

## Minutes

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

Tuesday, October 4, 2022  
3:30 PM — Council Chambers  
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/](http://www.surfcity-hb.org/government/agendas/)

#### 3:30 PM — COUNCIL CHAMBERS

#### CALLED TO ORDER — 3:36 PM

#### ROLL CALL

Present: Bolton, Posey, Carr, Moser, and Kalmick  
Absent: Peterson, and Delgleize

Mayor Delgleize requested, and with no objections was granted, permission to be absent pursuant to Resolution No. 2001-54; and City Clerk Estanislau requested, and with no objections was granted, permission to be absent pursuant to City Charter Section 310 (a).

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEM** (Received After Agenda Distribution) — None

**PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS** — None

Motion by Councilmember Carr, second by Moser to recess to Closed Session.

**RECESSED TO CLOSED SESSION — 3:35 PM**

#### CLOSED SESSION

1. 22-833 **THREAT TO PUBLIC SERVICES OR PUBLIC FACILITIES:** Pursuant to Government Code Section 54957, Consulted with Eric Parra, Police Chief for the City of Huntington Beach Police Department and Scott Haberle, Fire Chief for the City of Huntington Beach Fire Department

#### 4:00 PM — COUNCIL CHAMBERS

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 4:00 PM**

#### ROLL CALL

Present: Bolton, Posey, Carr, Moser, and Kalmick  
Absent: Peterson, and Delgleize

Mayor Delgleize requested, and was granted permission, to be absent pursuant to Resolution No. 2001-54; and City Clerk Estanislau requested, and was granted permission, to be absent pursuant to City Charter Section 310 (a).

## **ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO STUDY SESSION ITEMS**

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**

**#2 (22-731)** Nine (9) emails received regarding short term rentals.

**#3 (22-782)** Revised PowerPoint presentation titled "Relinquishment Exploration Study of Pacific Coast Highway (SR-1) Overview" submitted by Sean Crumby, Director of Public Works.

### **PUBLIC COMMENTS PERTAINING TO STUDY SESSION ITEMS (3 Minute Time Limit)**

— 1 In-Person Speaker, and 2 Call-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>.*

Kathryn Levassiur, a 23-year resident of Huntington Beach, was called to speak and shared her personal experiences as a Short Term Rental permit holder. She collects the fourteen percent (14%) Transient Occupancy Tax (TOT) which is remitted to the City, and shared her opinion that if Huntington Beach allowed un-hosted short term rentals the amount of TOT collected would increase considerably. (00:09:22)

Caller Judy Jew, holder of a recent Short Term Rental permit, was invited to speak and shared her experience that potential guests cancel their reservations when she tells them she will be on premise. Ms. Jew stated her support for allowing un-hosted Short Term Rentals in Huntington Beach. (00:12:43)

Caller Jonette Hodson was invited to speak and stated her support for allowing un-hosted Short Term Rentals as long as there is a property management team for oversight, and the City sets standards which must be met. (00:13:53)

## **STUDY SESSION**

### **2. 22-731 Short Term Rentals Summer Recap**

Community Development Director Ursula Luna-Reynosa presented a PowerPoint communication titled *Short Term Rental Study Session* with slides entitled *Background; Background (cont.); Permits Issued & Transacted; Permits Issued; City Revenue Data; City TOT Revenue Data; STR "Average Daily Rate"; Revenue Data; Unpermitted STRs; Complaint Data (2); Confirmed Violations; Complaint Data; Summary; and Questions?*

Councilmember Bolton and Director Luna-Reynosa discussed that it is a little too early in the program to know if the permit fees collected are covering administrative costs. Director Luna-Reynosa confirmed that future reports will include data on number of nights per stay and average daily rate.

Councilmember Kalmick confirmed with Director Luna-Reynosa that there has not been any communication from the Coastal Commission on this issue. Director Luna-Reynosa noted two Code Enforcement Officer positions were authorized by the City Council, and Councilmember Kalmick stated he would like to see in future reports how overwhelming the additional enforcement has been for Code Enforcement.

Councilmember Carr noted that one of the goals that Council expected from the Short Term Rental program was to stop the proliferation of short term rentals and this report documents that has happened. She also stated her support for the program used in Carpinteria which allows for a limited number of un-hosted permits in the Coastal Zone, but becomes more restricted in other zones. Councilmember Carr stated her interest in seeing the 2022 3rd Quarter data and suggested an updated report when the information is available, including discussion on the fine structure for violations.

Councilmember Moser stated her opinion that if in fact Code Enforcement is being overly burdened to enforce short term rental complaints, possibly there should be consideration of additional charges to permit holders for that expense. Code Enforcement Supervisor Jimmy Hoang described the process for uncovering illegal listings, providing notifications of violation and fines. Councilmember Moser asked that more details about that process be included in future reports.

