

Minutes

City Council/Public Financing Authority City of Huntington Beach

Monday, April 5, 2021
5:00 PM — Virtual Location
6:00 PM — Virtual Location
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk, and archived at
www.surfcity-hb.org/government/agendas/**

5:00 PM — VIRTUAL LOCATION

CALLED TO ORDER — 5:03 PM

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

(Received After Agenda Distribution) — None

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEM (3 Minute Time Limit) — None

A motion was made by Posey, second Ortiz, to recess to Closed Session for Item 1. With no objections the motion passed.

RECESSED TO CLOSED SESSION — 5:04 PM

CLOSED SESSION

- 1. 21-286 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: Number of cases, one (1).**

6:00 PM — VIRTUAL LOCATION

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:00 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Mayor Pro Tem Ortiz

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.

2. 21-120 **Rev. Steve Wright of St. Peter's by the Sea Presbyterian Church and member of the Greater Huntington Beach Interfaith Council**

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

3. 21-287 ~~Mayor Carr to call on Victoria Alberty to present the "Adoptable Pet of the Month"~~
4. 21-288 **Mayor Carr announced the City's Participation in the 10th Annual Wyland National Mayor's Challenge for Water Conservation from April 1-30, 2021**

Mayor Carr described the Annual Wyland National Mayor's Challenge and invited residents to sign up at www.mywaterpledge.com to commit to saving water. The city with the greatest number of pledges during the month of April will win.

5. 21-278 **Mayor Carr presented a proclamation to Lita Mercado with Waymakers, recognizing April as Sexual Assault Awareness Month**

Mayor Carr announced that April 2021 marks the 20th anniversary of Sexual Assault Awareness Month, an opportunity to raise awareness about sexual assault and advocate for victims, as well as introduce legislation and secure funding focused on the issue. Locally, Waymakers provides active support for sexual assault victims through programs and resources. Ms. Mercado described April as the safe haven month for victims to speak out and take advantage of Waymakers victim assistance programs, including access to a victim advocate stationed at the Huntington Beach Police Department.

6. 21-294 **Mayor Carr honored Cesar Chavez Day (March 31) with Oscar Rodriguez representing Oak View Comunidad**

Mayor Carr described Cesar Chavez as a leader who used non-violent activism to support the working class across the nation, and who helped found the National Farmworkers Association now known as the United Farmworkers of America to fight against the exploitation of farm workers. Mr. Chavez, who passed away in 1993, was honored with the Presidential Medal of Freedom. Mayor Carr presented the City's recognition of Cesar Chavez's birthday to Oscar Rodriguez of Oak View Comunidad, a local organization representing the Huntington Beach Hispanic community. Mr. Rodriguez thanked the City for acknowledging Cesar Chavez, and noted that Oak View Comunidad has resources available for all residents in Huntington Beach, not just those living in Oak View.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Consent Calendar

- #8 (21-262)** Correction to March 15, 2021, Council/PFA Minutes submitted by Councilmember Kalmick.

Administrative Items

- #20 (21-274)** Three (3) email communications regarding California Office of Emergency Services (Cal OES) Violence Against Women Act Grant.

Councilmember Items

- #21 (21-289)** Seventeen (17) email communications regarding Declaration Denouncing all Hate Crimes and Reaffirming Commitment to Safety and Inclusivity for All.

- #22 (21-291)** Email communication regarding Ticketed, Stand-Alone Musical Entertainment Events at appropriate City venues.

- #23 (21-290)** Four (4) email communications regarding E-Bike Use and Regulations.

- #24 (21-292)** Communication from Patricia Goodman from Greater Huntington Beach Interfaith Council providing the Interfaith Council's Statement Regarding Acts of Violence and Extremist Hate Groups Gathering in Huntington Beach pertaining to the Declaration Denouncing Any Movements Promoting White Supremacy.

Thirty-four (34) email communications regarding Declaration Denouncing Any Movements Promoting White Supremacy.

- #25 (21-293)** Twenty (20) email communications regarding Co-sponsoring a Virtual Event with OC Human Relations, and coordinating a Diversity, Equity and Inclusion Event.

