

Minutes

City Council/Public Financing Authority City of Huntington Beach

Monday, October 5, 2020
5:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

5:00 PM - COUNCIL CHAMBERS

CALLED TO ORDER — 5:00 PM

ROLL CALL

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

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

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

A motion was made by Posey, second by Brenden to recess to Closed Session for Items 1 and 2. With no objections, the motion passed.

RECESSED TO CLOSED SESSION — 5:02 PM

CLOSED SESSION

1. 20-1912 **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.**
Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: Number of cases, three (3).
2. 20-1925 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.**
(Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Cruz (Martin & Ana) and N.B.C. v. City of Huntington Beach, et al.; USDC Case No. 8:19-cv-1449-DOC (ADSx).

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:11 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Councilmember Brenden

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.

3. 20-1913 Maha Ragab of the Muslim Community and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

4. 20-1877 Mayor Semeta issued a proclamation recognizing October 4–10, 2020, as Fire Prevention Week

Mayor Semeta announced that October 4–10 is Fire Prevention Week with the theme "Serve Up Fire Safety in the Kitchen!" Fire Chief Scott Haberle introduced Janice Van Mullem, Assistant Fire Marshall, who described this year's Virtual Open House, which is available through Facebook, social media platforms, and at www.HBFDOpenHouse.com.

5. 20-1918 Mayor Semeta remotely presented the Making a Difference Award to Mary Chiappetta of Soroptimist International of Huntington Beach

The Making a Difference Award acknowledges volunteers who go above and beyond to provide examples of doing good work throughout the community. Mayor Semeta described Ms. Chiappetta's efforts in directing the Soroptimist International Help Stop Human Trafficking Program in Orange County, including over 500 hours for training, working with senators on legislation, and volunteering at the Safe House.

Ms. Chiappetta thanked City Council for the award and Huntington Beach Soroptimist Director Terry Rose for nominating her. She briefly described Soroptimist programs to support women and girls, and explained that an educated community can change the landscape related to human trafficking. She thanked the Soroptimist team of 12 women focused on this issue, and provided the National Human Trafficking Hotline at 888-373-7888, the local website at www.ochumantrafficking.com, and encouraged anyone who sees something, to say something.

6. 20-1920 Presentation of the Orange County Mayors 34 Cities Strong Public Service Announcement

Mayor Semeta described how Orange County Mayors have cooperated, especially through the pandemic, to support local businesses, and thanked the Orange County Health Care Agency, the

Orange County Mayors' Coalition, and Orange County School for the Arts for their support to produce the *Mask Up to Open Up OC* video.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Consent Calendar

#13 (20-1923) Eleven (12) email communications regarding the Intergovernmental Relations Committee's (IRC) stated positions received from: Pat Quintana, Diane Bentley, Lynne Deakers, Alice Haddock, Don Johnson, Francine Karuntzos, Jim Mosher (2), Carl & Beatrice Sorrell, Geoffrey Wulfe-Addoch, Steve Shepard, and Ellen Riley.

Ordinances for Introduction

#14 (20-1909) Ordinance No. 4220 final draft.

#14 (20-1909) Three (3) email communications regarding regulations related to rules of civility and decorum at public meetings received from: Pat Quintana, Mark Bixby, and Jim Mosher.

City Manager Chi requested Council's consent that Ordinances for Introduction, Item 14. (20-1909) regarding consideration of regulations related to Rules of Civility and Decorum, be pulled due to proposed Ordinance No. 4220 not being published in a timely manner. With no stated opposition, the Mayor announced Council support for bringing this item back at a future date to be determined.

PUBLIC COMMENTS (3 Minute Time Limit) — 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>.

Peggy Bachlor was invited to speak and shared her concerns regarding Municipal Code 10.44.060, which allows overnight parking of vehicles over twenty-two feet (22 feet) on the streets of Huntington Beach. Mayor Semeta asked that Ms. Bachlor re-send her email regarding her concerns to city.council@surfcity-hb.org. (00:27:56)

Theresa Wilcox was invited to speak and stated support for the comments made by Peggy Bachlor regarding over-sized vehicles parking overnight on Huntington Beach streets. (00:31:05)

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

Councilmember Posey reported attending an Orange County Parks Commission meeting to review Mile Square Park updates and to celebrate the 50th Anniversary of Orange County Park Rangers. He also attended a meeting of the Vector Control Executive Board.

Councilmember Carr reported attending the Huntington Beach Council on Aging meeting to discuss the recent golf tournament, and announced that more services, including the gym, are now open with reservations and limited capacity at the Huntington Senior Center at Central Park.

Councilmember Delgleize reported attending an Orange County Transportation Authority (OCTA) Board meeting which included an update from the CEO of Southern California Association of Government (SCAG) who indicated that recent freeway traffic has nearly reached pre-pandemic levels, and an update on the 405 Freeway Widening Project which appears to be on schedule for completion.