Councilmember Bolton suggested this issue be addressed again at the first meeting in December.

Mayor Pro Tem Posey stated his interest in also knowing the average amount spent by these visitors in the area beyond their short term rental cost, and suggested maybe working with VisitHB could provide additional data. Mayor Pro Tem Posey and Code Enforcement Supervisor Jimmy Hoang discussed the process for verifying that a hosted short term rental is actually hosted, and not un-hosted.

Mayor Pro Tem Posey and City Attorney Michael Gates discussed the issue of illegal businesses, and noted that Code Enforcement brings violators to the attention of the City Attorney if necessary.

Director Luna-Reynosa confirmed she and City Manager Zelinka will prioritize topics being aware of Council's desire to have a follow-up report as soon as possible.

### **3. 22-782 Pacific Coast Highway Relinquishment Study**

Director of Public Works, Sean Crumby presented a PowerPoint communication titled *City of Huntington Beach — Relinquishment Exploration Study of Pacific Coast Highway (SR-1) Overview*, with slides entitled *Background; Relinquishment Process; Study Area; Relinquishment Considerations; Pacific Coast Highway - Current Situation; Cost Considerations; Liability Considerations; and Questions?*

Councilmember Kalmick, Director Crumby and City Attorney Gates discussed how the potential liabilities numbers presented in this report were determined, as well as projected costs to bring the roadway up to the City's standards. Councilmember Kalmick stated his interest in making Pacific Coast Highway more multi-modal, more people friendly for accessing the beach, and entering into conversation with California Department of Transportation (CalTrans) to determine actual costs.

Councilmember Carr shared that if the numbers are too daunting, it might be possible to look at acquiring Pacific Coast Highway in sections.

Mayor Pro Tem Posey and Director Crumby discussed the arrangement with CalTrans for operating parking meters on their highway, and considerations regarding the street lights.

Councilmember Bolton and Director Crumby discussed possible avenues to help defray ownership costs such as revenue offsets from the gas tax, Measure M, grants and partnership opportunities.

**RECESSED — 5:20 PM**

Motion by Posey, second Carr, to recess until 6 PM.

**6:00 PM - COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:02 PM**

**ROLL CALL**

Present: Peterson, Bolton, Posey, Carr, Moser, and Kalmick  
Absent: Delgleize

Mayor Delgleize requested, and was granted, permission to be absent pursuant to Resolution No. 2001-54; and City Clerk Estanislau requested, and was granted, permission to be absent pursuant to City Charter Section 310 (a).

**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. 22-751 Mark Currie with Bahai' of Huntington Beach and member of the Greater Huntington Beach Interfaith Council**

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

**AWARDS AND PRESENTATIONS**

- 5. 22-757 Mayor Pro Tem Posey called on Victoria Alberty to present the Adoptable Pet of the Month**

Ms. Alberty introduced Markelle and 10-week-old James, probably a Shepherd/Lab mix, who will grow to a medium to large dog. Details regarding adoption can be found at [saferescueteam.org](http://saferescueteam.org).

- 6. 22-781 Mayor Pro Tem Posey called on Hbfd Chief Scott Haberle to proclaim October 9-15 as Fire Prevention Week**

Mayor Pro Tem Posey announced the theme for this year's Fire Prevention Week is "Fire won't wait. Plan your escape," and noted this is a good time to test your home alarms.

Fire Marshall Janice Van Mullen noted this is the 100th year that Fire Prevention Week is being celebrated to commemorate the Great Chicago Fire. She announced two events for celebration this year: Tuesday, October 11, Downtown BID Fire Appreciation at Surf City Nights, and Saturday, October 15, Open House from 10 AM to 3 PM.

**7. 22-837 Mayor Pro Tem Posey proclaimed September 15 to October 15 as National Hispanic Heritage Month**

Mayor Pro Tem Posey proclaimed National Hispanic Heritage Month to celebrate the history and culture of American citizens whose ancestors came from Spain, Mexico, the Caribbean, Central and South America. Today there are well over 60 million Hispanics in the United States, and Hispanics represent just over twenty-two percent (22%) of the population of Huntington Beach. In celebration, articles on *Surf City Break* and social media notices highlight early Hispanic trailblazers that made an impact on Huntington Beach.

**8. 22-841 Mayor Pro Tem Posey proclaimed October as Breast Cancer Awareness Month**

Mayor Pro Tem Posey invited Councilmember Moser and Sokha Ny to the podium to share their personal experiences dealing with breast cancer. Councilmember Moser noted the importance of listening to your body for early detection.

**9. 22-795 Mayor Pro Tem Posey presented the September Mayor's HB Excellence Award to Ingrid Ono, Administrative Assistant in the Police Department**

Mayor Pro Tem Posey noted that employees are nominated for the Mayor's HB Excellence Award by their co-workers as someone who works with humility, social awareness, passion, exceptionality, integrity and are team oriented. Mayor Pro Tem Posey added that Ingrid Ono also goes beyond the call of duty. Police Chief Parra noted that Ingrid is humble, intelligent, caring, giving, awesome and friendly.

