

## Minutes

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

Tuesday, March 31, 2020  
4:00 PM — Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

A video recording of the 4:00 PM portion of this meeting  
is on file in the Office of the City Clerk, and archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)

#### 4:00 PM — COUNCIL CHAMBERS

#### CALLED TO ORDER — 4:07 PM

#### ROLL CALL

Present: Posey, Delgleize (remote), Hardy, Semeta, Peterson, Carr (remote), and  
Brenden (remote)  
Absent: None

#### PLEDGE OF ALLEGIANCE — Led by Councilmember Posey

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

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

#### City Manager's Report

- #1 (20-1557) PowerPoint communication submitted by City Manager Oliver Chi, entitled *City of Huntington Beach — COVID-19 Response Update*.
- #1 (20-1557) Forty-four (44) Email and MyHB communications received regarding COVID-19.

#### Consent Calendar

- #3 (20-1156) Two (2) MyHB communications received regarding rent relief in mobile home parks.

#### Administrative Items

- #4 (20-1559) Email communication submitted by Assistant City Attorney Mike Vigliotta, regarding the submission of a corrected signature page for Emergency Ordinance No. 4210.
- #4 (20-1559) Twenty-four (24) MyHB communications received regarding rent/mortgage relief and evictions.

Two (2) items regarding holding a public meeting.

**PUBLIC COMMENTS** (3 Minute Time Limit) – Social distancing measures were in place for providing public comments SOCIAL DISTANCING MEASURES WILL BE IN PLACE FOR PROVIDING PUBLIC COMMENTS — 1 Speaker

The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas>.

Robin Estanislau, Huntington Beach City Clerk, was called to speak and expressed her concerns about not providing a means for remote public participation for public meetings while ensuring that current government health and safety directives are met, and stated that staff is prepared to move forward with a remote application which would also allow remote participation by constituents. (00:02:37)

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

Councilmember Posey reported that he spoke to representatives of the Huntington Beach Police Officers' Association (HBPOA).

Councilmember Carr reported a conversation with the Huntington Beach Police Officers' Association (HBPOA).

## **CITY MANAGER'S REPORT**

### **1. 20-1557 Update of the City COVID-19 Response Plan and Actions for Review and Discussion**

City Manager Oliver Chi, Police Chief Robert Handy and Fire Chief Scott Haberle presented a PowerPoint communication entitled *City of Huntington Beach — COVID-19 Response Update* with slides titled: *Situational Update (3), Transitioning to Phase III Operating Model, Maintain Vital City Operations, Outreach To Our At-Risk Communities, Fire/EMS Operational Update, Police Operational Update, New Services Developed (4), Public Information Operation Statistics Since March 12th, Instagram Launches 'Stay Home' Story & Co-Watching Feature (5), Working To Stay Ahead of the Situation, and Questions.*

Councilmember Brenden thanked City staff members for being so agile during this time, and shared his amazement at what has been accomplished by everyone.

Mayor Semeta expressed appreciation for the creativity and innovation that staff, as well as community partners, have provided in a very short amount of time.

## **CONSENT CALENDAR**

Councilmember Posey pulled Item #3 regarding Rent Abatement for City-owned facilities for further discussion.

### **2. 20-1545 Adopted Resolution No. 2020-17 — Suspend Water Shutoffs to Residential and Business Customers in Response to COVID-19**

A motion was made by Hardy, second Posey to adopt Resolution 2020-17, "A Resolution of the City Council of the City of Huntington Beach Establishing City Policy on Termination of Residential and Business Water Service in Response to COVID-19."

The motion carried by the following vote:

AYES:	Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden
NOES:	None

### **3. 20-1556 Approved Rent Abatement for Tenants at Certain City-owned Facilities**

Councilmember Posey and City Manager Chi discussed the reasons for rent abatement.

A motion was made by Posey, second Peterson to authorize and direct the City Manager and/or his designee to implement rent abatement to concessionaire tenants of various City-owned facilities, **excluding Ocean View Estates**, effective from the date of the issuance of the State of California's Proclamation of State of Emergency (March 4, 2020) until the Proclamation is lifted. A list of included tenants is attached as Attachment No. 1.