Mayor Semeta reported a meeting of the Communications Committee, composed of Councilmembers Brenden and Peterson in addition to herself, and announced the services that offer Surf City 3TV. Details can be found on the City's Public Information Facebook page and website.

7. 20-1927 Approved Request by Mayor Pro Tem Hardy to Consider Appointment of Council Member Carr as Mayor Pro Tem for the Remainder of this Year

Mayor Pro Tem Hardy announced that since she is termed out this year, she is following the example set by former Mayor Ralph Bauer when he termed out in 2002, and is submitting the item requesting the Council to appoint Councilmember Carr as Mayor Pro Tem for the remainder of the year.

Councilmember Peterson and Mayor Pro Tem Hardy briefly discussed her reasons for suggesting this appointment now.

A motion was made by Hardy, second Posey to vote to appoint Council Member Carr as Mayor Pro Tem for the remainder of this year.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Carr, and Brenden
NOES: Peterson

City Clerk Robin Estanislau administered the Oath of Office to Mayor Pro Tem Carr.

CITY MANAGER'S REPORT

8. 20-1922 Update of the City COVID-19 Response Plan and Actions for Review and Discussion
— None

CONSENT CALENDAR

Councilmember Peterson pulled Consent Calendar Item 13. (20-1923) for discussion.

9. 20-1856 Approved and Adopted Minutes

A motion was made by Posey, second Peterson to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated September 8, 2020, and the City Council/Public Financing Authority regular meeting minutes dated September 21, 2020, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

10. 20-1858 Approved and authorized execution of Amendment No. 1 to the Professional Services Contract with Derek J. McGregor, Inc. for On-Call Plan Check and Engineering Services

A motion was made by Posey, second Peterson to approve and authorize the Mayor and City Clerk to execute, "Amendment No. 1 to Professional Services Contract Between The City of Huntington Beach and Derek J. McGregor, Inc. DBA DMC Engineering for On Call Plan Check and Engineering Services" increasing the contract amount by \$180,000 from the original amount of \$400,000.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

11. 20-1910 Approved License Agreement between the City of Huntington Beach and Seaview Little League for use and maintenance of baseball fields and related improvements at LeBard Park

A motion was made by Posey, second Peterson to approve and authorize the Mayor and City Clerk to execute the License Agreement between the City of Huntington Beach and Seaview Little League for use and maintenance of ballfields and related improvements at LeBard Park.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

12. 20-1911 Approved License Agreement between the City of Huntington Beach and Huntington West Little League, Inc., for the use of baseball fields and related improvements at Marina Park

A motion was made by Posey, second Peterson to approve and authorize the Mayor and City Clerk to execute the License Agreement between the City of Huntington Beach and Huntington West Little League, Inc., for the use of baseball fields and related improvements in Marina Park.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

13. 20-1923 Failed to take a City Council Position on Two State Ballot Measures as Recommended by the City Council Intergovernmental Relations Committee (IRC)

Councilmember Peterson stated his support for Recommended Action Item Nos. A and B because as a Councilmember, part of his job is to protect constituents, and he believes it is important to take a public stance on this issue as it could affect taxes for all homeowners. He called to move Item Nos. A and B.

Mayor Semeta seconded the motion and stated her support for Item Nos. A and B, identified the Intergovernmental Relations Committee (IRC) members as herself and Councilmembers Brenden and Peterson, and described ballot Proposition 15 (property tax) and Proposition 22 (independent contractors).

City Manager Chi explained that Resolution No. 4344 adopted in 1976 stipulates that the City is not to take positions on statewide propositions, and therefore, before the Council can take any position on statewide issues, it must first vote to temporarily set aside Resolution No. 4344.

Councilmember Hardy stated her support for Resolution No. 4344 that prohibits Council from taking positions on statewide propositions.

Councilmember Brenden stated his opposition to this item after becoming aware of Resolution No. 4344, and encouraged residents to become educated on these two propositions.

Councilmember Delgleize stated her opposition to this item due to Resolution No. 4344, and encouraged residents to become fully educated on the issues before voting.

Mayor Pro Tem Carr stated that because City Council is nonpartisan, she would not support this item.

Councilmember Posey stated his opposition to this item, and added that the purpose of the IRC is to address legislative, not ballot, issues. He shared his opinion that each Councilmember can speak personally to ballot issues to their circle of influence, but should not formally be setting aside a City resolution nor expressing support for or opposition to ballot measures.

A substitute motion was made by Brenden, second Delgleize to temporarily set aside Resolution No. 4344, Section 1.01.08 Statewide Ballot Propositions.