**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:

**Awards and Presentations**

**#6 (22-781)** PowerPoint presentation titled "Fire Prevention Week 10/09 – 10/15" submitted by Fire Chief Haberle.

**Administrative Items**

**#19 (22-737)** Inter-department communication requesting to withdraw the Appropriate CalRecycle SB 183 Local Assistance Grant Funds item from consideration, submitted by Chau Vu, Deputy Director of Public Works.

**PUBLIC COMMENTS** (3 Minute Time Limit) — 27 In-Person and 2 Call-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>.*

Galen Pickett was called to speak and shared his opposition to Gracie Van der Mark, Candidate for City Council in 2022, by referencing select social media postings she has made. (01:53:46)

Ken Inouye, a 49-year resident of Huntington Beach and Candidate for City Council in 2022, was called to speak and noted that he is a candidate with respect for all the laws and with no political background to protect. Mr. Inouye added that Huntington Beach will be the city that takes back the government because they elect people with character and respect for the law. (01:56:38)

Tim Geddes, a long-time resident of Huntington Beach and Chair of the Mobile Home Advisory Board, but speaking as an individual, was called to speak and shared results of the recent Mobile Home Coalition Candidate Questionnaire that was presented to all City Council and City Attorney candidates. Mr. Geddes noted that all except four City Council and one City Attorney candidates returned their completed questionnaire with overwhelming support for working with mobile home owners. Mr. Geddes urged all non-responding candidates to share their views on the concerns addressed in this questionnaire at the October 25th Mobile Home Advisory Board meeting so voters can make fully informed decisions. (01:59:30)

Carol Rohr, President of the Huntington Beach Mobile Home Resident Coalition, was called to speak and stated the Coalition is dedicated to preserving the residential property rights of all manufactured housing homeowners and residents in the community. Ms. Rohr noted the Coalition does not endorse specific candidates, but strives to maintain open communication among all sides of the issues. Ms. Rohr stated that the results of the recent candidate questionnaire are posted on the Coalition's website and she urged all voters to view that information before voting. (02:02:38)

Jeanne Farrens, a resident of Skandia Mobile Home Park, was called to speak and stated her support for a carve-out to City Charter Section 803 to allow a Rent Stabilization Ordinance (RSO). She stated she will be voting for candidates who represent her best interests and encouraged all other mobile home residents to do the same. (02:05:12)

Pano Frousiakis was called to speak and suggested voters ask themselves if Huntington Beach is better off than it was two to four years ago. He stated his support for the "Fabulous Four" Council Candidates and City Attorney candidate Michael Gates. He shared his disappointment at the recent Council vote regarding Pacific Air Show financials, and asked that Councilmembers not change the time for Public Speakers to the end of meetings, an option that was recently suggested. (02:07:59)

Kathy Carrick was called to speak and shared her opinions and recent examples of what she called deliberate targeting by the City Council against citizens that dare to speak their mind in disagreement with current Council majority. Ms. Carrick encouraged voters to support Council candidates who will serve with transparency, integrity, and will work to solve important issues, not candidates who have expressed contempt for the public right of free expression. (02:11:08)

Donna Brandt, Huntington Beach Equestrian Center Therapeutic Riding Center President, and Professional Association of Therapeutic Horsemanship (PATH) Certified Instructor, was called to speak and shared the mission of the Therapeutic Riding Center. She noted there are programs for those with all levels of disability and of all ages. Ms. Brandt announced the 2022 Boots and Bowties Casino Night

Fundraiser, Saturday, October 22, at the Senior Center in Central Park, 5:00 PM — 10:00 PM, and invited everyone to come out and support the Therapeutic Riding Center. (02:14:14)

R. Allen Baylis, a resident of Huntington Beach for over 50 years and practicing attorney, was called to speak and shared examples to support his opinion it is time for a new City Attorney. Mr. Baylis stated his opinion that issues created in Sacramento need to be addressed through the election process, not through the City Attorney's office with the costs paid by the local taxpayers. (02:17:08)

Douglas Taylor, a long-time resident of Huntington Beach and resident of Skandia Mobile Home Park, was called to speak and shared his dismay at the proposed rent increases because of the recent change in Skandia Mobile Home Park ownership. (02:20:48)

Peter Zofrea, a resident of Edwards Hill in Huntington Beach, was called to speak and shared his opposition to the proposed high-density zoning overlay for the Brindle-Thomas property. Mr. Zofrea stated his opinion that turning the Brindle-Thomas property into high density, low-income housing will increase existing traffic and parking issues, and devalue the neighboring homes. He stated support for developing that property as originally intended to blend with the existing neighborhood. (02:24:15)