PUBLIC COMMENTS (3-Minute Time Limit) — 9 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>.

Tim Geddes, Chair, Huntington Beach Mobile Home Advisory Board, and a 30+ year resident of Huntington Beach, was invited to speak and highlighted some of the functions of the Board and announced a Quarterly meeting, via Zoom, on Monday, April 26, at 5:00 PM, featuring a presentation by Senator Tom Umberg who had important legislation passed and signed into law last year affecting Surf City's mobile home community. (00:22:13)

Pat Goodman was called to speak and shared that the Huntington Beach Interfaith Council (HBIC) is saddened by recent acts of violence across the country, and echoed Council's concerns about the persistence of extremist hate groups in Huntington Beach. Ms. Goodman stated that HBIC members resolve to work with each other and community groups to support spiritual, social and economic opportunities, and encourage the celebration of the City's diversity through actively sharing in the spirit of love, compassion and justice. (00:24:35)

Bethany Webb, Founding Member of Huntington Beach Huddle, homeowner and 40-year resident, was called to speak and stated her support for Councilmember Item #21, a declaration denouncing all hate crimes and reaffirming commitment to safety and inclusivity for all; #24, a declaration denouncing movements promoting white supremacy within the community; and #25 regarding cosponsoring a

virtual diversity, equity and inclusion event on April 11 with Orange County Human Relations. (00:27:12)

Katie was called to speak and stated her support for previous speaker Webb's comments, especially those describing the planned White Lives Matter rally at Huntington Beach Pier as unacceptable, and asked that the Huntington Beach City Council and Police Department actively and publicly denounce this event. (00:29:53)

Lisa Marquise was called to speak and stated her support for Councilmember Item #21, a declaration denouncing all hate crimes and reaffirming commitment to safety and inclusivity for all; #24, a declaration denouncing movements promoting white supremacy within the community; and #25 regarding cosponsoring a virtual diversity, equity and inclusion event on April 11 with Orange County Human Relations. She also asked that the Huntington Beach City Council and Police Department make it abundantly clear that events promoting white supremacy are not welcome in Huntington Beach. (00:32:19)

Jeff Tang, Composer and Creative Producer, was invited to speak and shared personal experiences of hate crimes against him and his family while growing up in Huntington Beach. Mr. Tang encouraged the City Council to denounce all hate crimes and make Huntington Beach safe again. (00:35:46)

Melissa Rodriguez, a resident of Huntington Beach and student at the University of California Los Angeles, was called to speak and stated her support for Councilmember Item #21, a declaration denouncing all hate crimes and reaffirming commitment to safety and inclusivity for all; #24, a declaration denouncing movements promoting white supremacy within the community; and #25 regarding cosponsoring a virtual diversity, equity and inclusion event on April 11 with Orange County Human Relations. Ms. Rodriguez shared personal experiences of hate crimes in Huntington Beach directed at her, and asked for policies, in addition to declarations, that will outline how white supremacy events will be addressed for the protection of the City's minorities. (00:38:44)

Justin Frazier was called to speak and shared his desire to see a plan for tangible actions the City will use to respond to the current potential white supremacy activities. He asked for actions that will address the expressed hate, not just words that denounce the activities. (00:42:03)

Catherine Ryder, a resident of Huntington Beach since 1985, was invited to speak and stated her support for Councilmember Items #21, a declaration denouncing all hate crimes and reaffirming commitment to safety and inclusivity for all; #24, a declaration denouncing movements promoting white supremacy within the community; and #25 regarding cosponsoring a virtual diversity, equity and inclusion event on April 11 with Orange County Human Relations. (00:45:08)

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

Councilmember Posey responded to, as an Executive Board Member for the Orange County Power Authority (OCPA), some of the social media concerns regarding the City's participation in OCPA.

Councilmember Kalmick reported attending meetings of the Library Board, Jet Noise Commission, Southern California Association of Government (SCAG) Energy and Environmental Committee, Huntington Beach Finance Commission, and making a call to the American Civil Liberties Union (ACLU).

