phone-In Speakers

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>.

Erik Peterson, on behalf of Congresswoman Steel, was called to speak, and presented to City Attorney Michael Gates a copy of Congresswoman Steel's statement read into the Congressional Record to acknowledge the efforts of Attorney Gates as an effective advocate for the people of Huntington Beach, and to thank him for his service to the community. (01:15:08)

Mike VanVoorhis, Chair of the Huntington Beach Harbor Commission, and member of the Sunset Beach Community Association, was called to speak and announced that Thursday, September 22, 7:30 PM, there will be a City Council and City Attorney Candidates Forum at the Sunset Beach Community Center.

He also announced the Sunset Beach Chili Cook Off on Saturday, September 24, 11 AM to 4 PM, at the Sunset Beach Community Center. (01:16:43)

Dan Pantano, Skandia Mobile Home Park homeowner, and also representing his wife, Gina Alexander, Vice President of the Skandia Home Owners Association, was called to speak and shared their opinions on living in Huntington Beach where middle-income families are being forced into renting because of the influx of big conglomerate investors buying the mobile home parks. Mr. Pantano asked that Council not remain silent on the issue of affordable housing for the City's middle-income and senior residents. (01:20:11)

David Garofalo was called to speak and thanked City Staff and the City Council on behalf of the Huntington Beach Greater Interfaith Council for supporting another successful Blessing of the Waves in Huntington Beach. (01:23:07)

Joe Carchio, a resident and business owner in Huntington Beach for over 40 years, and former Mayor and Councilmember, was called to speak and thanked all of the people, City staff and Councilmembers who have supported him through the years as he announced he is moving back to New Jersey to be close to family. (01:24:44)

Scott Field, a Candidate for City Attorney in 2022, was called to speak and stated he has 40 years of municipal attorney experience including 25 years of working at the City of Huntington Beach. Mr. Field defined his qualifications and described situations which he feels makes him the best candidate for the position. (01:27:28)

Dennis Bauer, representing almost 40,000 veterans and their families in Huntington Beach, was called to speak and stated his support for Administrative Items #26 B to formally name the former Senior Outreach Building at 1718 Orange Avenue to Memorial Hall in honor of all of the veterans in Huntington Beach. (01:30:45)

Tom Welch, 43-year resident of Huntington Beach and retired military officer, was called to speak and stated his support for Administrative Items #26 B to formally name the former Senior Outreach Building at 1719 Orange Avenue to Memorial Hall in honor of all of the veterans in Huntington Beach. (01:31:32)

Pam Free, former Pier Plaza Art Affaire operator for nearly 30 years, was called to speak and described the unfortunate fact that 42 of the 56 former vendors cannot afford to pay the doubled vendor fees since the event has been managed by the Downtown Business Improvement Board. Ms. Free described a number of changed policies and recent "situations" at the Art Affaire, and asked if the event is really as great as a Councilmember recently described it. (01:34:47)

Patricia Taylor, a resident of Rancho Del Rey Mobile Home Park, was called to speak and noted City Council's minimal efforts in support of the many seniors who are seeing uncontrolled space rent increases, and asked for meaningful action now to help more at-risk residents until a Rent Stabilization Ordinance (RSO) can be voted on in November 2024. (01:37:59)

Kathy Carrick was called to speak and described dates and events this year related to the appointment process for two vacant positions on the Historic Resources Board. She noted that her inquiries about the sudden and last-minute removal of the appointment of Catherine Johnson and Austin Edsell in June, have been stonewalled. Ms. Carrick referenced public documents to support her contention that City Council acted inappropriately in this situation, and stated actions of targeted discrimination negatively impact everyone. (01:40:53)

Tim Geddes, a nearly 40-year resident of southwest Huntington Beach, and Chair of the Mobile Home Advisory Board, was called to speak and asked all Huntington Beach City Council candidates what they would do to address the plight of the homeowners and seniors trapped in an unsustainable economic situation in Huntington Beach mobile home parks. Mr. Geddes invited any City Council candidates with answers to attend the quarterly Mobile Home Advisory Board meeting at 5 PM on Monday, October 24, 2022, Room B8 (the meeting room next to Council Chambers), and share their ideas during public comments. (01:44:02)

