



## AGENDA – Revised Final

### City Council/Public Financing Authority Regular Meeting

Monday, July 6, 2020 at 4:00 PM

#### MAYOR AND CITY COUNCIL

LYN SEMETA, Mayor  
JILL HARDY, Mayor Pro Tem  
PATRICK BRENDEN, Councilmember  
KIM CARR, Councilmember  
BARBARA DELGLEIZE, Councilmember  
ERIK PETERSON, Councilmember  
MIKE POSEY, Councilmember

Recorded live from the  
City Council Chambers  
2000 Main Street  
Huntington Beach, CA 92648

#### STAFF

OLIVER CHI, City Manager  
MICHAEL E. GATES, City Attorney  
ROBIN ESTANISLAU, City Clerk  
ALISA BACKSTROM, City Treasurer

### SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 which allows a local legislative body to hold public meetings via teleconferencing, and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some members of the Huntington Beach City Council and/or City staff may participate in this meeting telephonically or electronically.

**PUBLIC PARTICIPATION/AUDIO/VIDEO ACCESS TO BROADCASTED MEETINGS:** Pursuant to Executive N-29-20 and given the current health concerns, members of the public are encouraged to access the meeting live on-line at <https://huntingtonbeach.legistar.com>, or can elect to view the meeting via cable television channel HBTV-3.

**To ensure the public's right to fully participate in providing meaningful public comments at the July 6, 2020, City Council meeting:**

**1. The Council Chambers will be open for public attendance to provide public comments.** Social distancing measures will be in place, and once a participant has made a public comment, the participant will be asked to exit the Council Chambers. The City will provide an area for viewing the Council meeting on television to a limited number of participants. During Public Comments, members of the public may provide a comment, on an agendized or non-agendized item, **in person** with a 3-minute time limit; **or**,

**2. The public may submit a comment telephonically.** At 6:00 PM, individuals wishing to provide a comment on agendized or non-agendized items may call **(669) 900-6833** and enter **Webinar ID: 986 8560 9496**. Once a caller has entered the meeting, they will be placed in a holding queue. Callers will be prompted to speak in the order received, and after the Clerk confirms the last three digits of their phone number, are encouraged, but not required to identify themselves by name. Each caller will be provided 3 minutes to speak. Individuals wishing to provide comments on items scheduled for Study Session or Closed Session items should enter the call queue at 4:00 PM. The call queue will also be re-opened for comments during the Public Hearing portion of the agenda at an undetermined time.

Members of the public may submit **SUPPLEMENTAL COMMUNICATION** (information received by the City Clerk's Office following distribution of the Council agenda packet): Members of the public wishing to submit written (supplemental) communication on agenda items for distribution to the City Council and placed into the administrative record can email [SupplementalComm@Surfcity-hb.org](mailto:SupplementalComm@Surfcity-hb.org). Supplemental Communications received by 2:00 PM the day of the meeting will be distributed to City Council prior to consideration of agenda-related items, and will be announced, but not read, and placed into the administrative record during the Supplemental Communications portion of the Meeting. In addition, any communications sent to [city.council@surfcity-hb.org](mailto:city.council@surfcity-hb.org) on Council agenda items will be treated as Supplemental Communications and announced, but not read, during the meeting.

**MEETING ASSISTANCE NOTICE:** In accordance with the Americans with Disabilities Act, services are available to members of our community who require special assistance to participate in public meetings. If you require special assistance, 48-hour prior notification will enable the City to make reasonable arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting and/or large print agendas. Please contact the City Clerk's Office at (714) 536-5227 for more information.

**4:00 PM - COUNCIL CHAMBERS**

**CALL TO ORDER**

**ROLL CALL**

Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

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

**PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - At 4:00 PM, individuals wishing to provide a comment on a Study Session or Closed Session item may call (669) 900-6833 and enter Webinar ID: 986 8560 9496. Once a caller has entered the meeting, their call will be placed in a holding queue and will be answered in the order received. When invited to speak, callers are encouraged to identify themselves by name, and can speak for no more than 3 minutes.**

**STUDY SESSION**

1. [20-1731](#) **Police Chief Handy to provide an update on Police Department Protocols and Procedures**