Councilmember Moser reported attending meetings of the Homeless Task Force, Downtown Business Improvement District (BID), rededication at the Edison Community Center, Finance Commission, Downtown Urban Design Study Group, Central Park Subcommittee, Public Works Commission, and hosting a virtual Town Hall on moving people from being bystanders to upstanders.

Councilmember Delgleize reported attending meetings with Homeless United, Santa Ana River Flood Agency, Jet Noise Commission, and rededication at the Edison Community Center.

Mayor Pro Tem Ortiz reported attending meetings of the Library Board, Intergovernmental Relations Committee (IRC), Specific Events Committee, Harbor Commission, Downtown Urban Design Study Group, Southeast Area Community, and Homeless 101 Workshop.

Mayor Carr reported attending meetings of the Intergovernmental Relations Committee (IRC), Downtown Business Improvement District (BID), Communications Committee, Downtown Urban Design Study Group, Orange County Sanitation District (OCSA), and Police Management Association (PMA).

CITY MANAGER'S REPORT

Interim Police Chief Julian Harvey provided a brief report on planned Police response to the White Lives Matter rally scheduled at the HB Municipal Pier on Sunday, April 11.

7. 21-279 HB Homeless Solutions Update

City Manager Chi presented a Power Point communication titled: *What's Next?*, with slides entitled: *City Has Been Developing & Improving Our Homeless Response Since Late 2013, Effort Has Continued With Additional City Resources Allocated Over The Years, Homeless Response Partnerships With Multiple Agencies Have Been Formed (2), The City's Navigation Center Has Helped Advance Our Homeless Response Efforts, Through These Efforts, We've Started To Stabilize The Overall Situation, Gaps In Our Homeless Response Efforts Still Exist, Developing Strategies To Better Coordinate Community Efforts, Next Steps, and Questions?*

Councilmember Moser stated her support for the goal to ensure that someone is homeless for only a brief period of time by utilizing all of the available tools and agencies through a comprehensive and coordinated system.

CONSENT CALENDAR

Councilmember Kalmick pulled Item #10 and Councilmember Posey pulled Item #11 for further discussion.

8. 21-262 Approved and Adopted Minutes

A motion was made by Posey, second Delgleize to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated March 15, 2021, as written and on file in the office of the City Clerk ***as amended by Supplemental Communication***; and approve and adopt the City Council special meeting minutes dated March 29, 2021, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

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

9. 21-204 Approved the West Orange County Water Board (WOCWB) proposed budget for Fiscal Year 2021/22, with the City of Huntington Beach in the amount of \$1,048,936

A motion was made by Posey, second Delgleize to approve the WOCWB proposed budget for Fiscal Year 2021/22, with the City of Huntington Beach in the amount of \$1,048,936.

The motion carried by the following vote:

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

10. 21-277 Took Positions on Legislation Pending before the State Legislature, as recommended by the Intergovernmental Relations Committee (IRC)

Councilmember Kalmick pulled this item to ask that the Council's position regarding A) Assembly Bill 339 (Lee) be changed to "watch" rather than "oppose" as it is still going through the amendment process and changes are being made. Mayor Carr confirmed her support to "oppose unless amended" because of her concerns about implementation.

A motion was made by Kalmick, second Posey to approve a City position of **oppose unless amended** on Assembly Bill 339 (Lee) - State and local government: open meetings; and, approve a City position of Support on Assembly Bill 361 (Rivas) - Open meetings: local agencies: teleconferences; and, approve a City position of Support on Assembly Bill 703 (Rubio) - Open meetings: local agencies: teleconferences; and, approve a City position of Watch on Senate Bill 6 (Caballero) - Local planning: housing: commercial zones.

The motion carried by the following vote:

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

11. 21-254 Approved the 2020 Housing Element Annual Progress Report (APR) and forward to the California Department of Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR)

Councilmember Posey pulled this item to note for the record that there are 82 projects in the pipeline, as listed in the project report, and all of them are either single-family homes or accessory dwelling units (ADUs) with the exception of one 4-unit project.

A motion was made by Posey, second Carr to approve the 2020 Housing Element Progress Report and forward to the California Department of Housing and Community Development and Governor's Office of Planning and Research.