Dino Ferraro, Owner and Chef, Capone's Italian Cucina, and Black Trumpet Bistro in Huntington Beach for the last 23 years, was called to speak and stated he wanted to draw attention to a serious First Amendment right violation. He described a meet and greet event he held on August 1, 2022, to discuss City issues, support Huntington Beach small businesses, and included City Attorney Candidate Michael Gates. After this event he received calls from Code Enforcement stating he was in violation of a City outdoor dining ordinance. Mr. Ferraro noted that neighboring restaurants on either side of him have dining tables and chairs set up outside, as most restaurants do, as they have been encouraged by the City for the last two years during Covid-19. Mr. Ferraro called on the City to cease harassing him and violating his free speech rights. (01:46:27)

Lisa Ferraro, wife of Dino Ferraro and Huntington Beach residents for over 30 years, was called to speak and stated that after their August 1, 2022, event and public support for City Attorney Candidate Michael Gates, Huntington Beach Code Enforcement claimed Capone's Italian Cucina was in violation of Americans with Disabilities Act (ADA), when in reality there are multiple paths of travel in and around their restaurant. Ms. Ferraro stated her understanding that ADA issues are addressed after an official complaint from a disabled person, and shared her opinion that those issues do not fall under any city's code enforcement department. Ms. Ferraro asked that the City cease harassing them and violating their free speech rights. (01:50:03)

R. Allen Baylis, a resident of Huntington Beach for over 50 years and practicing attorney, was called to speak and shared his opinion that Michael Gates is not the right person for the City Attorney position. Mr. Baylis stated his support for City Attorney Candidate Mr. Scott Field. (01:52:27)

Jim Rossman, a 43-year resident of Huntington Beach and 22-year member of the American Legion, was called to speak and stated his support for Administrative Items #26 B to formally name the former Senior Outreach Building at 1719 Orange Avenue to Memorial Hall in honor of all of the veterans in Huntington Beach. (01:55:29)

Ken Inouye, a 49-year resident of Huntington Beach, and Candidate for City Council in 2022, was called to speak and noted that Huntington Beach ordinances do not allow posting of campaign signs until September 19, and yet a number of candidates posted their signs on September 18. Mr. Inouye stated he believes the residents deserve to be served by candidates who follow the rules and present facts based on their merits in a clean campaign without resorting to sending out hit pieces. (01:57:03)

Amory Hanson, a Candidate for City Council in 2022, and Vice Chair of the Historic Resources Board, speaking as a concerned citizen, was called to speak and stated his support for Administrative Items #26 A to approve formally dedicating the central hallway wall at the Senior Center in Central Park in recognition of Michael E. Rodgers. Mr. Hanson stated that also placing a plaque honoring Michael E. Rodgers at Memorial Hall on Orange Avenue will restore the legacy of Mr. Rodgers in Huntington Beach, and suggested the City sponsor an event to commemorate the placement of these plaques. (01:58:59)

WynDee Swartz was called to speak and thanked Mayor Delgleize for ensuring the Glen Mar community issues are being addressed. Ms. Swartz described the original planning details made five years ago, and her recent discovery that funds are no longer available to complete this project. Ms. Swartz suggested the project be completed in phases, using the plan and materials approved five years ago, as a method to proceed and stay within available funding. (02:00:45)

Fran Varga, a resident living near the 17th Street Park, was called to speak and expressed her support for naming the former Senior Outreach Building at 1719 Orange Avenue to "Memorial Community Hall" in honor of the historical American Legion Post 133 and to acknowledge the public nature of the facility. She also stated she looks forward to the official ribbon cutting ceremony for 17th Street Park. (02:03:59)

Chris Varga was called to speak and stated his support for Administrative Items #26 A and B to formally dedicate the central hallway wall at the Senior Center in Central Park in recognition of Michael E. Rodgers; and, formally name the former Senior Outreach Building at 1719 Orange Avenue as "Memorial Community Hall". He also stated he is looking forward to the official ribbon cutting ceremony at 17th Street Park. (02:06:34)

