

Minutes

City Council/Public Financing Authority Regular Meeting and Special Meetings of the Housing Authority, Parking Authority and Successor Agency City of Huntington Beach

Tuesday, December 21, 2021
4:00 PM – Study Session/Closed Session
6:00 PM - Regular Session
Civic Center, 2000 Main Street
Huntington Beach, California 9264
or 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

CALLED TO ORDER – 4:03 PM

ROLL CALL

Present: Peterson, Bolton (arrived at 4:15 pm), Posey, Delgleize, Carr, Moser, and Kalmick

Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution) —
None

PUBLIC COMMENTS PERTAINING TO STUDY SESSION AND CLOSED SESSION ITEMS (3 Minute
Time Limit) — 1 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/>.*

Shelly McKay, a resident of Huntington Beach for 27 years, a cannabis patient, and a fractional owner of
Kannabis Works Licensed Dispensary in Santa Ana, Manager, Cannabis Compassion Program as
Cannabis Educator, and Director for Compassion for LA NORML, and Director of OC NORML, was
called to speak and stated her support for Huntington Beach to allow the licensed retail sale of cannabis.
(00:01:02)

Caller Sabrina Noah, Senior Vice President, Crystal Lab, born and raised in Huntington Beach, was
invited to speak and stated her support for the City's interest in this economical and job-creating
opportunity to allow licensed retail sale of cannabis. (00:04:30)

Caller Billy Maddox, Founder/Owner, of a cannabis MSO (Multi-state operator) and life-long resident of
Huntington Beach, was called to speak and stated his support for the City's interest in allowing retail sale
of cannabis. (00:06:17)

STUDY SESSION

1. 21-1006 Reviewed response options to the recent cannabis petitions filed with the City

City Manager Oliver Chi introduced this item with a PowerPoint communication titled *Cannabis Petition Response Options*, with slides entitled: *Background — Key State Legislation; Background — HB Mirrored Statewide Attitudes; City of Huntington Beach — Where are We?; Cannabis Petitions Filed in HB; Signature Gathering Efforts Initiated; Meeting w/Legal Cannabis Industry Reps; Current Cannabis Industry Proposal; Initial Staff Assessment; and City Council Discussion / Direction.*

Mayor Pro Tem Posey and City Manager Chi discussed the number of stores allowed typically is determined by allowing one (1) store for every ten thousand (10,000) residents, and the plan for twelve (12) stores in Huntington Beach is beyond the typical number.

There was further discussion on the regulations and number of stores allowed by the four Orange County cities that have already approved commercial cannabis activity: Costa Mesa, Irvine, Santa Ana and Stanton.

Mayor Pro Tem Posey and City Manager Chi also discussed banking limitations for the cannabis industry and mechanisms the City could put in place to ensure proper accounting and payment of taxes. City Manager Chi stated the amount of tax is determined by each individual city within their regulations.

Councilmember Kalmick stated his support for the City to be proactive in managing an effort that he expects to be successful by setting up an Ad Hoc Committee, which he would like to be part of, to research and propose appropriate guidelines and regulations. He stated the importance of listening to the residents, addressing their concerns throughout the process, and building policy around those concerns.

Councilmember Moser stated her support for Councilmember Kalmick's comments regarding staff negotiating with the industry, and establishing an Ad Hoc Committee to help with negotiations.

Councilmember Moser and City Manager Chi discussed the 600 feet of buffer space being proposed, and options for different buffer space required for different environments such as schools, parks and residential neighborhoods that can be regulated through land use authority.

Councilmember Peterson stated he supports the City being proactive, and from his personal experience of installing security, monitoring and fire systems for the industry, he has seen good and bad ordinances. He also said the City needs to be aware of total costs associated with monitoring, as well as the input required to ensure appropriate regulations are met for fire and police standards. He added that the state has refined the metrics for tracking from seed to manufacture, distribution, and sale. Councilmember Peterson supports digging into all the details and being informed of all considerations, including the odors created by the industry.

Councilmember Carr stated her support for Councilmember Peterson's comments, and added that educating the Council and residents is important. She supports setting up an Ad Hoc Committee as well as more Study Sessions on the issue.

Councilmember Bolton stated her support for an Ad Hoc Committee, and learning from the mistakes of the other cities that have gone down this path, including realistic revenue expectations.

Mayor Delgleize and Councilmember Peterson discussed whether there is a need to consider hiring a consultant to help guide Council and staff through the process. Councilmember Peterson stated his opinion that staff from Building, Police and Fire Departments are capable of sifting through the existing regulations and determining whether or not there is the need to hire a consultant.

Mayor Delgleize confirmed with City Manager Chi that Council is supportive of setting up an Ad Hoc Committee as well as holding more Study Sessions in the effort to keep the City in the driver's seat moving forward.

A motion was made by Carr, second Posey, to recess to Closed Session for New Item 21-1009.

RECESSED TO CLOSED SESSION — 4:45 PM

CLOSED SESSION

***New 21-1009 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 - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING, AND CALLED TO ORDER SPECIAL MEETINGS OF THE HOUSING AUTHORITY, PARKING AUTHORITY AND SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF HUNTINGTON BEACH — 6:03 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Mayor Delgleize

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. 21-961 Jynene Johnson, with Huntington Beach Stake of The Church of Jesus Christ Latter-day Saints, and member of the Greater Huntington Beach Interfaith Council

Orange County Theater Vocalist Makeda Gwaltney sang "Silent Night" in celebration of the first day of winter, and to recognize National Homeless Persons' Memorial Day.

CLOSED SESSION REPORT BY CITY ATTORNEY — City Attorney Gates announced he was not present in Closed Session; City Manager Chi announced there was nothing to report.

AWARDS AND PRESENTATIONS

3. 21-907 Mayor Delgleize called on newly crowned Miss Huntington Beach Gisell Gochman and her princesses to present commendations to the 2021-2022 Court

Mayor Delgleize introduced Miss Huntington Beach Gisell Gochman and Princesses Jenny Thach and Huonh Nguyen for 2021-2022.

Ms. Gochman, a lifetime resident of Huntington Beach, expressed her appreciation for the recognition, and her excitement for the opportunities to represent the City at events in the coming year.

Sand Dollars of Huntington Beach was thanked for offering the program to provide young women with financial assistance to assist in obtaining their educational goals.

4. 21-1003 Mayor Delgleize presented a Commendation to Outgoing City Manager Oliver Chi

Mayor Delgleize described City Manager Chi's infectious and tireless leadership through the last couple of years. She thanked him for his OneHB vision, which resulted in a team-oriented staff and thoughtful leaders in each department dedicated to serving the community.

City Manager Chi expressed his appreciation for the privilege to lead such a dedicated staff in serving the community.

Mr. Sean Crumby, Director of Public Works, presented City Manager Chi with an "Oliver Chi Drive and Bobbie Jo Chi Drive" Huntington Beach city street sign.