The motion failed by the following vote:

AYES: Semeta, and Peterson
NOES: Posey, Delgleize, Hardy, Carr, and Brenden

ORDINANCES FOR INTRODUCTION

- 14. 20-1909 WITHDRAWN FROM CONSIDERATION — ~~Consider Regulations Related to Rules of Civility and Decorum at Public Meetings and at City Hall by Approving for Introduction Ordinance No. 4220 to Add Chapter 2.29 to the Huntington Beach Municipal Code (HBMC), and Adopting Resolution No. 2020-62 Related to Rules of Decorum at Public Meetings~~**
- 15. 20-1926 Approved for Introduction Ordinance No. 4219 Adding Chapter 10.49 to the Huntington Beach Municipal Code (HBMC) Relating to the Prohibition on Repairs and Sales of Bicycles and Bicycles Parts on Public Property**

City Manager Chi introduced this item by stating staff had recently been asked by City Council to address the issue, and in response, the City Attorney's Office has prepared Ordinance No. 4219 for their consideration.

Councilmember Brenden thanked the City Attorney's Office for their timely response and moved the item.

Councilmember Posey and Chief Assistant City Attorney Mike Vigliotta discussed the success of the efforts in Long Beach; and City Attorney Michael Gates confirmed that offenses would be prosecuted as crimes with the prosecutor's office, and explained that every property crime is evaluated to determine if it should be elevated to a felony and handled by the District Attorney's Office.

Mayor Pro Tem Carr thanked Councilmember Brenden for bringing this item forward, and City staff for responding so quickly, and she stated her support for this timely item.

Councilmember Brenden and City Attorney Gates further discussed the evaluation procedure used to determine whether a charge should be elevated to a felony.

Mayor Semeta stated her support for this item, and invited Assistant Police Chief Rodriguez to share her comments. Assistant Police Chief Rodriguez stated Department support.

A motion was made by Brenden, second Delgleize to after the City Clerk reads by title, approve for Introduction Ordinance No. 4219, "An Ordinance of the City of Huntington Beach adding Chapter 10.49 to the Huntington Beach Municipal Code relating to the prohibition on repairs and sales of bicycles and bicycle parts on public property."

The motion carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Pro Tem Carr congratulated Councilmember Brenden for becoming a new Kiwanis Club Board Member; reported participating in the Association of California Cities — Orange County (ACC—OC) Council Candidate Forum with Curt Pringle, Mayor of Fullerton Jennifer Fitzgerald, and Bruce Whitacre to share what being a council member entails; participating in a Zoom meeting with Assemblywoman Cottie Petrie-Norris regarding various State issues; attending the Municipal Water District of Orange County (MWDOC) Water Policy Forum with Michael George, Delta Water Master, State Water Resources Control Board; and provided an update on the Navigation Center, including the website with up-to-date information at HBHomelessSolutions.com.

Councilmember Hardy congratulated Mayor Pro Tem Carr, and congratulated HB Pilates for continuing to find a way to raise funds for various charities in spite of COVID-19 restrictions. Councilmember Delgleize reported attending the OCTax Zoom meeting "Save California" which provided a discussion of Propositions 13 and 15, and participating in the Boys and Girls Clubs of Huntington Valley's "Great Futures Start Here" virtual fundraiser.

Mayor Semeta reported that the Southern California Association of Government (SCAG) Chair has agreed to reconvene the Litigation Committee to challenge the very high Regional Housing Needs Assessment (RHNA); meeting with Neal Kelley, Orange County Registrar of Voters, providing ocvote.com as the resource with all of the answers to voter questions; and taking a commemorative picture with the Sister City Association representatives and presenting commendations to George Erber,

Carmen Erber and Don MacAllister for all of their volunteer hours at the Anjo Stone Lantern in City Hall Plaza.

Mayor Semeta introduced Assistant Chief of Police Kelly Rodriguez who presented a recap of the Police Department Annual Awards Ceremony which had to abruptly change format when the COVID-19 shutdown was implemented in March. Among the Police Department employees acknowledged were: Officer of the Year David Avalos; Award of Merit to Sergeant Bradley Smith and Officer Ryan Christie; Distinguished Service Award to Detectives Dave Humphreys and Patrick Ellis; Crime Fighter Award to Officer Travis Mossbrooks; Civilian Supervisor of the Year to Records Bureau Supervisor Shantel Collins; Supervisor of the Year to Sergeant Sam Shepherd; Unit/Team Award Communications Unit "Gold Nation" to Communications Supervisor Jennifer La Fontaine, Communication Operators Stacy Arnold, Kaitlin Tidrick, Michelle Terrones, and Max Werk; Lifesaving Award to Marine Safety Officer Doug Leach, Communications Supervisor Jennifer La Fontaine, Detective Jonathan Deliema, and Officer RJ Garwood; Civilian Employee of the Year to Detention Officer Vance Bennett; and Lifesaving Award to Officers Frank Gallant and Mitchell Martinez.

Mayor Semeta expressed congratulations to Karen Pedersen, Outgoing President of Kiwanis Club, for her outstanding service and masterful adaptations in 2020, and to Sean Woods, Incoming President.

ADJOURNMENT — 7:19 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, October 19, 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>

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

ATTEST:

City Clerk-Secretary

Mayor-Chair