Leonie Mulvihill, a citizen of Huntington Beach and municipal lawyer for over 25 years, was called to speak and shared her opinion that City Attorney Michael Gates has become a distraction to the election due to his statements blasted on social media. She noted the State Bar rules on the professional rules of conduct for attorneys and addresses conflicts of interest, and stated she filed a complaint with the State Bar because they are the final arbitrator on professional rules of conduct. Ms. Mulvihill noted her intent is to allow the community to move on from this distraction and refocus on improving the lives of the residents of Huntington Beach. (02:08:29)

Roger Noor was called to speak and shared his unsatisfactory personal interactions with Huntington Beach Police Department officers. (02:11:19)

Brian Costa was called to speak and asked how someone on video tape committing a vandalism crime on a private vehicle can be released and not arrested, yet smoking on the beach is an arrestable offense. (02:14:28)

Caller Ada Hand, a resident of Del Mar Estates Mobile Home Park, was invited to speak and directed her comments to the topic of vacancy control in mobile home parks pertaining to Rent Stabilization Ordinances (RSOs). Ms. Hand noted that RSOs do not necessarily prevent park owners from raising rents as claimed by some park owners. (02:16:31)

Caller Allison Plum, a mobile home owner, was invited to speak and directed her comments to define various terms used when considering mobile home space rental amounts. She noted that most mobile home residents live in a captive marketplace where park owners control the market. Ms. Plum reminded all mobile home residents of the next Mobile Home Advisory meeting on Monday, October 24, 2022, 5 PM in Room B8 at City Hall. (02:19:40)

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

Councilmember Kalmick reported attending the following meetings: Cannabis Ad Hoc Committee and Orange County Transportation Authority (OCTA) Advisory Committee, Bike and Pedestrian Subcommittee.

Mayor Delgleize announced that Orange County Transit Authority (OCTA) has prepared an outline, currently in management review, for handling bike safety and noted the need for guidelines.

Councilmember Bolton reported attending meetings of the: Cannabis Ad Hoc Committee, and Human Relations Committee.

Councilmember Moser reported the following meetings: League of California Cities, where she was elected as a member of the 2022-23 Board of Directors for the Orange County Division; High School and Community Colleges School Districts; Youth Board; Downtown Redesign Ad Hoc Committee; Human Relations Committee; and Homeless Task Force.

Councilmember Carr reported attending the League of California Cities Annual Conference and Expo.

Mayor Delgleize announced that Orange County Tax Payers Association (OCTax) presented a radish to Poseidon Water at their recent Roses and Radishes event to acknowledge Orange County organizations that are taxpayer friendly, or not, and reported attending the International Surfing Association (ISA) parade representing 51 countries participating in this year's World Surfing Games in Huntington Beach this week.

CITY MANAGER'S REPORT

12. 22-788 Glen Mar Arterial Landscape Rehabilitation

Director of Public Works Sean Crumby presented a PowerPoint communication titled *Glen Mar Frontage Road Improvements* with slides entitled: *Table of Contents; Project History; Existing Condition; Current Project; Moving Forward - Option 1 (Bid Now); and Moving Forward - Option 2 (Phased Approach)*.

Councilmember Kalmick and Director Crumby discussed cost increases for this project. Director Crumby noted that when the project started, pre-Covid-19, much of the labor was provided by City staff through overtime hours, but since the staff re-organization this project will be handed off to a project manager with bidding through Public Contract code. Director Crumby confirmed for Councilmember Kalmick this land has always belonged to the City.

Director Crumby stated that staff recommends proceeding by substituting stained lodgepole for all areas except the tract entries to complete as much of the project as possible.

Mayor Delgleize and Director Crumby discussed an option to extend the time to complete the project by continuing to use the Trex® product or change to using lodgepole. It was noted that neither product is maintenance free.

City Manager Zelinka noted this item is a report only, and staff is not looking for Council direction.

Councilmember Kalmick stated his opinion that the lodgepole is great for the beach, but doesn't match esthetics of the original plan for Glen Mar. He stated his support for extending the project to do it right, and noted that Trex® materials hold up well over time.