5. 21-1005 Mayor Delgleize called on Ben Barker, Financial advisor with California Municipal Finance Authority, who presented three checks, each in the amount of \$78,186.38 to the following non-profits that work to address and prevent homelessness within the City of Huntington Beach: Project Self Sufficiency, Robyn's Nest, and Stand Up for Kids Orange County

Mr. Barker described the affordable housing projects financed by the California Municipal Finance Authority, and explained that fifty percent (50%) of their fees are shared with twenty-five percent (25%) returned to the local municipality, and twenty-five percent (25%) shared with local non-profits.

Cherie Schenck, President, Project Self-Sufficiency, described some of the services provided to assist low-income individuals, and expressed sincere appreciation for the funds received.

Councilmember Posey introduced Justine Palmore, Executive Director, Stand Up for Kids Orange County, which is a non-profit focused on preventing youth homelessness. Ms. Palmore expressed appreciation for the partnership with the City of Huntington Beach, and the financial support received.

Mayor Delgleize introduced Robyn Wood, Founder and Director, Robyn's Nest, a non-profit focused on supporting high school graduation for homeless and at-risk students with little to no parental support. Ms. Wood expressed her appreciation for the support of the Huntington Beach community, and the financial support received.

A short video presentation was played with a testimonial from a recipient of the services of Robyn's Nest.

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:

Council Committee – Appointments – Liaison Reports, AB 1234 Reporting, and Openness in Negotiations Disclosures

#6 (21-1001) 2022 Council Liaison List received from Mayor Barbara Delgleize.

Consent Calendar

#12 (21-982) Communication received from Chief Financial Officer, Dahle Bulosan, regarding a date correction made on Resolution 2021-75.

#14 (21-936) Email communication received regarding the memorial plaque for Rick "Rockin' Fig" Fignetti.

#19 (21-1002) Inter-Departmental Communication submitted by Interim Administrative Services Director, Brittany Mello, providing clarification on the two, on-call contracts with All American Leadership, LLC and the Southern California Center for Nonprofit Management.

#19 (21-1002) Four (4) email communications received regarding the two on-call contracts for Citywide Leadership Development Training.

#24 (21-909) Three (3) email communications received regarding the proposed updates to the Huntington Beach Municipal Code regarding a select number of the City's Boards, Commissions and Committees.

Administrative Items

#26 (21-966) PowerPoint Presentation titled "Bluff Top Park Improvement Project" submitted by Sean Crumby, Director of Public Works.

#27 (21-879) PowerPoint Presentation titled "Rodgers Seniors' Center Site Redevelopment" submitted by Sean Crumby, Director of Public Works.

#27 (21-879) Twenty-one (21) email communications received regarding the redevelopment of the Michael E. Rodgers Center.

Ordinances For Introduction

#35 (21-847) PowerPoint Presentation titled "City of Huntington Beach Public Works Department – Introduction of Ordinances for the Implementation of SB 1383 Regulations" submitted by Sean Crumby, Director of Public Works.

#36 (21-991) PowerPoint Presentation titled "City of Huntington Beach Taxicab Program" submitted by Dahle Bulosan, Chief Financial Officer.

Councilmember Items

#37 (21-1008) Letter received from City Attorney, Michael E. Gates in response to the proposed selection of an Outside Legal Firm that would directly report to and support the City Council.

#37 (21-1008) Letter on behalf City Attorney Michael Gates received from Derek P. Cole of Cole Huber LLP.

#37 (21-1008) Sixty-one (61) email communications received regarding the proposed selection of an Outside Legal Firm that would directly report to and support the City Council.

PUBLIC COMMENTS (3 Minute Time Limit) — 26 In-Person and 1 Call-In Public 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>.

Steven Graham, Partner at Cole Huber LLP, was called to speak and stated his opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:19:19)

Linda Rose, over 40-year Huntington Beach resident and homeowner, was called to speak and stated her support for the City Council and opposition to the HB Recall effort. (01:21:46)

Luanne Nichols, a fourth generation Huntington Beach property owner, was called to speak and shared her background and support for continuing to operate Art-Affaire as it has been done for the last ten years. She stated her support for the HB Recall effort with details at www.savesurfcity.org. (01:24:10)

Maureen was called to speak and shared her dismay at the removal of left-hand turn lanes on Delaware Street, which in her opinion make the street unsafe, and asked that the left-hand lanes be restored. (01:26:37)

Norman Lawson was called to speak, and stated his opinion that the removal of the left-hand turn lanes on Delaware Street described by Maureen has increased opportunity for accidents, and the street is now dangerous. (01:29:27)

Karen, a long-time resident of Huntington Beach whose father resides in Scandia Mobile Country Club, was called to speak and described the predatory policy of spiking space rents for the retired and elderly residents by the new property owners. She asked that the Council and City staff come to the aide of all manufactured home residents seeking help addressing increasing costs. (01:31:06)

Cari Swan, supporter of Save Surf City Recall, was called to speak and stated her opposition to Consent Calendar Item #18 regarding Citywide Leadership Development Training contracts, and opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. Ms. Swan encouraged residents to go to www.savesurfcity.org. (01:33:10)

Deb Janus, a 42-year resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:35:25)

Vicki Gray, a 30-year resident of Huntington Beach, was called to speak and stated her support for the HB Recall effort. She shared her opinion that Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council will stimulate people to sign the recall petition, and sarcastically "thanked" authors of the item. (01:37:17)

Pano Frousiakis, Candidate for City Council in 2022, was called to speak and shared his opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council, and encouraged residents to go to www.savesurfcity.org. (01:38:26)

Nathalie Wong was called to speak and stated her support for Administrative Items #27 regarding the Rodgers Senior Center Redevelopment Project, and her opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:42:02)

William Hennerty, a 10-year resident of Huntington Beach and member of the Small Business Alliance, Huntington Beach Chapter, was called to speak and stated his opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:43:27)

Melissa Sheets, local homeowner, was called to speak and asked for Council's assistance in dealing with chain smokers who are polluting the neighborhood air. Ms. Sheets asked Council to implement a multi-unit housing smoking ordinance, and provided examples of ordinances addressing the issue from other municipalities. (01:45:35)

Fran Varga, a resident of 18th Street, was called to speak and stated her support for Administrative Items #27 regarding the Rodgers Senior Center Redevelopment Project. Ms. Varga also stated her support for Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:48:27)

Martha Morrow, 30-year resident and former business owner, was called to speak and shared her opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council, and encouraged residents to go to www.savesurfcity.org. (01:50:57)

Larry McNeely was called to speak and stated his opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. He also stated opposition to holding any City Council meetings during weekday business hours, and raises for the City union members. Mr. McNeely made reference to a public eviction notice targeted at certain Councilmembers, and stated his support for the Recall effort. (01:53:21)

Lisa, a 45-year resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:56:33)

Amory Hanson, a Candidate for City Council in 2022 and member of the Huntington Beach Historic Resources Board, was called to speak, and stated that he had submitted supplemental communication in

support of Administrative Items #27 regarding the Rodgers Senior Center Redevelopment Project, as well as his thoughts on Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:57:44)

Dave Sullivan, a resident of Huntington Beach for over 50 years, Former Councilmember and Mayor, was called to speak and stated his opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (01:59:00)