The motion carried by the following vote:

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

12. 21-235 Adopted Resolution No. 2021-21 designating the Chief Financial Officer, the City Treasurer, the Assistant Chief Financial Officer, and the Finance Manager-Treasury as persons authorized to execute Financial Transactions in the name of the City of Huntington Beach

A motion was made by Posey, second Delgleize to adopt Resolution No. 2021-21, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Manual and/or Facsimile Signatures of the Chief Financial Officer, City Treasurer, Assistant Chief Financial Officer, and Finance Manager-Treasury as Persons Authorized to Execute Financial Transactions in the Name of the City of Huntington Beach."

The motion carried by the following vote:

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

13. 21-261 Adopted Resolution No. 2021-22 declaring Weeds and Rubbish a nuisance on specific properties and fixing May 3, 2021, at 6:00pm for hearing protests and objections to the abatement thereof

A motion was made by Posey, second Delgleize to adopt Resolution No. 2021-22, "A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof."

The motion carried by the following vote:

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

14. 21-258 Adopted Resolution No. 2021-23 authorizing the submission of grant applications and ongoing grant management for certain recycling, reuse, and recycled content product grants funded by California Department of Resources, Recycling, and Recovery (CalRecycle)

A motion was made by Posey, second Delgleize to adopt Resolution No. 2021-23, "A Resolution of the City Council of the City of Huntington Beach Authorizing Submittal of Application(s) for All CalRecycle Grants for Which the City of Huntington Beach Is Eligible."

The motion carried by the following vote:

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

15. 21-203 Approved and authorized execution of Professional Services Contracts for On-Call Water, Wastewater, and Stormwater Engineering Consulting Services with

GHD, Inc., Hunsaker & Associates, Inc., Michael Baker International, Inc., and Tetra Tech, Inc.

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute \$1,000,000 Professional Services Contract between the City of Huntington Beach and GHD, Inc., for On-Call Water Engineering, Wastewater Engineering, and Stormwater Engineering Consulting Services; and, approve and authorize the Mayor and City Clerk to execute \$1,000,000 Professional Services Contract between the City of Huntington Beach and Hunsaker & Associates Inc., for On-Call Water Engineering, Wastewater Engineering, and Stormwater Engineering Consulting Services; and, approve and authorize the Mayor and City Clerk to execute \$1,000,000 Professional Services Contract between the City of Huntington Beach and Michael Baker International Inc., for On-Call Water Engineering, Wastewater Engineering, and Stormwater Engineering Consulting Services; and, approve and authorize the Mayor and City Clerk to execute \$1,000,000 Professional Services Contract between the City of Huntington Beach and Tetra Tech, Inc. for On-Call Water Engineering, Wastewater Engineering, and Stormwater Engineering Consulting Services.

The motion carried by the following vote:

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

16. 21-222 Approved and authorized execution of an amendment to the contract between the City of Huntington Beach and West Coast Code Consultants, Inc., for professional As-Needed Building Plan Review Services in the amount of \$164,000

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute, "Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and West Coast Code Consultants, Inc. for Building Plan Review Services;" from \$200,000 to \$364,000, as approved by the City Attorney (Attachment No. 1).

The motion carried by the following vote:

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

17. 21-224 Approved and authorized execution of an amendment to the contract between the City of Huntington Beach and CSG Consultants, Inc., for professional inspection services in the amount of \$85,000

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute, "Amendment No. 1 to Professional Services Contract between the City of Huntington Beach and CSG Consultants, Inc., for Building Staffing Services;" an increase from \$562,500 to \$647,500, as approved by the City Attorney (Attachment No. 1).

The motion carried by the following vote:

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

PUBLIC HEARING

18. 21-255 Adopted Resolution No. 2021-15 to approve Zoning Text Amendment (ZTA) No. 21-001 regarding Alcohol Sales and Service in the Beach and Edinger Corridors Specific Plan (BECSP)

Community Development Director Ursula Luna-Reynosa and Senior Planner Ricky Ramos presented a PowerPoint communication titled: *Zoning Text Amendment No. 21-001*, with slides entitled: *Request (4), Analysis, and Recommendation*.