Councilmember Moser stated her support for Councilmember Kalmick's comments, and noted that by continuing to use a Trex® product, this project will be kept in line with the effort to beautify the City's arterial streets.

Councilmember Carr noted that one reason for the deterioration of the previous fence was because people were walking on it and suspects that using lodgepole may result in the same type of behavior. Also, noting the minor difference in cost, she stated support for the comments made by Councilmembers Kalmick and Moser.

13. 22-789 Reviewed the First Year of Operations for the Be Well OC in Huntington Beach Mobile Crisis Response Program

Marshal Moncrief of MindOC expressed gratitude for the leadership provided by Huntington Beach in leading the charge and showing what a community can do to address the needs of every single person in the community. Mr. Moncrief presented a PowerPoint communication titled *Be Well OC in Huntington Beach: One Year Update*, with slides entitled: *The Problem; The Solution; Huntington Beach; Be Well Mobile Response in Huntington Beach (3); Contacts This Month; Average Time to Scene; Statistical Information (2); Housed vs Unhoused = Whole Community Service (2); and Lessons Learned & Looking Ahead.*

Mayor Delgleize expressed her appreciation for this program, and noted it is not just homeless people who may benefit at one time or another from these services. She also thanked Jason Austin, Deputy Director of Homelessness and Behavior Services, for helping to make Huntington Beach a better city.

Councilmember Carr expressed appreciation for being in a position to test this forward-thinking program, and asked if other area cities are responding to the need. Mr. Moncrief noted that five other cities have implemented similar programs and five additional cities are in discussions for implementing.

Councilmember Carr noted the grants and funding that have been received in response to this City Council being willing to take the risk of setting up a pilot program.

Councilmember Moser noted that being the first can be challenging. She added that it is the City's responsibility to ensure good quality of life for Huntington Beach residents, and this program optimizes the services of the Police and Fire Departments' public safety efforts. Councilmember Moser thanked former and current staff members for believing in the effort and supporting the program.

CITY CLERK'S REPORT

14. 22-710 City Clerk Announced National Voter Registration Day — Tuesday, September 20, 2022

Assistant City Clerk Patty Esparza presented a PowerPoint communication titled *Today is the Ten-Year Anniversary of the National Voter Registration Day (2)*, and noted that anyone not registered who wants to vote on November 8, 2022, may register at www.registertovote.ca.gov by October 24, 2022. Assistant City Clerk Esparza also noted that pre-registration is also available for California youth, ages 16 or 17, so when they turn 18 they will be registered to vote.

****Mayor Pro Tem Posey left the Zoom meeting prior to Consent Calendar Vote****

CONSENT CALENDAR

Councilmember Carr pulled Consent Calendar Item #19 for further discussion.

15. 22-776 Approved and Adopted Minutes

A motion was made by Carr, second Kalmick to approve and adopt the City Council/Public Financing Authority regular meeting minutes and the Housing Authority special meeting minutes of September 6, 2022.

The motion carried by the following vote:

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

16. 22-238 Reaffirmed adoption of Resolution No. 2021-62 finding a proclaimed state of emergency continues to impact the ability to meet safely in person, and allows meetings of the City Council and all City boards, commissions and committees to be conducted remotely as needed in compliance with new Brown Act provisions identified in Assembly Bill 361

A motion was made by Carr, second Kalmick to reaffirm Resolution No. 2021-62, "A Resolution of the City Council of the City of Huntington Beach, California, finding that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person."

The motion carried by the following vote:

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

17. 22-746 Adopted Resolution 2022-37 Declaring a Certain Public Easement Area Exempt Surplus Land Pursuant to the Surplus Lands Act (SLA)

A motion was made by Carr, second Kalmick to declare a portion of the City-owned public right of way easement located near the intersection of Huntington Street and Atlanta Avenue as "exempt surplus land" as defined by Government Code Section 54221(f); and, adopt Resolution No. 2022-37, "A Resolution of the City Council of the City of Huntington Beach Declaring That an Undeveloped Portion of an Existing Street and Public Utility Easement Along the Eastside of 102 & 104 Huntington Street, Huntington Beach, is Exempt Surplus Land Pursuant to Government Code Sections 54221 (F) (1) (B) and 54221 (F) (1) (E), and Making a Finding of Exemption Under CEQA," including written findings, supporting the declaration.