**RECESS TO CLOSED SESSION**

**CLOSED SESSION**

2. [20-1724](#) **Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Maday (Margaret) / Solorio (Andrew) v. City of Huntington Beach/Travis Mossbrooks; OCSC Case No.: 30-2020-01133396.**
3. [20-1725](#) **Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Austin (Ronald) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2020-01140605.**
4. [20-1734](#) **Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Rosier (Maliek) v. City of Huntington Beach, et al.; USDC Case No.: SACV 18-2175 DOC (DFMx).**

5. [20-1735](#) Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Californians for Homeownership, Inc. v. City of Huntington Beach; OCSC Case No. 30-2019-01107760.
6. [20-1736](#) Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Cruz (Martin & Ana) and N.B.C. v. City of Huntington Beach, et al.; USDC Case No. 8:19-cv-1449-DOC (ADSx).
7. [20-1737](#) Pursuant to Government Code § 54956.9(d)(2), the City Council shall recess into Closed Session to confer with the City Attorney regarding potential litigation. Number of cases, one (1).

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

PLEDGE OF ALLEGIANCE

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.

8. [20-1683](#) Patricia Mercado of the Center of Spiritual Living in Huntington Beach, and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY

AWARDS AND PRESENTATIONS

9. [20-1721](#) Mayor Semeta to call on John Etheridge to invite the Huntington Beach City Council to the Rededication Ceremony of the Surfing

**Walk of Fame on August 1.**

10. [20-1698](#) **Mayor Semeta to present the Mayor's HB Excellence Award to Public Works Utilities Manager, Brian Ragland**

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

**PUBLIC COMMENTS (3 Minute Time Limit) - At 6:00 PM, individuals wishing to provide a comment on an agendized or non-agendized item may call (669) 900-6833 and enter Webinar ID: 986 8560 9496. Once a caller has entered the meeting, their call will be placed in a holding queue and will be answered in the order received. When invited to speak, callers are encouraged to identify themselves by name, and can speak for no more than 3 minutes.**

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

**CITY MANAGER'S REPORT**

11. [20-1491](#) **Ascon Landfill Site Update**
12. [20-1723](#) **Update of the City COVID-19 Response Plan and Actions for Review and Discussion**

**CONSENT CALENDAR**

13. [20-1718](#) **Approve and Adopt Minutes**

**Recommended Action:**

Approve and adopt the City Council/Public Financing Authority regular meeting minutes dated June 15, 2020, as written and on file in the office of the City Clerk.

14. [20-1722](#) **Adopt Resolution No. 2020-31 authorizing the City to Levy the Annual Retirement Property Tax for Fiscal Year 2020/21 to pay for Pre-1978 Employee Retirement Benefit Levels**

**Recommended Action:**

Adopt Resolution No. 2020-31, "A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2020/2021 to Pay for Pre-1978 Employee Retirement Benefits" of \$0.01500 per \$100 of assessed valuation. The tax rate of \$0.01500 would continue the tax rate included in the current Fiscal Year 2019/20 Adopted Budget.

15. [20-1688](#) **Approve and authorize execution of a three-year contract with Waymakers in the amount of \$335,405 for the management of the Juvenile Diversion Program**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute a “Professional Services Contract Between the City of Huntington Beach and Waymakers for the Management of the Juvenile Diversion Program.”

16. [20-1727](#) **Termination of Rent Abatement for Certain Tenants at City-owned Facilities effective August 1, 2020 and authorize City Manager to reinstate if necessary**

**Recommended Action:**

A) Authorize and direct the City Manager, or his designee, to terminate Rent Abatement to concessionaire tenants of various City-owned facilities, effective August 1, 2020. A list of the tenants is outlined in Attachment No. 1; and,

B) Authorize the City Manager, or his designee, to reinstate the Rent Abatement if future COVID-19 pandemic actions severely impact the tenants ability to operate.

17. [20-1729](#) **Approve the appointment of Sean Crumby to the position of Public Works Director and authorize the City Manager to execute the Employment Agreement**

**Recommended Action:**

Approve and authorize the City Manager to execute the “Employment Agreement Between the City of Huntington Beach and Sean Crumby” for the position of Public Works Director.

**PUBLIC HEARING**

Individuals wishing to speak on matters scheduled for Public Hearing may call (669) 900-6833 and enter Webinar ID #986 8560 9496 at the time the Public Hearing is opened. Once a caller has entered the queue, their call will be held until they are invited to speak announcement of the last 3 digits of their phone number. Callers will be asked to identify the agenda number of their Public Hearing item, and are encouraged to identify themselves by name. Callers are provided 3 minutes to speak.