Martha Morrow, a 30-year resident of Edwards Hill in Huntington Beach, was called to speak and shared her opposition to the proposed high-density and potential 30 percent low-income housing zoning overlay for the Brindle-Thomas property. The Edward's Hill residents believed that any development of the Brindle-Thomas property would be compatible with the existing neighborhood homes. Ms. Morrow stated her opinion that as elected officials, City Council has an obligation to protect and preserve family neighborhoods, not destroy them. (02:27:22)

Casey McKeon, a third-generation Huntington Beach resident and Candidate for City Council in 2022, was called to speak and noted that the latest Housing Element Report is available on the City's website. Mr. McKeon described recent history related to Sacramento officials mandating that Huntington Beach must provide 13,386 high-density housing units, which he described as the equivalent of 47 more high-density buildings like the Elan project at Beach and Ellis. Mr. McKeon stated that if elected to City Council he will unleash the City Attorney to appeal the fraudulent high-density mandates. (02:30:13)

James Sharkoff, a resident of Huntington Beach, was called to speak and stated his opposition to the proposed high-density zoning overlay for the Brindle-Thomas property and other properties within the City. He shared his opinion that creating more high-density housing is only going to increase traffic and parking issues, and decrease the quality of life for the residents. Mr. Sharkoff stated he is sure that Mr. Brindle would be very unhappy with City Council's current plans for this land. (02:32:32)

Russell Neal, a resident of Huntington Beach, was called to speak and shared his opinions related to attacks on City Attorney Gates and specifically Administrative Items #27 from the October 4, 2022, meeting agenda regarding the Richards, Watson, & Gershon (RWG) report. (02:34:12)

Kathy Neal was called to speak and shared her opinions related to attacks on City Attorney Gates, specifically Administrative Items #27 from the October 4, 2022, meeting agenda regarding the Richards, Watson & Gershon (RWG) report. Ms. Neal asked that City Council stop targeting and persecuting Huntington Beach citizens who hold political views that differ from theirs. (02:36:33)

Rees Akoubian, a life-long resident of Huntington Beach currently living in the Edwards Hill community, was called to speak and stated his opposition to the proposed high-density zoning overlay for the

Brindle-Thomas property for the reasons already stated. Mr. Akoubian noted that area homeowners and home owner associations are prepared to fight the City Council's plan. (02:39:08)

Scott Field, Candidate for City Attorney in 2022, was called to speak and shared his opinion that former City Attorney Office employee Brian Williams acted in violation of the law and that fact was covered up by City Attorney Michael Gates and Chief Assistant City Attorney Mike Vigliotta. Mr. Field stated if he is elected for the position, he will keep the City Council informed of the good, the bad and the ugly. (02:40:20)

Cindy Barrios was called to speak and shared her opinion that the way plans are implemented for high density housing in Huntington Beach will determine the level of negative impact. Ms. Barrios stated from her perspective, the impact on local schools has not been considered, and the great public schools in Huntington Beach is what attracted her family from the East Coast last year. If there is a lack of housing sites in Huntington Beach, Ms. Barrios asked where will the school sites be located for the additional students moving into the high-density housing. (02:42:33)

Betty Bich Van Nguyen, a resident of Triple Crown Estates in Huntington Beach, was called to speak and shared her experiences of immigrating to the United States, getting her higher education degrees, saving money to purchase a home, and raising two children. (02:45:31)

Cari Swan was called to speak and presented a pocket Constitution to each of the Councilmembers, stating it was apparent to her after the Council meeting on October 4 that Councilmembers needed a reminder of the First Amendment. Ms. Swan stated her opinion that there appears to be a deliberate assault on the citizens who disagree with Council. Ms. Swan stated her support for City Attorney Michael Gates. (02:49:14)

Mark Currie, a resident of Huntington Beach for over 30 years, representing the Edison Park Community Group, was called to speak and he described the considerable confusion regarding the City's plans for Edison Park. The Edison Park Community Group has come up with their own plan and invited City Councilmembers, City Manager, City Attorney and all 18 City Candidates running for a City office to attend a webinar on October 16, 4 PM, to learn about the Community Group's plan for Edison Park. Mr. Currie asked Council to look at both the City's Option C plan and the Community Group plan to determine what works best for the residents of Huntington Beach. (02:52:34)

Julia Ciejka, a resident whose home backs up to the site proposed for high density housing, was called to speak and stated they purchased their home because of the plans for the adjacent land. Ms. Ciejka shared her opinion that the neighborhood quality of life as well as quality of education will suffer if the high-density overlay is approved for the Brindle-Thomas property. (02:55:32)

Greg Strayer, a 46-year resident of Huntington Beach, was called to speak and stated his opposition to the proposed high-density zoning overlay for the Brindle-Thomas property for the reasons already stated. He asked that Councilmembers do some soul searching and asked how they would like to suddenly have a multi-story apartment building looking down on their own back yards. (02:57:05)