The motion carried by the following vote:

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

18. 22-735 Approved and authorized execution of Professional Services Contracts for On-Call General Engineering Consulting Services with Aztec Engineering, EXP US Services, GHD Inc., Harris & Associates, Psomas, and Tetra Tech

A motion was made by Carr, second Kalmick to approve and authorize the Mayor and City Clerk to execute \$1,500,000 "Professional Services Contract Between the City of Huntington Beach and Aztec Engineering for On-Call General Engineering Consulting;" and, approve and authorize the Mayor and City Clerk to execute \$1,500,000 "Professional Services Contract Between the City of Huntington Beach and EXP US Services for On-Call General Engineering Consulting;" and, approve and authorize the Mayor and City Clerk to execute \$1,500,000 "Professional Services Contract Between the City of Huntington Beach and GHD Inc. for On-Call General Engineering Consulting;" and, approve and authorize the Mayor and City Clerk to execute \$1,500,000 "Professional Services Contract Between the City of Huntington Beach and Harris & Associates for On-Call General Engineering Consulting;" and, approve and authorize the Mayor and City Clerk to execute \$1,500,000 "Professional Services Contract Between the City of Huntington Beach and Psomas for On-Call General Engineering Consulting;" and, approve and authorize the Mayor and City Clerk to execute \$1,500,000 "Professional Services Contract Between the City of Huntington Beach and Tetra Tech for On-Call General Engineering Consulting."

The motion carried by the following vote:

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

19. 22-777 Approved the City's responses to Grand Jury Report "How Is Orange County Addressing Homelessness?"

Councilmember Carr pulled this item to note that Mayor Delgleize responded to the Grand Jury Report on Orange County Homelessness by detailing how Huntington Beach has responded, and highlighted some of those key elements.

Councilmember Moser thanked Mayor Delgleize for her letter of response, and thanked Jason Austin, Deputy Director of Homelessness and Behavior Services, for expanding the system of care.

A motion was made by Carr, second Moser to approve the City's responses to the findings and recommendations in the Orange County Grand Jury report "How is Orange County Addressing Homelessness?" and authorize the Mayor to sign the attached transmittal letter to The Honorable Erick L. Larsh, Presiding Judge of the Superior Court of Orange County and the Orange County Grand Jury.

The motion carried by the following vote:

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

20. 22-719 Approved a Service Agreement between the City of Huntington Beach and American Asphalt South for Residential Zone Slurry Maintenance in Maintenance Zones 2 and 5

A motion was made by Carr, second Kalmick to approve the Interagency Service Agreement for American Asphalt South to provide residential slurry seal maintenance services for Maintenance Zones 5 and 2.

The motion carried by the following vote:

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

21. 22-743 Approved and authorized execution of a Professional Services Agreement with PFM Group Consulting LLC for Consulting Services Related to Management System Reviews, Citywide Standard Operational Procedure Updates, and Procurement Process Improvements

A motion was made by Carr, second Kalmick to approve and authorize the Mayor and City Clerk to execute "Professional Service Agreement Between the City of Huntington Beach and PFM Group Consulting for On-Call Consulting Services," approve the one-time appropriation of \$180,000 from General Fund balance to FY2022-23 City Manager's Office Budget and Account 10030101.69365.

The motion carried by the following vote:

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

**22. 22-773 Adopted Ordinance No. 4260 amending Chapter 17.56 of the Huntington Beach Municipal Code relating to the Fire Code
Approved for introduction 9/6/2022 — Vote: 7-0**

A motion was made by Carr, second Kalmick to adopt Ordinance No. 4260, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 17.56 of the Huntington Beach Municipal Code Relating to the Fire Code."