Rob Pool was called to speak and stated his opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (02:01:25)

Casey McKeon, resident of Huntington Beach and Charter Revision Committee member, was called to speak and stated his opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (02:04:15)

Eric Silkenson, a 50-year resident of Huntington Beach and member of the Mobile Home Advisory Board, was called to speak and thanked Public Works and City Council for the improvements on Delaware Street. He also shared his opinion that elections, not recalls, are the proper method for making changes for elected positions. (02:07:21)

Season Baker was called to speak and stated her opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council, and her support for the City Council Recall effort. (02:09:32)

Gracey Van Der Mark was called to speak and stated her opposition to Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. (02:12:40)

John Genovese, a veteran, was called to speak and shared his personal challenges of living independently as a mature citizen. (02:15:50)

Caller Mark Sheldon, a resident of Huntington Beach for over 30 years and former member of the Environmental Board, was invited to speak and stated his concerns regarding Consent Calendar Item #24 updating the Municipal Code for a select number of the City's Boards, Commissions, and Committees, specifically related to reducing the Environmental & Sustainability Board to under nine members. (02:20:00)

Bridget Kaub was called to speak and identified herself as an elected official and former member of the Community Services Commission. She shared her concerns regarding Councilmember Items #37 requesting City Council selection of an Outside Legal Firm that would directly report to and support the City Council. While recognizing Councilmembers as good people who know what is right vs. wrong, Ms. Kaub urged Council to put aside their personal feelings for City Attorney Gates and respect the provisions of the City Charter. She also expressed her appreciation for proposed plans on the Rodgers' Senior Center property. (02:23:04)

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

Councilmember Carr reported attending a meeting of the Orange County Sanitation District (OCSD), and stated that when the OCSD's Outfall Assessment and Study is completed after April 2022, she will report on the results.

Mayor Pro Tem Posey reported attending a meeting of the Orange County Power Authority (OCPA) to welcome Orange County Supervisor Don Wagner as a new OCPA Board Member and County of Orange as a new OCPA member. He also reported that Vector Control voted to continue discussions on their headquarters relocation.

Mayor Pro Tem Posey also described Council's directions and his personal stance, as stated by the court, that the issues related to Regional Housing Needs Assessment (RHNA) numbers need to be addressed by legislation, not litigation, regarding the City of Huntington Beach and Southern California Association of Government (SCAG), California Department of Housing and Community Development (HCD), and Orange County Council of Governments (OCCOG). Mayor Pro Tem Posey also provided a brief background on the GreenPrint effort to place land into conservancy to protect farming and nature, which will drive higher density into developed areas. Further details on GreenPrint can be found on both SCAG and Association of California Cities – Orange County (ACC-OC) websites.

Mayor Delgleize reported attending Board meetings for the Association of California Cities – Orange County (ACC-OC), and the Orange County Transportation Authority (OCTA).

6. 21-1001 Approved Mayor Delgleize's 2022 Council Liaison List

A motion was made by Carr, second Moser to as recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: Approve the 2022 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Delgleize. (The City Clerk certifies that FPPC Form 806 "Agency Report of Public Official Appointments" which is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district and joint powers agency or authority was posted to the City's website according to law prior to this vote.) **as amended by Supplemental Communication (Liaison List).**

The motion as amended carried by the following vote:

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

CITY MANAGER'S REPORT — None

CONSENT CALENDAR

Councilmembers Carr and Peterson pulled Consent Calendar Item #19 for further discussion.

7. 21-836 Approved and Adopted Minutes

A motion was made by Kalmick, second Posey to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated November 16, 2021, as written and on file in the office of the

City Clerk; and, approve and adopt the City Council/Public Financing Authority special meeting minutes dated December 1, 2021, as written and on file in the office of the City Clerk; and, approve and adopt the City Council/Public Financing Authority regular meeting minutes dated December 7, 2021, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

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

8. 21-822 Received and filed the Maddy Act Local Appointments List – 2022 (terms on City boards, commissions, and committees that expire in 2022) informing the public of openings and vacancies based on 2022 expiration of current members' terms

A motion was made by Kalmick, second Posey to receive and file the Maddy Act Local Appointments List – 2022 showing vacancies that will occur on City boards, commissions, and committees in the year 2022, and direct the City Clerk to post the list at official posting locations (Civic Center, Huntington Central Library, and Main Street Library). Copies of the Maddy Act Local Appointments List - 2022 will also be posted at all branch libraries and on the City's website.

The motion carried by the following vote:

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

9. 21-845 Approved and authorized execution of Professional Services Contracts for On-Call Materials Testing and Engineering Services with AESCO, Inc., GMU Geotechnical, Inc., Leighton Consulting, Inc., Ninyo & Moore Geotechnical & Environmental Sciences Consultants, and Twining, Inc.

A motion was made by Kalmick, second Posey to approve and authorize the Mayor and City Clerk to execute \$600,000 "Professional Services Contract Between the City of Huntington Beach and AESCO, Inc., for On-Call Material Testing and Engineering Services;" and, approve and authorize the Mayor and City Clerk to execute \$600,000 "Professional Services Contract Between the City of Huntington Beach and GMU Geotechnical, Inc. for On-Call Material Testing and Engineering Services;" and, approve and authorize the Mayor and City Clerk to execute \$600,000 "Professional Services Contract Between the City of Huntington Beach and Leighton Consulting, Inc., for On-Call Material Testing and Engineering Services"; and, approve and authorize the Mayor and City Clerk to execute \$600,000 "Professional Services Contract Between the City of Huntington Beach and Ninyo & Moore for On-Call Material Testing and Engineering Services;" and, approve and authorize the Mayor and City Clerk to execute \$600,000 "Professional Services Contract Between the City of Huntington Beach and Twining, Inc., for On-Call Material Testing and Engineering Services."

The motion carried by the following vote:

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

10. 21-970 Approved two (2) appointments to the Harbor Commission, as recommended by City Council Liaisons, Councilmembers Kalmick and Peterson

A motion was made by Kalmick, second Posey to approve the appointment of Van Vu as a Member of the Harbor Commission through December 31, 2024; and, approve the appointment of Diane Wood as a Member of the Harbor Commission through December 31, 2024.

The motion carried by the following vote:

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

11. 21-878 Adopted Resolution No. 2021-69 authorizing cancellation of the City Council/Public Financing Authority regular meeting of January 4, 2022; and, directed the City Clerk to provide notice of such cancellation

A motion was made by Kalmick, second Posey to adopt Resolution No. 2021-69, "A Resolution of the City Council of the City of Huntington Beach Declaring the Cancellation of the City Council and Public Financing Authority Regular Meeting of January 4, 2022; and Directing the City Clerk to Provide Notice of Such Cancellation."