Councilmember Kalmick and Director Luna-Reynosa discussed the issue of late-night happy hour stipulations that staff feel could best be addressed through an operator permit rather than a Conditional Use Permit (CUP). City Manager Chi stated that the topic would be become part of agendaized discussions moving forward.

Mayor Carr opened the Public Hearing.

City Clerk Robin Estanislau announced two people signed up to speak.

Tory Johnson was invited to speak, but after providing comments not directly related to the Public Hearing, Mayor Carr explained that his opportunity to speak occurring during the Public Comments portion of the meeting at 6:00 PM, and his microphone was then disabled. (01:56:00)

City Clerk Estanislau indicated that the second caller had lowered their hand, and there were no other speakers.

Mayor Carr closed the Public Hearing.

A motion was made by Peterson, second Ortiz to find that Zoning Text Amendment (ZTA) No. 21-001 is within the scope of the BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009. In accordance with CEQA Guidelines Sections 15162 and 15163, no subsequent or supplement to the EIR need be prepared for this ZTA and no further environmental review or documentation is required (Attachment No. 1); and, approve Zoning Text Amendment No. 21-001 with findings (Attachment No. 1) and adopt Resolution No. 2021-15, "A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Beach and Edinger Corridors Specific Plan (SP 14) (Zoning Text Amendment No. 21-001)" (Attachment No. 2).

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

19. 21-263 Adopted Resolutions No. 2021-25 and 2021-26 approving Side Letter Agreements to modify the Memorandum of Understandings (MOU) between the City and the Huntington Beach Municipal Teamsters (HBMT) and Management Employees' Organization (MEO) through December 31, 2021

City Manager Chi introduced this item by stating the Side Letter Agreements suggest extending the term of the existing contracts through December 31, 2021, in exchange for 20 hours of "use it or lose it" time with no actual cash value (any time not used by the end of the contract is not paid but forfeited), and there would be no additional employee impacts for members of either group during the term of the agreements. He added that the indirect costs could be up to approximately \$268,000 for HBMT and \$128,000 for MEO if all members chose to use their 20 hours.

Councilmember Peterson stated his opposition to this item because Fire and Police Management did not get pay raises last year, which in his opinion should be addressed before approving over \$300,000 in potential increases for employees that received a raise last year.

City Manager Chi clarified for Councilmember Delgleize that the HBMT and MEO agreements expired last fall, and approval of this item will result in authorized and approved contracts through the end of this calendar year, and allow for additional time to determine long-term financial implications for moving ahead.

Councilmember Posey confirmed with City Manager Chi that this extension would also synchronize the timing for agreement renewals.

A motion was made by Carr, second Posey to adopt Resolution No. 2021-25, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Teamsters (HBMT) by Adopting the Side Letter of Agreement;" and, adopt Resolution No. 2021-26, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding (MOU) Between the City and the Management Employees' Organization (MEO) by Adopting the Side Letter of Agreement."

The motion carried by the following vote:

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

20. 21-274 Approved and accepted the California Office of Emergency Services (Cal OES) Violence Against Women Act Grant (LE20046860) to the City of Huntington Beach for the 2021 calendar year; authorized the Chief of Police to execute documents; approve appropriations; and, amended the Professional Services Listing to include provided domestic violence services

City Manager Chi introduced the item by stating the City recently received the California Office of Emergency Services (Cal OES) Violence Against Women Act Grant, and Interim Police Chief Harvey described how the funds are used.

Councilmember Delgleize confirmed with Chief Harvey that the funds are acquired through an application process.

Mayor Carr thanked Chief Harvey and the Police Department staff for being proactive in acquiring funds to address this issue, and thanked Waymakers and Interval House for their partnership in providing services.

A motion was made by Delgleize, second Ortiz to accept the grant between the State of California, Governor's Office of Emergency Services, and the City of Huntington Beach; and, assign authority to the Chief of Police as the official to execute and sign for the award and to approve amendments and extensions; and, approve the appropriation and expenditure of \$270,857 of which \$203,143 is to be fully reimbursed by the grant from Cal OES. The remaining \$67,714 will be funded from appropriations in the Police Department's budget; and, amend the Professional Services Listing to include provided domestic violence services.