The motion carried by the following vote:

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

**23. 22-774 Adopted Ordinance No. 4261 authorizing the assignment of a Franchise Agreement with Focus Media Group for Transit Shelter Services
Approved for introduction 9/6/2022 — Vote: 7-0**

A motion was made by Carr, second Kalmick to approve and authorize the Mayor and City Clerk to execute a "Franchise Agreement Between City of Huntington Beach and Focus Media Group Inc., for Transit Shelter Services;" and, adopt Ordinance No. 4261, "A Non-Codified Ordinance of the City of Huntington Beach Providing Consent to the Assignment of the Transit Shelter Services Franchise to Focus Media Group, Inc."

The motion carried by the following vote:

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

**24. 22-775 Adopted Ordinance No. 4266 amending Chapter 15.32 of the Huntington Beach Municipal Code relating to nonproducing and idle oil wells
Approved for introduction 9/6/2022 — Vote: 6-0-1 (Delgleize out of room)**

A motion was made by Carr, second Kalmick to adopt Ordinance No. 4266, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 15.32 of the Huntington Beach Municipal Code Relating to Nonproducing and Idle Wells."

The motion carried by the following vote:

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

PUBLIC HEARING

25. 22-740 Held Public Hearing and accepted the Fiscal Year 2021-2022 Consolidated Annual Performance & Evaluation Report

Housing Manager Charles Kovac presented a PowerPoint communication titled *Consolidated Annual Performance & Evaluation Report (CAPER) FY 2021-2022* with slides entitled: *Background (2); Funding Categories; Oak View Family Literacy; Oak View Children's Bureau; StandUp for Kids & Navigation Center; Senior Care Services; Code Enforcement; Public Facilities; Tenant Based Rental Assistance (TBRA); Affordable Housing; Recommended Actions; and Thank You.*

Councilmember Carr opened the Public Hearing.

Assistant City Clerk Patty Esparza announced there were no Public Speakers.

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

**Public Hearing
#25 (22-740)**

PowerPoint presentation entitled "Consolidated Annual Performance & Evaluation Report (CAPER) FY 2021-2022 submitted by Ursula Luna-Reynosa, Director of Community Development.

Email communication received regarding Acceptance of the Fiscal Year 2021-2022 Consolidated Annual Performance & Evaluation Report.

Councilmember Carr closed the Public Hearing.

A motion was made by Peterson, second Kalmick to conduct the Public Hearing to hear comments and approve the FY 2021-2022 Consolidated Annual Performance and Evaluation Report for Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Federal funds; and, authorize the City Manager to transmit this report to HUD by September 28, 2022.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

26. 22-780 Approved as amended the dedication of the central hallway wall at the Senior Center in Central Park, in recognition of Michael E. Rodgers and name the former Senior Outreach Center building at 17th Street Park as Memorial Community Hall as recommended by the Community & Library Services Commission

Director of Community Development and Library Services Chris Slama presented a PowerPoint communication titled *Recognition of Michael E. Rodgers at Senior Center in Central Park & Naming of the former Senior Outreach Building at 17th Street Park*, with slides entitled: *Background; Recognition of Michael E. Rodgers (6); Recommended Action; Former Senior Outreach Building (5); and Recommended Action.*

Councilmember Moser thanked everyone, including veterans, community members, and Kathie Shey, Historic Resources Commission Chair, for being an important part of this process.

Councilmember Peterson commended the proposed Michael E. Rodgers acknowledgement recognition at the Senior Center at Central Park. He further stated his support for naming the building at 17th Street Park as Memorial Hall in recognition that American Legion Post #133 is one of the oldest Legions in the United States.

Councilmembers Carr and Bolton stated their support for Memorial Hall, and noted that even though "community" is not part of the name it doesn't mean it is not for community use, and thanked all of the community members who took the time to share their thoughts.