The motion carried by the following vote:

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

12. 21-982 Adopted Resolution No. 2021-75 accepting and approving the Development Impact Fee (DIF) Report for Fiscal Year 2020-21 and to make findings as required by Government Code Sections 66006 and 66001

A motion was made by Kalmick, second Posey to accept and approve the Development Impact Fee Report for Fiscal Year Ending June 30, 2021 by adopting Resolution No. 2021-75, "A Resolution of the City Council of the City of Huntington Beach to Accept and Approve the Development Impact Fee Report for Fiscal Year Ending June 30, 2021 and to Make the Findings as Required by Government Code Section 66006(b) and 66001(d)" **as amended by Supplemental Communication.**

The motion as amended carried by the following vote:

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

13. 21-998 Adopted Successor Agency Resolution Nos. 2021-03 and 2021-04 approved the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Huntington Beach Successor Agency for the period of July 1, 2022, through June 30, 2023, in accordance with Health and Safety Code Section 34177 and related actions

A motion was made by Kalmick, second Posey to adopt Resolution No. 2021-03, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Successor Agency Administrative Budget for the Period July 1, 2022, through June 30, 2023;" and, adopt Resolution No. 2021-04, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Recognized Obligation Payment Schedule for the Period July 1, 2022 - June 30, 2023 ('ROPS 22-23')."

The motion carried by the following vote:

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

14. 21-936 Approved Memorial Plaque Recognition for Rick "Rockin' Fig" Fignetti

A motion was made by Kalmick, second Posey to approve recommendation by the Community & Library Services Commission to approve the design concept of a memorial plaque honoring Rick "Rockin' Fig" Fignetti to be placed at Tower Zero on the Huntington Beach Municipal Pier; and, authorize staff to work with the Greater Huntington Beach Interfaith Council to have the plaque manufactured and installed as proposed.

The motion carried by the following vote:

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

15. 21-951 Accepted the lowest responsive and responsible bid, approved appropriation and authorized execution of a construction contract with Nobest, Inc. in the amount of \$1,007,200 for the Zone 5 Curb Ramp Project, CC-1637

A motion was made by Kalmick, second Posey to accept the lowest responsive and responsible bid submitted by Nobest, Inc. in the amount of \$1,007,200; and, appropriate \$430,871 from the Measure "M" fund balance to account (21390004.82300) and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

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

16. 21-891 Approved and authorized execution of Professional Services Contract for Fleet Sustainability Transition Plan with Mercury Associates, Inc.; and approved appropriation funds

A motion was made by Kalmick, second Posey to approve and authorize the Mayor and City Clerk to execute, "Professional Services Contract Between the City of Huntington Beach and Mercury Associate, Inc. for Development of Fleet Sustainability Transition Plan," in an amount not to exceed \$100,000; and, appropriate funding in the amount of \$100,000 from the General Fund undesignated fund balance to account 10085701.69365.

The motion carried by the following vote:

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

17. 21-939 Approved and authorized execution of a contract with Data Ticket, Inc., for the provision of Parking Citation Payment Processing and Parking Permit Services

A motion was made by Kalmick, second Posey to approve and authorize the Mayor and City Clerk to execute "Service Agreement Between the City of Huntington Beach and Data Ticket, Inc. for Parking Citation Processing and Parking Permit Solution" in an amount not to exceed \$360,000 for a 3-year term with two additional one-year extensions; and, authorize the City Manager to execute all documents in furtherance of this Agreement.

The motion carried by the following vote:

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

18. 21-969 Approved the execution of a Subdivision Agreement with Huntington Gateway Industrial II, LLC and accepted Securities for the Huntington Gateway Phase II Industrial Project, located on the north side of Bolsa Avenue at the intersection with Graham Street

A motion was made by Kalmick, second Posey to approve and authorize the Mayor and City Clerk to execute and record the "Subdivision Agreement by and Between the City of Huntington Beach and Huntington Gateway Industrial II, LLC for Parcel Map No. 2019-153" to construct public improvements for the Huntington Gateway Phase II industrial project (Attachment 1); and, accept the Faithful Performance Bond No. 800043002 (Attachment 2), Labor and Material Bond No. 800043002 (Attachment 3) and Monument Bond No. 800043002-M (Attachment 4), the securities furnished for installation of the required public improvements; and, instruct the City Clerk to file the bonds with the City Treasurer.

The motion carried by the following vote:

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

19. 21-1002 Approved and authorized approval of two on-call Professional Services Contracts for Citywide Leadership Development Training with All American Leadership, LLC, and the Southern California Center for Nonprofit Management

Councilmember Peterson pulled this item to confirm with City Manager Chi that this is for on-call citywide supervisory and leadership training, and the budget amount is the maximum over three-years. City Manager Chi explained that as people are promoted into supervisory positions, these funds will allow for a more thorough and coordinated approach to duplicate in other departments the successful efforts over the last several years in the Fire Department.

Councilmember Carr stated she pulled this item to make everyone aware of the late afternoon communication from Interim Administrative Services Director Brittany Mello to clarify the \$450,000 is the maximum budget over three years on an as-needed basis.

Mayor Carr thanked City Manager Chi and staff for the clarification and stated her support for this opportunity for staff development.

A motion was made by Carr, second Moser to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and All American Leadership, LLC, for Leadership Development Training;" and, approve and authorize the Mayor and City Clerk to execute, "Professional Services Contract Between the City of Huntington Beach and Southern California Center for Nonprofit Management for Leadership Development Training," **as amended by Supplemental Communication.**

The motion as amended carried by the following vote:

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

20. 21-952 Approved and authorized execution of a Landscape Maintenance Agreement and License Agreement for the Pierside Pavilion Project at 300 Pacific Coast Highway

A motion was made by Kalmick, second Posey to approve and authorize the Mayor and City Clerk to execute the "Landscape Maintenance Agreement Within State Highway Right of Way on Route 1 Within the City of Huntington Beach" with Caltrans for the Pierside Pavilion project (Attachment 1); and, approve and authorize the Mayor and City Clerk to execute and record the "License Agreement Between the City of Huntington Beach and Pierside Pavilion, LLC, to Provide Installation and Maintenance of Landscaping Improvements in the Public Right-of-Way," for the Pierside Pavilion project (Attachment 2).

The motion carried by the following vote:

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

21. 21-968 Approved the Section 3-Labor Compliance Plan, HOME Program Rehabilitation Standards, and the Affordable Housing Program Underwriting and Subsidy Layering Guidelines

A motion was made by Kalmick, second Posey to approve and adopt the Section 3-Labor Compliance Plan; and, approve and adopt the HOME Program Rehabilitation Standards; and, approve and adopt the Affordable Housing Program Underwriting and Subsidy Layering Guidelines.

The motion carried by the following vote:

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

22. 21-992 Approved Fiscal Year 2021/22 Mid-Year Positional Adjustments

A motion was made by Kalmick, second Posey to approve FY 2021/22 mid-year requests for positions as detailed in the in the Table of Organization (Attachment 1) and authorize appropriations in FY 2021/22 for the additional Full Time Equivalent (FTE) positions.

The motion carried by the following vote:

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

23. 21-1007 Considered positions on legislation pending before the Federal Legislature, as recommended by the Intergovernmental Relations Committee (IRC)

A motion was made by Kalmick, second Posey to adopt **Resolution 2021-80** of support and approve support letters to federal legislators and the Orange County Congressional Delegation, backing the Orange County Water District's (OCWD) position regarding pending "PFAS" federal legislation.