TiTi Dang, owner of a dental practice in Huntington Beach for the past 20 years, and owner of property that backs up to the Brindle-Thomas property, was called to speak and she noted the increase in neighborhood crimes the last few years. Her children walk to school, and she expects increased crime and automobile traffic, as well as a decrease in home values, if the high-density overlay is approved. Ms. Dang asked that Councilmembers find a more appropriate solution. (02:58:49)

Unnamed Guest, a resident of Huntington Beach for over 22 years, and currently owning property that backs up to the Brindle-Thomas property, was called to speak and shared her concerns of increased crime and traffic, as well as lowered property values for existing neighborhood homes if the proposed high-density, low-income zoning is approved. (02:59:48)

Roger Noor was called to speak and shared his personal experiences of frustration when trying to interact with Huntington Beach Police Department employees. (03:01:09)

Caller Ada Hand, Huntington Beach Mobile Home Resident Coalition Secretary, and resident of Del Mar Estates Mobile Home Park, was invited to speak and noted that the 2022 Mobile Home Resident Coalition Candidate Survey will assist registered voters in determining the candidates who will support their best interests for a carve out to City Charter Section 803 to allow a Rent Stabilization Ordinance (RSO). Ms. Hand stated that the Coalition's website, [www.sosHB.net](http://www.sosHB.net), will have a copy of the Candidate Survey results available for review. (03:04:07)

Caller Ashley Sohanypoor, a resident of Huntington Harbour, was invited to speak and shared she and her neighbors are terrorized by the on-going burglaries in their neighborhood, and requested Councilmember assistance to ensure their neighborhood safety. (03:06:54)

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

Councilmember Kalmick reported attending the following meetings: Sanitation District; Communications Committee; and Intergovernmental Recommendation Committee (IRC).

Councilmember Bolton reported attending the following meetings: Homeless Task Force; Historic Resources Board; Santa Ana River Flood Protection Agency Executive Committee; Association of California Cities — Orange County (ACC-OC) Legislative and Regulatory Committee; Common Ground Surfing and Sand Castle Context; Jr. Civics Class for approximately 40 middle schoolers; and ACC-OC Leadership Conference.

Councilmember Moser reported attending the following meetings: Homeless Task Force; a tour of the Project Home Key site; Communications Committee; Central Park Collaborative; Community Cafe Invitational Preview; Top Gun Chili Cook-off Judge; Sunset Beach Council Committee; Jr. Citizens Academy; and Association of California Cities — Orange County (ACC- OC) Leadership Conference. Councilmember Moser stated that if a member of the public addresses the City Council on a matter that is not on the agenda during Public Comments, a Councilmember may give a limited factual response. Councilmember Moser proceeded to read from the September 6, 2022, City Council Minutes regarding Councilmember Item #34 — Establishing Rules of Order and Procedure for City Council Business to document the facts.

Mayor Pro Tem Posey reported attending the Association of California Cities — Orange County (ACC-OC) Leadership Conference where he participated in a panel discussion on "Maintaining Local Control". Mayor Pro Tem Posey noted that the Regional Housing Needs Assessment (RHNA) numbers come from Sacramento which means individuals need to communicate their high-density housing concerns with their State Legislators, and use the election process to effectuate change.

### **CITY MANAGER'S REPORT**

#### **10. 22-692 Welcome to New OneHB Team Members**

City Manager Al Zelinka presented a PowerPoint slide titled *Welcome, New Employees!* and noted that 29 new employees started in September.

Mayor Pro Tem Posey asked Fire Chief Haberle to elaborate on the effort to enhance ambulance services. Chief Haberle noted that the Huntington Beach program is regarded very highly, and explained the program is designed as the entry point with the philosophy of "Recruitment Through Retirement". The new life guards and ambulance operators are hired on a three-year basis for their training, after which they can move into full-time Firefighter or Paramedic positions. Chief Haberle also noted that with increased ambulance calls, another 24-hour ambulance and a 12-hour day car have been put into service to adequately meet the Emergency Medical Service (EMS) needs of the community. Chief Haberle explained that by analyzing the type of call, the time of day a call is received, and the district the call is for, trends become evident which assist in planning for staff and type of vehicle scheduling.

Director of Community Services Chris Slama announced that Huntington Beach just received a \$20,000 donation for Central Library from Huntington Beach Concourse de Elegance, an event started by volunteers Bart and Anna McGraff in 1985 to advance children's literacy through education at the City's libraries. Director Slama also noted the Pacific Airshow just held October 1 and 2, 2022, and stated the City welcomes a Specific Event application from anyone for the 2023 event. Code Four, a privately owned producer, conducted the event for 2022. City staff assists with procuring the required permits for these successful events in accordance with municipal codes.