The motion carried by the following vote:

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

NOES: None

COUNCILMEMBER ITEMS

21. 21-289 Adopted Declaration submitted by Mayor Carr and Councilmember Kalmick - The City of Huntington Beach Denounces All Hate Crimes and Reaffirms Its Commitment to Safety and Inclusivity For All

Mayor Carr introduced this item by discussing the increase in Asian American and Pacific Islander (AAPI) hate crimes throughout Orange County, and how the proposed declaration naturally follows the City's Policy on Human Dignity reaffirmed earlier in the year. Mayor Carr also pointed out that the item not only denounces hate crimes, but also asks the Police Department to publish hate crime incident data that will provide for deeper conversations and implementation of appropriate actions.

Councilmember Kalmick stated that the recommended action follows similar actions taken at the County level in response to recent AAPI hate crimes, and shared his opinion on the need for government action and commitment to protect all ethnicities so that people feel safe. He also responded to individuals describing the effort as "virtue signaling," discussed his responsibility as an elected official to support a safe community, and described County support for funding to track hate incident data.

Councilmember Delgleize shared her grief over witnessing a national news story of an elderly Asian American woman beaten in public and receiving no help, and stated that any action the City Council can take to protect all residents has her support, especially following what community members have had to endure during COVID-19.

Councilmember Moser called for action in response to increased hate crime incidents, and described how she sees this as an opportunity to acknowledge that hate exists, to be explicit about what is not acceptable behavior, and confirming City leaders will work against hate crimes. She reiterated the number of times Council has denounced acts of hatred this year, including reaffirming its position about human dignity, discussed participating in bystander training where she learned about the power of words, and her support for continual affirmation of human dignity and publishing hate crime data.

Councilmember Peterson shared his opinion that declarations do not provide tangible results. He also explained that while he clearly does not support any hate crime activity, he is of the opinion that laws against hate crimes are in place for police to enforce, and for prosecutors and judges to ensure punishment. He described the item as a "feel good" action, shared his opinion that words do not hurt people, and that he would likely abstain from voting.

Mayor Carr disagreed with Councilmember Peterson's opinions, and referred to declaration bullet points one and two, as well as the final paragraph, as examples of required actions if approved.

Councilmember Posey shared how he recently joined Assemblywoman Janet Nguyen to address the rise in AAPI violence where she described the County's plans for hate incident data collection, and future legislation being considered that Councilmember Posey will share with the Intergovernmental Relations Committee (IRC). He also discussed how personal experiences of bullying as a young person helped shape how he treats people today, and his responsibility as an elected official to protect his community.

Councilmember Moser described comments shared by Councilmember Peterson as dismissive, reaffirmed the power of words, and spoke of the importance of making our community members feel safe. She also described the Anti-Defamation League's Pyramid of Hate that identifies biased attitudes, acts of bias, discrimination and bias motivated violence that lead to genocide.

Councilmember Delgleize discussed silence as a form of complicity, and quoted Dr. Martin Luther King, "In the end, we will not remember the words of our enemies, but the silence of our friends."

The motion made by Kalmick, second Carr to adopt this declaration to denounce all hate crimes and reaffirm the City's commitment to safety and inclusivity for all carried by the following vote:

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

NOES: None

ABSTAIN: Peterson

22. 21-291 Approved item submitted by Mayor Pro Tem Ortiz - Direct staff to develop procedures to facilitate Ticketed, Stand-Alone Musical Entertainment Events at appropriate City venues

Mayor Pro Tem Ortiz introduced his item by describing personal positive experiences from past public events he attended, and stated he sees this as an opportunity to increase revenue especially following the losses from the COVID-19 pandemic.

Councilmember Kalmick stated his support for this item, and asked that staff also investigate options for a tax or fee on State beach activities as part of the process, as the Huntington Beach Police Department is definitely impacted by State beach events.

Councilmember Posey applauded the intent, but questioned how the request differs from the City's Special Events Permit application process already in place, enumerating the amount of similar concerns addressed and acted on by past City Councils.

Councilmember Peterson stated his support for examining this process in light of a number of promoters being denied a permit.