The motion carried by the following vote:

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

**24. 21-909 Adopted Ordinance Nos. 4239, 4240, 4241, 4242, 4243, 4244 updating the Huntington Beach Municipal Code to reform, consolidate, and dissolve a select number of the City's Boards, Commissions, and Committees
Approved for introduction November 16, 2021 – Vote 7-0 (#4239, #4241, #4242, #4243, #4244) and 6-1 (Peterson-No) on #4240**

A motion was made by Kalmick, second Posey to adopt Ordinance No. 4242, "An Ordinance of the City Council of the City of Huntington Beach amending the Huntington Beach Municipal Code by repealing Chapter 2.103 and 2.111 and creating a new chapter 2.111 titled "Citizen Infrastructure Advisory Board/Public Works Commission;" and, adopt Ordinance No. 4241, "An Ordinance of the City Council of the City of Huntington Beach repealing the Huntington Beach Municipal Code Chapters 2.64 and 2.84 and adding a new chapter 2.64 titled Community and Library Services Commission;" and, adopt Ordinance No. 4243, An Ordinance of the City Council of the City of Huntington Beach repealing the Huntington Beach Municipal Code Chapter Chapters 2.86 and 2.30 and add a new chapter 2.30 titled Community and Library Services Department;" and, adopt Ordinance No. 4240, "An Ordinance of the City Council of the City of Huntington Beach amending the Huntington Beach Municipal Code Chapter 2.102 entitled Environmental & Sustainability Board;" and, adopt Ordinance No. 4239, "An Ordinance of the City Council of the City of Huntington Beach amending the Huntington Beach Municipal Code Chapter 2.109 entitled Finance Commission;" and, adopt Ordinance No. 4244, "An Ordinance of the City Council of the City of Huntington Beach amending the Huntington Beach Municipal Code Chapter 2.100."

The motion to approve carried by the following vote:

AYES: Peterson, Bolton, Posey, Delgleize, Carr, Moser, and Kalmick
NOES: Peterson stated for the record "No" on Ordinance No. 4240 only

PUBLIC HEARING

25. 21-976 Adopted Resolution No. 2021-76 approving the issuance of Tax-Exempt Bonds for the Huntington Beach Senior Housing Apartments located at 18431 Beach Blvd.

City Manager Chi introduced Housing Manager Charles Kovac who presented a PowerPoint communication entitled *Public Hearing for the Issuance of Multifamily Housing Revenue Bonds for Huntington Beach Senior Housing Apartments* with slides titled: *Background, Income Limits/Affordable Rents, Construction Financing, Permanent Financing, Request for Bond Approval, Recommended Action, and Questions.*

Mayor Delgleize opened the Public Hearing.

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

Public Hearing

#25 (21-976) PowerPoint Communication titled *Public Hearing for the Issuance of Multifamily Housing Revenue Bonds for Huntington Beach Senior Housing Apartments* submitted by Ursula Luna-Reynosa, Director of Community Development.

Public Hearing Speakers — None

There being no public speakers, Mayor Delgleize closed the Public Hearing.

Councilmember Kalmick confirmed with Director Luna-Reynosa that California Municipal Finance Authority is issuing the bonds, debt service responsibility belongs to the developer through revenue generated by the project, and Federal law requires City Council to approve the project.

A motion was made by Moser, second Bolton to conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended (the "Code"); and, adopt Resolution No. 2021-76, "Resolution of the City Council of the City of Huntington Beach Approving California Municipal Finance Authority Issuance of the Multifamily Housing Revenue Bonds in an Aggregate Principal Amount Not To Exceed \$20,000,000 for the Purpose of Financing or Refinancing the Acquisition, Construction, Improvement and Equipping of Huntington Beach Senior Housing and Certain Other Matters Relating Thereto." (Attachment 1)

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

- 26. 21-966 Accepted the lowest responsive and responsible bid, approved appropriation and authorized execution of a construction contract with Green Giant Landscape, Inc. in the amount of \$1,864,013.45 for the Bluff Top Park Trail Improvements Project, CC-1631**

City Manager Chi introduced Public Works Director Sean Crumby who presented a PowerPoint communication entitled *Bluff Top Park Trail Improvement Project — Phase 2*, with slides titled: *Project Overview, Scope of Work, Trail Improvements, and Thank You/Questions?*

Mayor Delgleize stated her support for this exciting project.

Councilmember Carr confirmed with Director Crumby that the \$1.7M funding received from Assemblywoman Cottie Petrie-Norris was primarily used for Phase 1 of this project.

Councilmember Moser expressed her appreciation for the improvements taking place to increase safety.

A motion was made by Kalmick, second Posey to accept the most responsive and responsible bid submitted by Green Giant Landscape, Inc. in the amount of \$1,864,013.45; and, authorize the appropriation of \$48,609 from the Infrastructure Fund to account 31490010.82900; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

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

- 27. 21-879 Accepted the lowest responsive and responsible bid, approved appropriation and authorized execution of a construction contract with Legion Contractors Inc. in the amount of \$2,398,315.90 for the Rodgers Senior Center Redevelopment Project, CC-1632**

City Manager Chi introduced Public Works Director Sean Crumby who presented a PowerPoint communication entitled *Rodgers Seniors' Center Site Redevelopment* with slides titled: *Scope of the project, and Rodgers Seniors' Center Background.*

Mayor Delgleize stated how delighted members of the American Legion are to see this renovation and the updated facilities for their use.

Councilmember Peterson asked to ensure there has been, or will be, opportunity for a good photo record of the building before it is taken down. Councilmember Peterson noted that every pilot in WWII from this area went through that building before the City of Huntington Beach bought it from Santa Ana and moved it here. He also stated his support for a project that will also complete the City's commitment to provide a building for the American Legion.

Councilmember Carr thanked staff and City Manager Chi for making this project a reality, and noted that Videographer Matt Lieftring is compiling a documentary on the history of the building before it is taken down.

A motion was made by Peterson, second Carr to accept the most responsive and responsible bid submitted by Legion Contractors, Inc. in the amount of \$2,398,315.90; and, authorize the appropriation of \$1,358,539.08 from the Infrastructure Fund to account 31490009.82900; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

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

28. 21-918 Adopted Resolution No. 2021-68 approving and implementing the Memorandum of Understanding (MOU) between the Huntington Beach Firefighters' Association (HBFA) and the City of Huntington Beach for July 1, 2021, through December 31, 2023; and authorized appropriation of funds

City Manager Chi introduced Interim Administrative Services Director Brittany Mello who presented a PowerPoint communication entitled: *Consideration of Proposed Memoranda of Understanding with Huntington Beach Firefighters' Association; Fire, Police, and Marine Safety Management Associations; and Management Employees' Organization; and Introduction of the Huntington Beach Municipal Teamsters' MOU* with slides titled: *Overview (3), Proposed Memoranda of Understanding (3), and City Council Options.*

Councilmember Peterson noted that the Management Associations have been without a contract for some time, and again thanked the Fire Department for accepting minimal increases during the restructuring effort. He also explained that these raises are in steps over time and not an immediate raise for everyone. Councilmember Peterson stated his opinion it would benefit the Council as well as the residents if there were more dialogue involved in the negotiating process in the future.