18. [20-1717](#) **Approve for Introduction Ordinance Nos. 4214, 4212, 4215, 4216, and 4213, approving Zoning Text Amendment (ZTA) No. 19-005 and Municipal Code Amendment adding Chapter 5.110 (Group Homes)**

**Recommended Action:**

A) Find that the project will not have any significant effect on the environment and is categorically exempt from the California Environmental Quality Act pursuant to Section 15061 (b)(3) (General Rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the amendment to the HBZSO will have a significant effect on the environment (Attachment No. 1); and,

B) Approve Zoning Text Amendment No. 19-005 with findings (Attachment No. 1), approve amendment to Huntington Beach Municipal Code adding Chapter 5.110 (Group Homes), and approve for introduction:

Ordinance No. 4214, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions (Zoning Text Amendment No. 19-005);" and,

Ordinance No. 4212, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance Titled Use Classifications (Zoning Text Amendment No. 19-005);" and,

Ordinance No. 4215, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled R Residential Districts (Zoning Text Amendment No. 19-005);" and,

Ordinance No. 4216, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards (Zoning Text Amendment No. 19-005);" and,

Ordinance No. 4213, "An Ordinance of the City Council of the City of Huntington Beach Amending Title 5 of the Huntington Beach Municipal Code Titled Business Licenses and Regulations;" (Attachment Nos. 2 - 6).

19. [20-1728](#) **Approve FY 2020/2021-2024/2025 Housing and Urban Development (HUD) Consolidated Plan, FY 2020/2021 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs, FY 2020/2021-2024/2025 Citizen Participation Plan, and FY 2020/2021-2024/2025 Regional Analysis of Impediments to Fair Housing**

**Recommended Action:**

Staff recommends that the City Council approve and authorize the following in compliance with the Consolidated Plan Procedures of 24 CFR Part 91:

A) Approve the 2020/2021-2024/2025 Housing and Urban Development (HUD) Consolidated Plan; and,

- B) Approve the 2021/2021 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs; and,
- C) Approve the 2020/2021-2024/2025 Citizen Participation Plan; and,
- D) Approve the 2020/2021-2024/2025 Regional Analysis of Impediments to Fair Housing; and,
- E) Authorize the City Manager to sign all necessary documents.

**20. [20-1730](#) Public Hearing to consider acceptance of Economic Development Subsidy Study for Pinnacle Petroleum Sales Tax Agreement**

**Recommended Action:**

- A) Open the public hearing and receive written and oral testimony; and,
- B) Receive and file the “Five Year Report Pursuant to California Government Code Section 53083 on an Operating Covenant Agreement By and Between the City of Huntington Beach and Pinnacle Petroleum, Inc.,” in compliance with Government Code Section 53083.

**ADMINISTRATIVE ITEMS**

**21. [20-1726](#) Authorize and direct the City Manager to enter into the City’s standard Professional Services Agreement with the following service providers for the Tenant Based Rental Assistance (TBRA) Program: 1) Families Forward, 2) Interval House, and 3) Mercy House; and, approve the Operating Guidelines**

**Recommended Action:**

- A) Authorize and direct the City Manager to execute a Professional Services Agreement with Families Forward in an amount not to exceed \$313,000; and,
- B) Authorize and direct the City Manager to execute a Professional Services Agreement with Interval House in an amount not to exceed \$151,249; and,
- C) Authorize and direct the City Manager to execute a Professional Services Agreement with Mercy House in an amount not to exceed \$309,079; and,
- D) Approve the Operating Guidelines (Attachment #1), which will be attached to the Professional Services Agreement as an exhibit.

**\*\*\*22. 20-1741 Consideration of a Temporary Closure of the Second Block of Main**

**Street to vehicular traffic to allow restaurants to serve patrons in the public right of way.**

**Recommended Action:**

Direct the City Manager to temporarily close the second block of Main Street in response to the current State order prohibiting indoor restaurant service, and work with all related departments including the City Attorney's Office, Community Development, and the Police Department to develop a permitting system to allow restaurants to serve patrons food in the public right-of-way.

**COUNCILMEMBER COMMENTS (Not Agendized)**

**ADJOURNMENT**

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, July 20, 2020, 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>**