Councilmember Posey discussed important issues to consider, including determining whether selected events approved are held during the prime summer season or the shoulder seasons, and to ensure all events comply with Coastal Commission requirements.

City Manager Chi thanked Councilmembers Posey and Peterson for their feedback, and stated that specific smaller-scale musical events tied to a larger event are currently allowed, but based on direction from a prior Council all ticketed, stand-alone musical entertainment events are automatically denied. He stated that if approved, this item would allow staff to develop a process that would incorporate the Coastal Commission restrictions for summer events.

Director of Community and Library Services Chris Slama stated staff is happy to include looking at possible taxes or fees from State beach events as part of the process, if this item is approved.

Councilmember Delgleize shared her opinion that the prior City Council direction to deny stand-alone ticketed musical events was due to the horrible experience of events on the State beach that did not have proper security, nor apparently any requirements for clean-up of the beach after the event.

Councilmember Posey suggested that the place to start to let promoters know the City beach is open for business is to approve a music event tied to the Airshow that is a family-friendly event. He added that some policy parameters need to be included such as number of attendees, income potential and expected costs for different sized events.

A motion was made by Ortiz, second Posey to recommend that City Council direct staff to develop and bring back for review new procedures to facilitate ticketed, stand-alone musical entertainment events at certain appropriate City venues.

The motion carried by the following vote:

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

23. 21-290 Approved item submitted by Councilmembers Posey and Moser - Direct staff to develop Municipal Code adjustments to revise existing E-Bike Use Regulations on the City's Beach Path

Councilmember Posey provided a brief background of the history of e-bikes, beginning with 2017 when the Council (himself included) voted not to allow e-bikes based on the problems observed in other cities with the sudden proliferation of e-bike rentals.

Councilmember Moser described the recent passionate input from the community on this topic as the impetus for her to get involved and ensure a safe environment for everyone to enjoy the beach path. She described this item as an effort to define appropriate safety, education, and enforcement measures.

Mayor Carr shared her support for this item, and her concern about not allowing e-bikes on the sand.

Councilmember Posey explained the intention is to allow e-bikes only on the paved trail, and to ensure the City's ordinance dovetails with existing State and County trail regulations.

A motion was made by Posey, second Moser that the City Council direct staff to develop for consideration an overall beach path safety management plan that would include updated municipal code language allowing the use of e-bikes, coupled with other regulatory, infrastructure, and speed enforcement plans.

The motion carried by the following vote:

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

24. 21-292 Adopted Declaration submitted by Councilmember Kalmick — The City of Huntington Beach Denounces Any Movements Promoting White Supremacy Within Its Community

Councilmember Kalmick introduced this item by explaining that one of his campaign promises was to address perceived racism in Huntington Beach. He provided his understanding and respect for a person's First Amendment right to say hateful things, but also discussed the importance of publicly denouncing hate speech.

Councilmember Posey shared concerns about proposed language, "Whereas while the City respects and values First Amendment rights of all Americans, it unequivocally denounces hate speech," questioning the definition of hate speech and calling the language subjective rather than objective. He recommended that sentence be revised to read, "...denounces **what some perceive as** hate speech" to ensure First Amendment rights are not squelched.

Councilmember Moser offered respect for the right of free speech, but shared a sample definition of hate speech to demonstrate how language used to abuse or discriminate against a particular group can ultimately lead to a hate incident. For those reasons, she will not support Councilmember Posey's suggestion to soften the proposed language.

Councilmembers Posey and Moser discussed how the proposed declaration currently directed at white supremacy has the potential to open the door to future denouncement of other things until suddenly every movement promoting a particular religion, sexual or political orientation not accepted by everyone becomes hate speech.

Councilmember Kalmick made clear that if someone feels hate speech is being directed at them, that the City of Huntington Beach supports them regardless of the message. He added it is important to have a policy that makes everyone in the City feel protected, and the purpose of this declaration is to make a statement that condemns white supremacy, that the City denounces any and all acts of white supremacy which promote fear and division within the community, and, that the City will remain vigilant against future movements that promote white supremacy in our community.