## **CONSENT CALENDAR**

### **11. 22-783 Approved and Adopted Minutes**

A motion was made by Carr, second Kalmick to approve and adopt the City Council/Public Financing Authority regular meeting of September 20, 2022.

The motion carried by the following vote:

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

### **12. 22-825 Received and filed the Fair Political Practices Commission 2022 Local Agency Biennial Notice for the City of Huntington Beach**

A motion was made by Carr, second Kalmick to receive and file the Fair Political Practices Commission 2022 Local Agency Biennial Notice for the City of Huntington Beach/Public Financing Authority; and, direct staff to return with proposed amendments to the City's Conflict of Interest Code to the City Council within 90 days.

The motion carried by the following vote:

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

**13. 22-816 Approved the re-appointment of Katherine Elford to the Personnel Commission as recommended by City Council Liaisons Carr and Moser**

A motion was made by Carr, second Kalmick to approve the re-appointment of Katherine Elford to the Personnel Commission for the remainder of the term of July 1, 2022, through June 30, 2024, as recommended by the City Council Liaisons Carr and Moser.

The motion carried by the following vote:

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

**14. 22-831 Approved appointments and re-appointments to the Huntington Beach Youth Board with terms to expire May 31, 2023 as recommended by City Council Liaisons Carr and Moser**

A motion was made by Carr, second Kalmick to approve the reappointment of Acacia Bartel, Luke Blankenbaker, Faith Nguyen, Kenady Osborne, Collin Parrott, Sarah Rizvi, and Adam Vo, to another one-year term on the Huntington Beach Youth Board with terms to expire May 31, 2023, as recommended by the City Council Liaisons Carr and Moser; and, approve the appointment of Olivia Pham and Kai Wong to a one-year term on the Huntington Beach Youth Board with terms to expire May 31, 2023, as recommended by the City Council Liaisons Carr and Moser.

The motion carried by the following vote:

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

**15. 22-797 Accepted bid and authorized execution of a construction contract with Towo Enterprise Inc., in the amount of \$388,300 for the construction of the Street Lighting Modification Project on Palm Avenue (CC-1669) and authorized change orders not to exceed 15 percent**

A motion was made by Carr, second Kalmick to accept the lowest responsive and responsible bid submitted by Towo Enterprise Inc., in the amount of \$388,300; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize the Director of Public Works to execute change orders not to exceed a total of 15% of the contract construction costs, or \$58,245.

The motion carried by the following vote:

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

**16. 22-800 Accepted bid and authorized execution of a construction contract with PTM General Engineering Services Inc., in the amount of \$493,589 for the construction of the Utica Avenue Bicycle Boulevard Project (CC-1499) and authorized change**

**orders not to exceed 15 percent and the use of project funding in the amount of \$84,438 from the Citywide Mobility and Corridor Improvements Project**

A motion was made by Carr, second Kalmick to accept the lowest responsive and responsible bid submitted by PTM General Engineering Services Inc., in the amount of \$493,589; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize the Director of Public Works to execute change orders not to exceed a total of 15 % of the contract construction costs, or \$74,038; and, authorize the use of City Mobility and Corridor Improvements Project funding in the amount of \$84,438 towards this project.

The motion carried by the following vote:

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

**17. 22-728 Approved, accepted and authorized execution of Grant Agreements for Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant; and approved appropriation and expenditure of funds by the Chief of Police**

A motion was made by Carr, second Kalmick to approve and accept the Selective Traffic Enforcement Program (STEP), Pedestrian and Bicycle Safety, and Child Passenger Safety grant agreements between OTS and the City of Huntington Beach for \$790,00, \$44,035, and \$52,353; and, authorize the Chief of Police to execute the grant agreement with OTS; and, approve appropriations and estimated revenue source in the amount of \$790,000, \$44,035, and \$52,353; and, authorize the Chief of Police to establish separate business units for these grant funding and expend up to a total of \$790,000, \$44,035, and \$52,353 on each grant agreement accordingly.

The motion carried by the following vote:

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

**PUBLIC HEARING**

**18. 22-768 Public Hearing held to adopt Resolution No. 2022-45 approving an Annual Assessment within the Huntington Beach Downtown Business Improvement District (HBDBID) for Fiscal Year (FY) 2022-2023**

Director of Community Development Ursula Luna-Reynosa asked for a five-minute recess.

Economic Development Manager Kriss Cassanova presented a PowerPoint communication titled *Huntington Beach Downtown Business Improvement District (HBDBID) Annual Assessment for Fiscal Year 2022-2023*, with slides entitled *Background; The District; HBDBID; Annual Renewal Process; FY 21-22 Accomplishments; FY 2022-2023 Activities; Proposed Budget; Proposed Expenses; Assessment Breakdown; Public Hearing; and Thank you, Questions?*

Public Hearing opened by Mayor Pro Tem Posey.