Councilmember Delgleize asked, and City Manager Chi confirmed, that the Ocean View Estate renters are not included in Administrative Item No. 4 regarding tenant evictions.

Mayor Semeta and City Manager Chi discussed the possibility of requiring evidence of need.

Councilmember Posey explained his opinion that a concessionaires' hardship is created by the City in this situation, but any hardship experienced by tenants at Ocean View Estates would not be a result of City actions.

Councilmember Brenden expressed support for Councilmember Posey's motion based on his understanding that the Ocean View Estates tenants are protected by Governor Newsom's recently issued Executive Order to Protect Renters.

Mayor Semeta stated her support for the amended motion.

The motion as amended by Councilmember Posey, second Peterson, carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

### **ADMINISTRATIVE ITEMS**

#### **4. 20-1559 Denied Adoption of Emergency Ordinance 4210 Establishing Temporary Ban on Certain Tenant Evictions for Non-Payment of Rent as a Result of COVID-19 Related Financial Impacts**

City Manager Chi introduced this item by explaining Governor Newsom's issuance of an Executive Order to ban residential evictions, and this proposed City Emergency Ordinance addresses commercial and residential tenants. The distinctions between Governor Newsom's Order and the City's Ordinance are 1) length of time or duration, 2) the penalties provision, and 3) the City is including commercial tenants.

Councilmember Peterson stated his understanding that when this Emergency Ordinance was originally discussed, Governor Newsom had not yet addressed the issue of tenant evictions. City Attorney Gates explained the technicalities related to emergency ordinances, and explained this is a supplement to Governor Newsom's Executive Order to provide local enforcement, because there is no enforcement mechanism from Sacramento. Councilmember Peterson explained his objection to what he sees as government taking away essential liberties.

City Attorney Gates explained that this Emergency Ordinance is legal, there is no interference with leases or contracts, or the relationship between landlords and tenants, as it only removes a landlord's abilities to immediately run to court right now to seek a court order to evict.

Councilmember Delgleize and City Attorney Gates discussed why this Emergency Ordinance covers both commercial and residential evictions, a clerical error within the Ordinance that was corrected, and that the public has been afforded opportunity to comment on this Ordinance at this meeting and through supplemental communications. City Attorney Gates stated that his office believes this Emergency Ordinance reflects what Governor Newsom's Executive Order intended, within boundaries that are constitutional. City Attorney Gates confirmed that the City issues citations whenever there is an ordinance or code violation.

Councilmember Brenden stated his support for including commercial evictions in this Emergency Ordinance, and ensuring that enforcement is under local control rather than at the State level. City Attorney Gates confirmed that this action requires an affirmative vote of five (5) Councilmembers in order to be approved. Councilmember Brenden clarified for the public that this Emergency Ordinance is not a blanket moratorium on evictions, as it only addresses COVID-19 related situations. He continued by confirming that this Emergency Ordinance does not relieve any tenant of their obligation to pay rent, nor does it restrict landlords' abilities to recover rent after this Emergency Order is no longer in effect; and if approved tonight it can be rescinded at any time the Council chooses. City Attorney Gates confirmed that there is no requirement to treat this issue as a "Public Hearing" item, vs an "Administrative" item.

Councilmember Posey explained he is strongly opposed to this item because in his opinion it effectively changes the terms of a lease, and evictions are civil actions not likely to happen now that courts have been closed. He continued with examples of text within the Ordinance which he feels grant judicial powers to the City Manager.

Councilmember Carr stated her opposition to Councilmember Posey's comments and expressed her belief that this is a time for City leaders to step up and provide temporary solutions. She thanked City Attorney Gates for stepping up to provide clarity and guidelines for a rather general Executive Order from Governor Newsom, and explained that she sees this item as showing support for the tenants asking for help in navigating through these unprecedented times.

Councilmember Peterson explained his understanding that Huntington Beach staff and other area cities are communicating with their businesses and residents, asking them to be aware of the tough situations their tenants may be in. However, he expressed his opinion that the Emergency Ordinance does not ask, it demands and therefore he cannot support it.

