

Minutes

City Council/Public Financing Authority City of Huntington Beach

Monday, April 19, 2021
4:00 PM - Virtual Location
6:00 PM - Virtual Location
Huntington Beach, California 92648

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

4:00 PM - VIRTUAL LOCATION

CALLED TO ORDER

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEMS - None

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS - None

A motion was made by Delgleize, second Posey to recess to Closed Session for Items 1 – 3. With no objections, the motion carried.

RECESSED TO CLOSED SESSION - 4:02 PM

CLOSED SESSION

1. 21-311 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Gov. Code section 54956.9(d)(1).) Name of case: Brewster (Terri Lynn) v. City of Huntington Beach; OCSC Case No. 30-2020-01160094.
2. 21-332 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Chris Hartman v. City of Huntington Beach, Worker's Comp. Case No. COHB-14-0306.
3. 21-348 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Gov. Code section 54956.9(d)(1).) Name of case: Moore (Neal) v. City of Huntington Beach, et al.; OCSC Case No. 30-2019-01071686.

6:00 PM - VIRTUAL LOCATION

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING - 6:10 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Councilmember Peterson

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.

4. 21-121 **Marcy Tieger of University Synagogue in Irvine and member of the Greater Huntington Beach Interfaith Council**

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

5. 21-316 **Mayor Carr called on City Clerk Robin Estanislau to assist with conducting the 4th of July fireworks booth lottery drawing**

City Clerk Robin Estanislau shared a PowerPoint communication entitled *2021 Non-Profit Firework Stand Lottery*, with slides entitled *Public High School Winners — Edison High School, Huntington Beach High School, Marina High School, Ocean View High School, Private High School Winner — Liberty Christian High School, Civic Organizations (2), Youth Sports (2), Miss Huntington Beach 2018, Alyssa Welfringer, and Good Luck!*

City Clerk Estanislau announced that Mara James, the current Miss Huntington Beach was not available to participate in the Firework Stand Lottery, and introduced Miss Huntington Beach for 2018, Alyssa Welfringer, to assist with the lottery.

Edison High School Winners: *Boys Basketball; Academic Booster Club*

Huntington Beach High School Winners: *Oiler Music Guild; Girls Soccer Booster Club*

Marina High School Winners: *Lacrosse Boosters; Girls Field Hockey*

Ocean View High School Winners: *Baseball Boosters; Band*

Liberty High School Winner: *Committee for Student Technology*

Civic Organization Winners:

*Compass Bible Church
CrossPoint HB Church
Knights of Columbus, Pope John Paul I Council 6020
Patriots and Paws
Linden Tree Learning*

Youth Sports Winners:

*Surf City Premier Youth Sports and Fitness
H. B. Divers
Beach Elite
Seaview Little League
Culture Football Organization*

City Clerk Estanislau announced that HB Fire Department representatives would be in touch with the winners with permit instructions, and that the Sand Dollars of Huntington Beach are having a pirate-

themed fundraiser at Old World Village on July 8, with proceeds designated for their Miss Huntington Beach Scholarship Program. Details available at www.misshb.us

6. 21-33 Mayor Carr presented a proclamation recognizing April as Autism Acceptance Month to Brittany Bas of Amuse4Autism

Mayor Carr described Autism Awareness Month as an opportunity to provide awareness of and acceptance for the autistic community, and introduced Brittany Bas who introduced her team of supporters and thanked them for their impact on the local autistic community. Ms. Bas expressed appreciation for the recognition.

7. 21-340 Mayor Carr presented a proclamation recognizing April 22 as Earth Day to Kim Kolpin of the Bolsa Chica Land Trust

To acknowledge Earth Day, April 22, Mayor Carr introduced Kim Kolpin, Executive Director of the Bolsa Chica Land Trust. The Bolsa Chica Land Trust is a leader in protecting the local natural environment, educating the community, and protecting wildlife.

Councilmember Kalmick, Bolsa Chica Land Trust Board Member, provided a brief history of the Bolsa Chica Land Trust that currently oversees 1,400 acres of migratory bird sensitive habitat and sees over 80,000 visitors each year.

Executive Director Kolpin explained that currently 23 species of birds are provided critical habitat, and hundreds of other species call the 1,400 acres their home. Director Kolpin explained that the Bolsa Chica Land Trust collaborates with State and Federal agencies, and local community involvement is what saved the area from development. Director Kolpin thanked City Council for the recognition and honor.

8. 21-337 Mayor Carr presented the Mayor's HB Excellence Award to John Turner, Beach Maintenance Crewleader, Department of Public Works

Mayor Carr explained the Mayor's HB Excellence Award winner is selected by fellow employees to acknowledge a co-worker who goes above and beyond in their daily activities. John's co-workers described him as having tremendous knowledge of the Public Works infrastructure, noted that two of his brothers have retired from the Public Works Department, recognized his ability to multi-task, and a person who does not leave until the job is done.

Director of Public Works Sean Crumby stated that John came to the City 21 years ago with experience as a carpenter. John was promoted to the leadership team last fall and is someone who leads by example.

John expressed his appreciation for the recognition and thanked his Supervisor Terry Tintle, Co-crew Leader Rob Bonillas, and the hard-working crew in the Beach Maintenance Division.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Awards and Presentations

- #5 (21-316) PowerPoint presentation entitled *2021 Non-Profit Firework Stand Lottery* submitted by City Clerk, Robin Estanislau.

Consent Calendar

- #11 (21-313) Communication regarding Appointments to the Mobile Home Advisory Board.

Administrative Items

- #18 (21-333) Two (2) email communications regarding Be Well OC (Mind OC) Mobile Crisis Response Program.