Assistant City Clerk Patty Esparza announced that at this time the City Council would hear and consider all protests against the renewal of the Downtown Business Improvement District, the extent of the area, or the furnishing of specified types of improvements or activities within the area. All written protests must have already been received by the start of this public hearing. A written protest may be withdrawn in writing at any time before the conclusion of this public hearing. A new protest may be made orally at this public hearing. If a business owner is making a new oral protest, and has not already filed a written protest, please state clearly your name, business name, business address and assessment amount protested. If written protests are received from the owners of businesses in the proposed area which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to renew the Downtown Business Improvement District or to levy the proposed assessment, shall be taken for a period of one year from this date. If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated. At the conclusion of the public hearing to renew the Downtown Business Improvement District, the City Council may adopt, revise, change, reduce or modify the proposed boundary, assessment of the type or types of improvements and activities to be funded with the revenues from the assessment.

Assistant City Clerk Esparza announced there were no public speakers.

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

**Public Hearing**

**#18 (22-768)** Letter received from Kim Kramer regarding the public hearing on the Downtown BID.

**#18 (22-768)** One (1) protest letter received after distribution of the Agenda Packet.

Mayor Pro Tem Posey asked if any business wanted to withdraw their protest to the renewal of the Downtown BID. No business withdrew their protest.

Mayor Pro Tem Posey confirmed with Assistant City Clerk Esparza that seven (7) protests had been received. Assistant City Clerk Esparza reported that the percentage of assessments protested for the Downtown BID is three point twenty-eight percent (3.28%), or three thousand, seven hundred and thirty-seven dollars (\$3,737) of the \$113,964 projected assessment amount, and that protests were received from seven (7) of the two hundred and fifty-five (255) businesses in the Business Improvement District boundaries.

Mayor Pro Tem Posey closed the Public Hearing.

Councilmember Peterson noted he has received complaints from three Artisan Fair vendors that hand-made items cannot be sold, and asked if that is still a rule. Councilmember Peterson noted if these vendors can only sell pre-packaged items, they are then competing with all of the surrounding businesses.

Director of Community and Library Services Slama stated he did not have a copy of the contract with him, but to the best of his recollection there is a percentage requirement for hand-made goods, and noted he would follow-up with accurate information.

Councilmember Carr stated her appreciation for the Downtown Business Improvement District (DBID) taking on the Artisan Fair and re-imagining it, and especially the transparency showing revenue and expenses. She also commended the DBID for new community-based events to re-invigorate the area, especially after coming out of Covid-19.

Community Development Director Ursula Luna-Reynosa clarified the different roles and hats that the non-profit Huntington Beach Downtown Business Improvement District (HBDBID) wears, and explained that only the City Council can establish, renew or dis-establish the DBID under the Streets and Highway Code. Director Luna-Reynosa noted that the DBID is a program, not an entity, and City Council can appoint anyone they choose to the Advisory Board which advises on the DBID Annual Report and how the assessment will be spent. She added that a non-profit group known as the Huntington Beach Downtown Business Improvement District was selected by Council as their Advisory Board, and confusion exists because of the similar names for both the program (DBID) and non-profit (HBDBID). She also noted that the HBDBID is able to offer other programs and events of their own, beyond their role as a City Council Advisory Board.

Councilmember Bolton thanked Director Luna-Reynosa for the clarification, and asked if the Advisory Board has ever completed an audit, or is required to. Director Luna-Reynosa noted that in 2017 the Finance Commission conducted an "audit" and didn't find any substantial issues, but did make some recommendations, including developing a policy to audit all City BIDs, i.e., Huntington Beach Downtown BID and Visit HB, every three to five years by an auditor selected by the City.

Manager Cassanova noted for clarification that the Huntington Beach Downtown Business Improvement District (non-profit) relationship is contractual and the agreement approved in September indicates that the BID will agree to do an audit of the previous five fiscal years at its own expense if requested by the Council.

Councilmember Moser and Director Luna-Reynosa discussed that at one time a name change was under consideration for the HBDBID (non-profit) to eliminate some confusion, but it is not clear at this time if that is still being considered.

Mayor Pro Tem Posey stated his opinion that the 2017 Finance Commission conducted a "review" not an "audit" of the Downtown District Business Improvement District (DBID) financials. Mayor Pro Tem Posey noted that for the last four or five years City Council has requested that the DBID maintain a complete database or robust list of all members, and the principal contact identified with ways to reach that contact through an email or cell phone.

Councilmember Kalmick and Director Luna-Reynosa discussed that the HB Downtown Business Improvement District (non-profit) has only an advisory position, and ultimately the City Council can decide how the funds should be spent.