Mayor Carr and City Manager Chi discussed the process used this time to bring contract dates and unified pay schedule alignment, and did not provide base cost-of-living adjustments (COLA) increases, but rather provided additional steps to earn increases moving ahead. City Manager Chi stated the improved labor relations was a positive outcome for everyone and demonstrates acknowledging staff value while being fiscally responsible.

Mayor Pro Tem Posey stated his support for bringing back an outside labor negotiator for the next round of negotiations, and thanked labor for accelerating the process this time, and submitting realistic proposals.

Councilmember Carr thanked all of the Management Associations for making the process easier, and for being realistic in providing fair offers.

A motion was made by Carr, second Moser to adopt Resolution No. 2021-68, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Firefighters' Association (HBFA) and the City for July 1, 2021, through

December 31, 2023;" and, authorize appropriations for all costs related to implementation of Resolution No. 2021-68.

The motion carried by the following vote:

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

29. 21-919 Adopted Resolution No. 2021-67 approving and implementing the Memorandum of Understanding (MOU) between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for July 1, 2021, through December 31, 2023; and authorize appropriation of funds

A motion was made by Carr, second Moser to adopt Resolution No. 2021-67, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Fire Management Association (FMA) and the City for July 1, 2021, through December 31, 2023;" and, authorize appropriations for all costs related to implementation of Resolution No. 2021-67.

The motion carried by the following vote:

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

30. 21-996 Adopted Resolution No. 2021-71 approving and implementing the Memorandum of Understanding (MOU) between the Management Employees' Organization (MEO) and the City of Huntington Beach for January 1, 2022, through December 31, 2024

A motion was made by Carr, second Moser to adopt Resolution No. 2021-71, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Management Employees' Organization (MEO) and the City for January 1, 2022, through December 31, 2024."

The motion carried by the following vote:

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

31. 21-995 Adopted Resolution No. 2021-72 approving and implementing the Memorandum of Understanding (MOU) between the Marine Safety Management Association (MSMA) and the City of Huntington Beach for January 1, 2022, through December 31, 2024

A motion was made by Carr, second Moser to adopt Resolution No. 2021-72, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Marine Safety Management Association (MSMA) and the City for January 1, 2022, through December 31, 2024."

The motion carried by the following vote:

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

32. 21-994 Adopted Resolution No. 2021-70 approving and implementing the Memorandum of Understanding (MOU) Between the Police Management Association (PMA) and the City of Huntington Beach for July 1, 2021, through December 31, 2023

A motion was made by Carr, second Moser to adopt Resolution No. 2021-70, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Police Management Association (PMA) and the City for July 1, 2021 Through December 31, 2023."

The motion carried by the following vote:

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

33. 21-990 Approved Introduction of the Proposed Memorandum of Understanding (MOU) Between the Huntington Beach Municipal Teamsters (HBMT) and the City of Huntington Beach for January 1, 2022, through December 31, 2024

A motion was made by Carr, second Moser to approve the introduction of the proposed Memorandum of Understanding between the Huntington Beach Municipal Teamsters and the City of Huntington Beach for the period of January 1, 2022, through December 31, 2024.

The motion carried by the following vote:

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

34. 21-988 Adopted Resolution No. 2021-79 Amending the City's Classification Plan to Add Council Policy Analyst as a New Job Classification, and Approved Requisite Funding for the Role

City Manager Chi provided a brief introduction for the item, and noted that Interim Administrative Services Director Brittany Mello was also available to answer any questions.

Councilmember Kalmick confirmed with City Manager Chi that staffing has been coordinated based on operational needs. Councilmember Kalmick feels the suggested position changes will meet some of the needs created by losing an employee who worked 80 to 100 hours per week. He sees the responsibilities of this position as helping to 1) inform residents, 2) develop public policy, and 3) involved in reorganization, working alongside a new City Manager. Councilmember Kalmick voiced his support for the presented classification.

Mayor Pro Tem Posey stated he would support this item with cautious optimism as long as the process and rules used in the past are still applicable, such as project time limitations, and ensuring the position reports exclusively to the City Manager.

Councilmember Peterson stated he could not support this item as he views many of the described responsibilities as already part of the Public Information Officer (PIO) responsibilities. He further stated his opinion there are a number of other positions that could be funded with this money, which would result in greater benefit to the public and City's businesses.

Councilmember Carr explained that this position is really an assistant to the City Manager, and the City Manager will be directing this position, not the City Council. She further stated that additional staff will be required to make a successful City Manager transition, and therefore this item has her support.

Councilmember Moser stated this item has her support because the position reports to the City Manager and Assistant City Manager. She added her expectation this position will ensure projects are completed efficiently with the right resources.

Councilmember Bolton stated that just responding in a timely manner to the volume of public inquiries provides justification for her support of this item.

Mayor Delgleize stated her support for Councilmember Bolton's comments, appreciation for having experienced the support of such a position in the past, and therefore appreciating the impact approving this item will provide Council.

A motion was made by Kalmick, second Posey to adopt Resolution No. 2021-79, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Classification of Council Policy Analyst and Establishing Compensation," and authorize filling the position during the current FY 2021/22, by allocating \$75,000 from the General Fund to establish the role of Council Policy Analyst.

The motion carried by the following vote:

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

ORDINANCES FOR INTRODUCTION

- 35. 21-847 Approved for Introduction Ordinance No. 4245 amending Ch. 3.02 of the Huntington Beach Municipal Code, Ordinance No. 4246 adding Ch. 17.52 to the Huntington Beach Municipal Code, and Ordinance No. 4247 amending Chapter 8.21 and adding Ch. 8.22 of the Huntington Beach Municipal to comply with State Mandated Organics Collection and Recycling Services, Edible Food Recovery, and Procurement As Required by CalRecycle**

City Manager Chi introduced Public Works Director Sean Crumby who presented a PowerPoint communication entitled *Introduction of Ordinances for the Implementation of SB 1383 Regulation* with slides titled: *Background (2), Implementation Regulations, City of HB Responsibilities (2), Tonight's Ordinances (2), Next Steps, and Questions and Comments.*

Mayor Delgleize confirmed with Director Crumby that Ordinance No. 4245 allows staff to develop program details, confirm that solid waste hauler Republic has implemented treatment changes on the

back end, and then return back to the community with adjusted rates. If approved for introduction tonight, the second reading would be in January, and if approved at that time, the Ordinance would be effective 30 days later.

Councilmember Peterson and Director Crumby discussed that the new processing requirements are actually performed at the trash collection facility, and the State regulations apply to all municipalities, regardless of whether or not they operate under a charter.

Councilmember Kalmick and Director Crumby discussed the multi-family situations where it will be necessary to see if it will be possible to host a second bin, or possibly going with smaller bins with more frequent pick-ups. The ultimate option would be to change to a three-bin system, but the program will require evaluating each property individually. There was further discussion on the waste stream.