City Attorney Gates reiterated that this Emergency Ordinance is the enforcement mechanism for Governor Newsom's Executive Order, and stated that this does not create any new authority for the City of Huntington Beach.

Councilmember Brenden explained that from his perspective Governor Newsom has already restricted landlord rights through his Executive Order, and if this Emergency Ordinance is not approved then the City of Huntington Beach is basically surrendering its authority to the State to administer a plan of eviction moratorium. This Emergency Ordinance will allow local control over the process.

Councilmember Posey stated he appreciates City Attorney Gates clarification that this Emergency Ordinance is the enforcement mechanism for Governor Newsom's Executive Order, however, the Executive Order does not address commercial evictions, and that was added to this Emergency Ordinance. Further, the Emergency Ordinance stipulates that the City Manager becomes the adjudicator. City Manager Chi clarified that he only becomes the adjudicator in determining whether the

tenant hardship is truly COVID-19 related. He would not be involved in any other landlord/tenant negotiations regarding amounts due and payment deadlines.

Mayor Pro Tem Hardy asked how a landlord/tenant COVID-19 related dispute would be handled if this Emergency Ordinance is not passed, and City Attorney Gates responded that it is unclear, because the State, nor the County, have provided any direction; but the Executive Order states enforcement is up to local jurisdictions.

Mayor Pro Tem Hardy stated she supports this Emergency Ordinance because there needs to be a mechanism to help determine whether landlord/tenant situations are COVID-19 related, for residential and commercial situations.

Councilmember Delgleize stated her opposition to this Emergency Order because in her opinion the Governor's Executive Order is all that is needed for now.

Mayor Semeta stated that based on her recent discussions with landlords, she believes a majority will do the right thing for their tenants during the impact of COVID-19, and she is opposed to this Emergency Ordinance because in her opinion it interferes with property rights.

A motion was made by Hardy, second Carr to adopt Ordinance No. 4210, "An Emergency Ordinance of the City of Huntington Beach, Adding Chapter 3.58 to the Huntington Beach Municipal Code Establishing a Temporary Ban on Certain Tenant Evictions for Non-Payment of Rent as a Result of COVID-19 Related Financial Strain."

The motion failed by the following vote:

AYES: Hardy, and Carr

NOES: Posey, Delgleize, Semeta, Peterson, and Brenden

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

Councilmember Peterson thanked City staff, Mayor Semeta, and the Police and Fire Departments staff for being on the front lines, and commended the people like delivery drivers and grocery store personnel who probably don't have any personal protection equipment, but still do their job to ensure everyone has access to necessities.

Mayor Pro Tem Hardy thanked everyone for being mindful of, and following, social distancing recommendations.

Councilmember Posey complimented Mayor Semeta for her empathetic, compassionate, and graceful demeanor and the great informative videos. He also thanked City staff for their efforts to keep everyone updated with the latest information.

Councilmember Delgleize stated her agreement with the comments already made by her fellow Councilmembers, and expressed appreciation for the gratitude and teamwork she has observed throughout the community, and her pride at being a member of this Council.

Councilmember Brenden stated his support for all of the previous Councilmember comments, and especially acknowledged the extra efforts of many local businesses, volunteers, and the Huntington Beach Interfaith Council. He encouraged people to purchase local merchant gift cards which can be used

in the future, and closed by stating that during the worst of times in Huntington Beach we see the best in the people of Huntington Beach.

Councilmember Carr echoed support for all of the previous Councilmember comments, and acknowledged all of the parents with school-age children at home, as well as the teachers going out of their way to make on-line learning work. She expressed appreciation for how everyone is stepping up and believes the City will come out of this situation much stronger.

Mayor Semeta also echoed support for all of the previous Councilmember comments, and personally acknowledged all of the health care providers who truly are on the front lines making personal sacrifices for the benefit of the community.

**ADJOURNMENT** — at 5:52 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, April 6, 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>

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

ATTEST:

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City Clerk-Secretary

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Mayor-Chair