Mayor Carr stated her support for this item and the conversations for a deeper understanding of the First Amendment. She opposed Councilmember Posey's language revision, stating the declaration needs to remain very clear in denouncing the hatred and fear tactics used to create division. Mayor Carr also suggested the City take back Pier Plaza by scheduling family-friendly public events for that space so it is not available for outside groups to congregate.

A motion was made by Kalmick, second Carr to adopt this Declaration of the City Council to denounce any movements promoting or supporting white supremacy within our community.

The motion carried by the following vote:

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

NOES: None
ABSTAIN: Peterson

25. 21-293 Item submitted by Councilmember Moser approved as amended — Cosponsor a Virtual Event on April 11 with Orange County Human Relations, and directing staff to coordinate a Diversity, Equity and Inclusion Event at Central Park on April 18

Councilmember Moser stated this event was prompted by the planned White Lives Matter rally at the Pier on April 11, and she sees this as a way to show the community that their elected officials are taking action. She explained her original purpose of providing an alternative event at Central Park the day of the rally, but she was made aware this could potentially divide the City's safety resources, therefore she chose to coordinate a virtual event for April 11, and would like to coordinate an in-person event at Central Park for April 18.

Councilmember Moser added she is amending her item to include accelerating the "Speaker/Dialogue Series" being sponsored by the Community and Library Services Department, and tasking them to incorporate anti-racism/anti-hate discussions in their series to support creating an inclusive and welcoming community.

Councilmember Moser stated that it is also important to build a coalition of people from the community to become involved and standup for strengthening neighborhoods and the community.

Councilmember Posey related a personal experience of some years ago to demonstrate his belief that each person needs to be willing to civilly speak up for what is right, and stated this Council action should help to empower residents to do what is right.

Mayor Carr stated support for events that share how people can be a better neighbor, become more involved with Council and policing efforts, and provide tools the community can use to help one another stand up to incidents of hate.

Councilmember Delgleize shared examples of Huntington Beach groups in the past that sponsored uplifting speakers and stated she believes there are currently organizations and people who will step up and focus on the goodness that exists.

Councilmember Moser thanked the Human Relations Task Force for their relentless efforts to broaden the audience that hears the message, and for having the hard conversations that build understanding.

A motion was made by Moser, second Delgleize to recommend that the City Council: Serve as an official co-sponsor of the virtual event being hosted by OC Human Relations on April 11, 2021, and direct staff to develop an outdoor event focused on diversity, equity, and inclusion at Central Park on April 18, 2021, ***as amended to accelerate the "Speaker/Dialogue Series" sponsored by the Community and Library Services Department, and incorporate anti-racism/anti-hate discussions.***

The motion as amended carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Carr announced the Huntington Beach Small Business Owner Micro Grant Program with a deadline of 5 PM on April 12. All of the details can be found at HBReady.com. Mayor Carr reported participating in the reopening of the Edison Community Center; meeting with newly-elected Orange County Supervisor Katrina Foley; participating in a productive meeting with Oak View residents to determine what support that neighborhood needs, thanking Chief Harvey, Community Services, City Manager Chi, Public Works and fellow Councilmembers for participating; attending the Chamber of Commerce Awards ceremony; and, participating in the Kiwanis Easter Drive-Thru.

Councilmember Moser announced details for the Greater Huntington Beach Interfaith Council's Day of Service on April 24, 9 AM to 1 PM, which will be a community donation drive-thru event at the Huntington Beach Sports Complex. More information can be found at www.GHBIC.org. Councilmember Moser also shared the new book selection by HB Reads: *They Called Us Enemy* by George Takei. Councilmember Moser complimented Huntington Beach Union High School District Teacher Librarian Elizabeth Taireh for providing a recent Zoom "Open Mic" event on compassion.

Councilmember Posey announced that restaurants are now 50% open and encouraged people to patronize their favorites as often as possible to help bring them back to pre-COVID-19 business levels.

Mayor Carr noted the CNBC interview she and Councilmember Delgleize participated in regarding Huntington Beach as the epicenter of the pickleball explosion, due to the efforts of Diana Abruscato, Founder and President, Surf City Pickleball Society.

ADJOURNMENT — at 9:51 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, April 19, 2021, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

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

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

ATTEST:

City Clerk-Secretary

Mayor-Chair