A substitute motion was made by Delgleize, second Carr to approve the recommendation by the Community & Library Services Commission to formally dedicate the central hallway wall at the Senior Center in Central Park in recognition of Michael E. Rodgers; and, approve the recommendation by the Community & Library Services Commission **as amended** to formally name the former Senior Outreach Building located at 1718 Orange Avenue **to Memorial Community Hall.**

The motion carried by the following vote:

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

27. 22-794 Approved amended plan to effectuate three recommendations provided in the Richards, Watson, & Gershon (RWG) independent review of the City's handling of the Moore-Field litigation

City Manager Zelinka presented a PowerPoint communication titled *RWG Report and Recommendations* with slides entitled: *Background; Recommendation #1/Implementation; Required Trainings; Supplemental Trainings; Recommendation #2/Implementation; and Recommendation #3/Implementation.*

Councilmember Bolton, City Manager Zelinka and City Attorney Gates discussed detailed specifics related to the three recommendations. Councilmember Bolton stated her concerns regarding any suggestion there is not impartiality and recommended that Councilmembers should receive the final report from independent counsel before review by City Attorney Gates.

City Manager Zelinka stated the independent counsel report will be shared with Councilmembers, and results of the findings will determine whether or not the findings will be shared in Closed Session. City Attorney Gates confirmed that if independent counsel recommends considering litigation, that information would be considered by Councilmembers in a Closed Session; however, if findings determine no litigation is recommended then the findings could be shared inside of or outside of a Closed Session.

Mayor Delgleize asked that if City Attorney Gates was implicated in the independent counsel findings, would the process just described still be implemented. City Attorney Gates responded that this process is used all the time, and he wanted to ensure there was no intimation of potential mishandling. He noted that normally outside counsel is given their charge, they do their research and they report back to the City Attorney and City Manager.

Councilmember Moser noted that it may be common to hire outside counsel, but in this case the City Attorney's Office is directly involved. City Attorney Gates responded that it is not uncommon to have independent counsel review a City Attorney's Office if the City Attorney's Office is involved, and noted that the earlier 8-page letter from Cole and Huber outlined how it is completely possible to hire independent counsel and offered to re-send that letter to Councilmembers if they desired.

Councilmember Bolton suggested any action clearly state that the City Attorney's Office is recused from the process after selection of the independent counsel. She stated her opinion that the independent counsel report should be provided to City Manager Zelinka to share with the Councilmembers who then could meet with the independent counsel if necessary.

City Attorney Gates responded there is a fine line to walk in getting an independent review while the City Attorney also honors his City Charter charge as the elected City Attorney. He further added that none of the issues for which independent review is recommended have a conflict of interest for him personally.

Councilmember Bolton stated her recommendation that after City Attorney Gates retains the independent counsel, he step back. She noted that Mr. Williams was employed by the City Attorney's Office and there could be a theory of vicarious liability, or something like that, and in her opinion the situation will be handled more efficiently if independent counsel is hired by the City Attorney's Office, and the report comes back to City Manager Zelinka, and he reports to City Council.

Councilmember Carr recommended the scope of work be dictated by the City Manager rather than the City Attorney.

Councilmember Kalmick stated his support for Recommended #1 Implementation to begin training in January considering there will be four new City Council members, and would like to see some computer skills training included because use of technology is central to being a Councilmember. Councilmember Kalmick stated his support for a clean separation by having Councilmembers identify the scope of work, City Attorney's Office select and hire the independent counsel, with the independent counsel report returning to City Council through City Manager Zelinka.

Councilmember Kalmick and City Attorney Gates discussed the recent updating process for the independent counsel panel to ensure current costs, personnel and available firms, and noted the Request for Proposal (RFP) did not substantially change.

Councilmember Moser clarified with City Manager Zelinka that all councilmembers would be included in all of the training.

A motion was made by Bolton, second Kalmick to approve the plan to implement three recommendations provided in RWG's independent review of the City's handling of the Moore-Field Litigation, ***as amended to add Computer training to Action #1; designate the City Manager to determine scope of work; designate the City Attorney to retain outside counsel; the City Attorney Office is recused from the case; and City Manager will report the findings to City Council.***

The motion carried by the following vote:

- AYES: Bolton, Delgleize, Carr, Moser, and Kalmick
- NOES: Peterson
- ABSENT: Posey

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Delgleize announced that Robert L. Mayer, Sr. passed away earlier this month at the age of 96 and noted highlights of his life accomplishments, including his trailblazing vision and contributions to develop Surf City from the 1970's through 2022.

ADJOURNMENT — 9:41 PM in memory of Robert L. Mayer, Sr., to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, October 4, 2022, 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