Councilmember Carr and Director Crumby discussed public outreach and education plans, which will be coordinated with Republic using mailers, stuffers in the utility bills and social media.

Councilmember Carr and Director Crumby briefly discussed code enforcement noting the emphasis will be focused on cooperation to meet compliance.

Director Crumby described the handling process for construction and demolition waste, which must be processed separately.

Councilmember Moser and Director Crumby discussed options for updating several aspects of the Republic contract, and Director Crumby stated any changes outside of these specific Ordinances would be handled as a separate item at another time.

A motion was made by Kalmick, second Carr to, after the City Clerk reads by title, approve for Introduction Ordinance No. 4245, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 3.02 of the Huntington Beach Municipal Code Purchase of Goods and Services;" and, approve for Introduction Ordinance No. 4246, "An Ordinance of the City Council of the City of Huntington Beach Adding Chapter 17.52 to the Huntington Beach Municipal Code Green Building Standards Code;" and, approve for Introduction Ordinance No. 4247, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Refuse Management and Adding Chapter 8.22 Mandatory Organic Waste Disposal Reduction."

The motion carried by the following vote:

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

36. 21-991 Approved for Introduction Ordinance No. 4248 amending Chapter 5.48 of the Huntington Beach Municipal Code regulating Taxicabs to comply with California Government Code Section 53075.5 and Adopted Resolution No. 2021-78 to establish fees for the City of Huntington Beach's Taxicab Program

City Manager Chi introduced Chief Financial Officer (CFO) Dahle Bulosan who presented a PowerPoint communication entitled *City of Huntington Beach Taxicab Program* with slides titled: *Background, City of Huntington Beach Taxicab Program, Taxicab Program Fees, and Recommended Action.*

Mayor Delgleize and CFO Bulosan discussed that neighboring impacted Orange County cities appear to be in the midst of this same process, and there currently is not another municipal model. CFO Bulosan briefly reviewed the process and confirmed that the Huntington Beach Police Department will also be involved in the licensing process.

Councilmember Posey and CFO Bulosan discussed the different government classifications for yellow cabs hailed on the street versus ride sharing services, and confirmed that this Ordinance relates to yellow cabs only.

Councilmember Kalmick confirmed with CFO Bulosan that the Ordinance would not affect Circuit transportation options.

A motion was made by Posey, second Moser to, after the City Clerk reads by title, approve for Introduction Ordinance No. 4248, "An Ordinance of the City of Huntington Beach Amending Chapter 5.48 of the Huntington Beach Municipal Code Taxicab-Vehicles for Hire;" and, adopt Resolution No. 2021-78, "A Resolution of the City Council of the City of Huntington Beach Establishing Taxicab Permit Fees By Amending Resolution 2016-59, As Amended By Resolution Nos. 2017-28, 2017-44, 2017-46, 2018-01, 2018-29, 2018-48, 2018-55, 2019-07, 2019-19, 2019-87, 2020-37, 2021-17, 2021-18 And 2021-36, Which Established A Consolidated Comprehensive Citywide Master Fee and Charges Schedule (Supplemental Fee Resolution 15).

The motion carried by the following vote:

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

COUNCILMEMBER ITEMS

37. 21-1008 Item Submitted by Mayor Delgleize, Mayor Pro Tem Posey and Councilmember Kalmick continued for Closed Session discussion on January 18, 2022 – Request that Staff engage a process to facilitate City Council selection of an Outside Legal Firm that would directly report to and support the City Council

Mayor Delgleize introduced this item by reading a prepared statement documenting her perspective on the issue, including her request to review the City Charter for clarification so Council's concerns can be resolved once and for all. She also shared her disappointment in the extreme public response to this item by City Attorney Gates, and stated the need for a second legal opinion in some situations. She added she is not interested in usurping City Attorney Gates, and confirmed that historically he has brought in other legal counsel when City Council deemed it necessary.

Councilmember Kalmick stated his surprise at the extreme and public response to this item by City Attorney Gates. Councilmember Kalmick described a theoretical circuitous legal situation and asked how it would be circumvented if Councilmembers were served. In summary, Councilmember Kalmick stated his opinion that if there were a conflict of interest, and an adverse relationship exists between City Council and the City Attorney, as a corporate body the City Council is then stuck. He continued by asking who represents the Councilmembers when residents sue them, as they have threatened to do several times, and the City Attorney was elected by the residents to represent them. Councilmember

Kalmick also asked how Councilmember interests could be served when the City Attorney has threatened a lawsuit against Councilmembers via communication on City of Huntington Beach letterhead.

Mayor Pro Tem Posey stated his support for Councilmember Kalmick's comments and agreed there is no intent to usurp the authority of City Attorney Gates or engage outside legal authority for anything other than a second opinion. Mayor Pro Tem Posey provided three litigation examples to describe his concerns, and stated his request for City Attorney Gates' cooperation when Council seeks a second opinion. Mayor Pro Tem Posey stated he is not minimizing the role of City Attorney Gates, and clarified that City Council has the option to accept or reject the advice of City Attorney Gates. Mayor Pro Tem Posey added there should be an option for a second opinion to confirm, or not, the advice of the City Attorney, or another opinion held by Councilmembers.

Councilmember Peterson added information from his perspective related to Mayor Pro Tem Posey's litigation examples, and provided another example to document that City Council majority currently can ask, and has successfully asked for, second legal opinions. Councilmember Peterson shared he had discussed this situation with some previous Councilmembers, and it appears possibly this Council may be trying to make policy changes based on their conflicts with the person of Mr. Gates. He stated his support for following the City Charter, and his opinion that this item is wrong.

Councilmember Bolton stated she had read all of the documentation for this item, including the initial public response by City Attorney Michael Gates and his references, as well as the City Charter. She added that under Rules of Professional Responsibility, there is no allowance for any attorney to represent and also sue a client. Councilmember Bolton explained that the Rules of Professional Responsibility dictate that if there is an adversarial position with your own attorney, then it is appropriate for the client to retain different counsel. She further stated her opinion that City Charter provisions 304B and 309 are inconsistent, and she is not aware of any case law that has addressed the precise situation that currently exists. Councilmember Bolton suggested that the focus be directed to reaching an agreement on a procedure to follow when there is an adversarial situation like this.

Councilmember Moser thanked Councilmember Bolton for her comments, and described the confusing inconsistencies between City Charter provisions 304B and 309. She stated her desire to focus on clarifying through the City Charter how to handle a situation when there is conflict between the City Attorney's Office and City Council.

Councilmember Carr explained that as a municipal corporation, the City Council is the Board of Directors and voice of the people, not the City Attorney, who is the head of the Legal Department. Councilmember Carr further stated her opinion that the letter of public response from City Attorney Michael Gates violated the confidentiality of Closed Session. She acknowledged the differences of opinion between Councilmembers and City Attorney Michael Gates on how to respond to State housing mandates, and shared her opinion that suing the State is not the appropriate response. Councilmember Carr stated her dismay at recent judgement calls made by City Attorney Gates and his public responses, which indicate he does not have the back of the City Council, and it appears he is speaking for the City, which is the responsibility of the Mayor.