Director Luna-Reynosa and Mayor Pro Tem Posey confirmed that Customer Relations Management (CRM) is the proper nomenclature, and includes number and amount of sales, number of employees, and size of the space. Mayor Pro Tem Posey stated his opinion that there is not enough accountability for the amount of money collected, and noted that many Business Improvement Districts (BIDs) across the country are closing down because the BID delivers enough value that the members voluntarily pay to be a member.

Councilmember Moser asked if staff could determine a cost for implementing Customer Relations Management (CRM) program or process and then Council would have accurate information before a motion to require it.

Mayor Pro Tem Posey noted that the Planning Department is using a CRM program and suggested there may be a way to also allow the Downtown Business Improvement District access to the program, with the data being owned by the City. Director Luna-Reynosa stated that option had been researched and there is no way to separate the data. Mayor Pro Tem Posey stated he is more concerned about the need to implement a CRM program than he is about the need for an audit because he no longer sees the anomalies between the P & L and Income Statement that were noted in 2016.

Councilmember Carr stated support for requiring CRM and doing an audit, but it would require them to go back to the drawing board for the budget, therefore she suggested a discussion to determine if it is feasible before mandating it.

Councilmember Kalmick stated he would expect them to find an adequate CRM program for around \$100 per month with about 15 data fields, whereas an audit would cost a minimum of \$20,000. Councilmember Kalmick confirmed with Director Luna-Reynosa and Manager Cassanova that when the business permits are issued no email addresses are collected, and some businesses provide a corporate address rather than local General Manager contact information.

A motion was made by Peterson, second Carr to conduct the Public Hearing; and, if written protests of at least 50% or more of the total assessments are not received, adopt Resolution No. 2022-45, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment within the Huntington Beach Downtown Business Improvement District for Fiscal Year 2022-2023."

The amended motion carried by the following vote:

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

#### **ADMINISTRATIVE ITEMS**

19. ~~22-737~~ **Item Pulled for consideration per Supplemental Communication Appropriate CalRecycle SB 1383 Local Assistance Grant Funds**

#### **COUNCILMEMBER ITEMS**

20. **22-822 Submitted by Councilmember Peterson — Establish a One-Stop Development Services Center**

Councilmember Peterson explained many Councilmembers are being contacted by local businesses with questions, and it should not require the assistance of a Councilmember, Former Mayor, or former city staff to maneuver through City Hall. He stated that he envisions a one-stop program that from the beginning can provide an accurate service centric answer for how to proceed with a project in Huntington Beach, regardless of how many City departments someone may have to interface with. He added that Huntington Beach is not horrible, but there is definitely room to improve.

Mayor Pro Tem Posey stated his support for the idea, because he believes there is room for improvement.

Councilmember Moser noted that one of the City's core values is exceptionality, and she believes this action supports that core value.

Councilmember Bolton shared that City Manager Zelinka assured her this action would not involve significant up-front costs, and therefore it has her support.

Councilmember Kalmick and Director Luna-Reynosa discussed some details in the current program.

Councilmembers Kalmick and Peterson discussed the need for streamlining the process especially for smaller projects.

A motion was made by Peterson, second Posey to request the City Manager to evaluate best practices and implement a customer-centric, inter-departmental one stop shop system for private projects outlined in the memo. If deemed appropriate by the City Manager, the development of a position to lead the one stop shop with demonstrated experience establishing, leading and managing an effective one-stop development services program could be considered. At a minimum, the City Council should receive updates in open session from the City Manager every three months beginning January 2023 until the one stop shop is fully implemented or City Council directs otherwise.

The motion carried by the following vote:

AYES: Peterson, Bolton, Posey, Carr, Moser, and Kalmick

NOES: None

ABSENT: Delgleize

#### **COUNCILMEMBER COMMENTS** (Not Agendized)

Councilmember Carr congratulated two new members of the Youth Board: Olivia Pham and Kai Wong.

Councilmember Peterson expressed his appreciation to Code Four for a great Air Show. He thanked Public Safety for the tremendous effort and professionalism, and noted many City staff are to be thanked for a successful event that is generating many positive public comments.

Councilmember Moser noted that she attended the 23rd Annual Sunset Beach Chili Cook-off, and stated that the Be Well OC Annual Report and more details about Huntington Beach ranking as the 5th Best City for People with Disabilities by Wallet Hub can be found at Surf City Break. Councilmember Moser also reported attending the Downtown Dreamin' Input Recap at Main Street Library and commended staff and the design firm for an excellent job.

Mayor Pro Tem Posey noted that he recently attended the International City/County Management Association (ICMA) 2022 Convention and paid his own way because he is not a city manager. He recommended attending the event to those serving on the City Council next year, if they can get in and even if they pay their own way, because the experience will make them better councilmembers.

**ADJOURNMENT — 9:13 PM** to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, October 18, 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>

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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:**

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City Clerk-Secretary

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Mayor-Chair