Mayor Delgleize stated that the conflict between provisions 304B and 309 of the City Charter must be corrected. She also rhetorically asked City Attorney Gates why he would choose to respond to a Councilmember Item through social media.

Councilmember Peterson asked Mayor Delgleize to allow City Attorney Gates to respond to comments made by the Council.

City Attorney Gates stated he both agrees and disagrees with the comments made this evening, and the reality is he and Council are stuck working together as they are all elected officials. He added that the Court has already resolved the apparent conflict between City Charter provisions 304B and 309 and in the past, the City has abided by the Court of Appeal decision. City Attorney Gates confirmed that he has always followed the City Council's direction on whether or not to file lawsuits, appeal, or settle. He explained that Council direction comes through votes, not through one-on-one "hallway" conversations.

City Attorney Gates stated that when City Councilmembers, by this Councilmember "H" Item, decide to try to violate the law, he cannot support that action. City Attorney Gates also provided examples of the many instances that second opinions were secured at Council's request. He stated his opinion that this item should have been agendized for discussion in Closed Session, and not in a public forum.

City Attorney Gates closed his remarks by stating his desire is to provide the best legal representation for the City, and that his constituents expect to hear his responses. He asked that the City Council not continue to address this conflict in public, but rather continue the discussion in a Closed Session. City Attorney Gates clarified for the record that he has never made public comments on City Council policy decisions.

Mayor Delgleize stated support for continuing the discussion as a Closed Session item.

Councilmember Bolton stated her opinion there is a fundamental disagreement about the legality of what City Council is striving to accomplish when the City Attorney has a conflict because the City Charter is not clear.

City Attorney Gates responded that it is the responsibility of the City Attorney to determine if there is a conflict, and the Council already has the right to choose legal counsel for any specific conflict.

Councilmember Bolton stated she does not like the fact that Councilmembers are accused of ignoring the law, and it appears to her that City Attorney Gates and Councilmembers are in a very adversarial situation, and interpretation of the Charter conflict represents the false concept that people police themselves, and that issue must be addressed.

City Attorney Gates stated his opinion that this conversation has evolved into a "what if there is ever a conflict" and there are already ways to get additional legal counsel for City Council. He stated the current issue is the Councilmember "H" Item which seeks "... selection of an Outside Legal Firm that would directly report to and support the City Council." He continued by stating Councilmembers are creating the conflict when they acknowledge the City Attorney is the City's legal voice, while trying to independently get a second opinion. City Attorney Gates stated he would not support, condone or endorse efforts that only further complicate their relationship.

Mayor Delgleize shared her opinion that the Councilmember "H" Item could have been written better.

Councilmember Kalmick stated his opinion that City Attorney Gates has presented an unpublished case and expressed his personal opinion and interpretation, but it is not case law, and if Councilmember

Kalmick wants a second opinion on the City Attorney Gates interpretation, he currently has to go through City Attorney Gates to get it. Councilmember Kalmick further added that he does not agree with City Attorney Gates opinion that the Councilmember "H" Item as presented is illegal.

Mayor Delgleize asked for recommendations for moving forward and reaching a resolution.

City Attorney Gates suggested one way to resolve the Charter conflict is to agree to file a Declaratory Relief Action with the court, and let a judge decide.

A motion was made by Bolton, second Carr to continue discussion on the item in Closed Session. Discussion ensued.

Councilmember Kalmick clarified that the Councilmember "H" Item is to engage a process to facilitate the City Council's selection of an outside legal firm, does not exclude the City Attorney from the discussion, and work with the City Manager to develop a process to access outside counsel in adverse situations.

Councilmember Carr stated her support for Councilmember Kalmick's clarified statement.

City Attorney Gates stated that City Council can legally request outside counsel through his office, or proceed illegally by going through the City Manager to secure outside counsel.

Councilmember Carr asked City Attorney Gates that if Councilmember Kalmick did not agree with a City Attorney's opinion, could Councilmember Kalmick go to one of the legal firms recommended by the City Attorney's Office, for a second opinion.

City Attorney Gates clarified that only the City Council as a whole, not as an individual Councilmember, could reach out to another law firm. If there was a conflict where he, as City Attorney, chose to recuse himself, he would present a panel of law firms from which the City Council could choose for their opinion.

Mayor Pro Tem Posey stated that in theory the process sounds great, and described the situation when City Council made the decision to not sue the State [regarding housing mandates], and yet City Attorney Gates publicly contradicted Council's decision by stating his opinion was to litigate.

City Attorney Gates responded by asking what the purpose really is for rehashing these situations which don't warrant violating the City Charter.

Mayor Delgleize responded that no one is interested in violating the City Charter, but there is a need to assess the Charter in a way that feels fair.

City Attorney Gates stated his goal is to provide the best legal representation possible that often requires second opinions and consulting with experts, and also that his office's ninety percent plus win rate on cases is a remarkable record.

Mayor Delgleize stated that a real win would be if City Attorney Gates completely stayed off social media.

Councilmember Carr asked if anyone was considering a substitute motion, based on comments by City Attorney Gates, to direct the City Council and City Manager to select a process to facilitate selection of an Outside Legal Firm, amended to include "*with the help of the City Attorney.*"

Councilmember Kalmick stated concerns regarding a previous situation when there was a conflict and City Attorney Gates recused himself.

City Attorney Gates stated the process worked for previous Councils, but it appears that certain current Councilmembers did not like those results when he followed that City Council's direction.

City Manager Chi summarized the options before the Council: 1) vote on the motion to continue the discussion to Closed Session for selecting additional legal support for the Council, or 2) make a substitute motion to identify a selection process to find outside legal counsel and include the City Attorney in the discussion, or 3) just do nothing.

Councilmember Carr stated support for returning to discussions during the next Closed Session, and determining at that time the boundaries for using an outside legal firm, and when it would be appropriate to include the City Attorney in the discussions.

A substitute motion was made by Kalmick, second Bolton to direct the City Manager to engage a process, which includes discussion with the City Attorney's Office, to facilitate the City Council's selection of an outside legal firm, for conflict situations, that would directly report to and support the City Council, and then exclude any further involvement by the City Attorney's Office. Discussion ensued.

Councilmember Bolton withdrew her second to Councilmember Kalmick's substitute motion, and amended her original to continue discussions in Closed Session at the Council's next regular meeting on January 18, 2022. Councilmember Carr seconded the motion as amended.

The original motion as amended carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Delgleize expressed her gratitude to everyone who spoke up on Councilmember Items #37.

In closing, Mayor Delgleize read the following statement:

"You are going to come in contact with a lot of people who are absolutely at the breaking point this week. Friends, family, co-workers, teachers, strangers in the grocery store, or retail workers. While it may be the merriest time of the year for some, it is the saddest, most stressful, loneliest, and most heart breaking for others. We are all busy, but not too busy to be kind, caring and patient. Remember, the best thing you can do this season is to give someone love."

ADJOURNMENT — 10:32 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, January 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>



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

ATTEST:



City Clerk-Secretary



Mayor-Chair