Councilmember Items

- #19 (21-345) Communication from Mildred Perez, Senior Project Manager from the Kennedy Commission, regarding Consideration of Appealing SCAG Determination.

- #19 (21-345) Forty-seven (47) email communications regarding Consideration of Appealing SCAG Determination.

PUBLIC COMMENTS (3-Minute Time Limit) — 17 Zoom 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>.

Jerry Raburn, a Thai-American resident of Orange County, was invited to speak and asked the City Council to pass a resolution against Asian hate, and to acknowledge Asian American and Pacific Islander (AAPI) heritage in May.

Kathryn Levassieur, resident of Huntington Beach and Co-Founder of Huntington Beach Short-Term Rental (STR) Alliance, was invited to speak and stated support for Agenda Item No. 21-355, reconsidering the timing for the implementation of the STR Ordinance, and appreciation for the opportunity to engage with a Council Ad Hoc Committee to discuss what works and what doesn't work in moving forward.

Caller #8263, Ann Palmer, a 30-year resident of Huntington Beach, was invited to speak and suggested that the acronym SCAG really stands for "social engineering" which in her opinion is the result of edicts, projects and policies that were not developed locally but come from Federal and State directives.

Caller #4460, Casey McKeon, Finance Commissioner, was called to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Caller #6779, Carrie Swan, was invited to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing the Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Katie was invited to speak and shared information on certain individuals who attended the White Lives Matter rally on April 11 at the pier, and expressed her disappointment related to recent KKK activity and arrests by the Huntington Beach Police Department and the actions of both Mayor Pro Tem Tito and Councilmember Peterson.

Nancy Buchoz was called to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Caller #0838, Loretta Smith, a resident of Huntington Beach for almost 30 years, was called to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Amory Hanson, Candidate for City Council in 2022 and member of the Historic Resources Board, was invited to speak and stated his support for Consent Calendar Item No. 11 A) the appointment of Eric Silkenson as an At-Large Member of the Mobile Home Advisory Board (MHAB), and support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Caller #1646, Ally Meyer, a resident of Huntington Beach, was called to speak and stated her support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination, and stated that she is not ashamed of Councilmember Peterson.

Bethany Webb, a 40-year resident of Huntington Beach, was invited to speak and thanked the Councilmembers who participated in the commUNITY Pop-Up Picnic at Central Park on April 18, criticized Councilmember Peterson for not being visible on camera during Zoom Council meetings, commended Mayor Pro Tem Ortiz for stepping up to support anti-hate items at the last Council meeting, and shared her experience of supporting Black Lives Matter at Huntington Beach Pier on April 11.

Bella Brannon, a life-long resident of Huntington Beach, was called to speak and shared her appreciation for the Human Relations Task Force and all others responsible for the great commUNITY Pop-Up Picnic at Central Park on April 18, and stated her support for more opportunities to support inclusion and justice for all residents.

Caller #3964, Kathy Carrick, was called to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Patricia Goodman was called to speak and shared her appreciation for the great CommUNITY Pop-Up Picnic at Central Park on April 18, and stated her support for being aware of the need for safe, clean and affordable housing for residents, and expectation that discussion on Councilmember Peterson's Item No. 19 will clarify for residents why this is back on the agenda after the City Council unanimously agreed during Closed Session to not pursue legal action on this issue at their meeting on March 15, 2021.

Caller #3587, Debbie Pierce, a life-long resident of Huntington Beach, was called to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Bruce Wareh, a 32-year resident of Huntington Beach, was invited to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

Caller #4456, Stephanie Hanson, was called to speak and stated support for Councilmember Peterson's Item No. 19 regarding consideration of appealing Southern California Association of Government's (SCAG) February 2021 Regional Housing Needs Assessment (RHNA) determination.

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

Councilmember Kalmick reported calls with several Downtown Business Improvement District (BID) owners who were concerned about the drop in business during the April 11 protests and who are interested in ways to take back their public spaces, and a meeting with the new Government Affairs representative from Spectrum Communications to review their expansion plans in Huntington Beach.

Councilmember Moser reported participating in a Townhall on April 11, the commUNITY Pop-Up Picnic at Central Park on April 18, the Townhall on Homelessness 101, and Human Relations Task Force virtual meetings.

Councilmember Posey reported that OC Vector Control has decided to put their building relocation on hold because of parking and fire safety concerns, and described Vector Control's efforts to reduce the County's *Aedes aegypti* mosquito population. Councilmember Posey announced the Orange County Power Authority (OCPA) is forming a Citizen Commission and applications for those interested in becoming involved will be available at www.ocpower.org. Councilmember Posey thanked the Orange County Board of Supervisors and Former Supervisor Michelle Steel for appointing him to serve as an Orange County Parks Commissioner for the last five years, and explained his service now ends as Michele Steel was elected to the U. S. Senate and therefore is no longer an OC Supervisor.

Councilmember Delgleize reported attending virtual meetings for Orange County Transportation Authority (OCTA) Board, Jet Noise Commission, Association of California Cities – OC (ACC–OC) Executive Board, virtual Townhall Homelessness 101, and Zoom conversations with several State legislators.

Mayor Carr reported participating in Orange Council Business Council (OCBC) virtual Sacramento Advocacy tour, virtual meetings of the Human Relations Task Force, Economic Development Committee, California Cities Environmental Quality Policy Committee, OC Sanitation Legislative, Health and Public Affairs Committee, and OC Mayors Coalition.

CITY MANAGER'S REPORT

City Manager Oliver Chi requested that Consent Calendar Item #11 (21-313) regarding appointments to the Mobile Home Advisory Board be pulled and brought back at an up-coming meeting. With no Council objections, the request was granted.

21-352 Recap of Hate Free HB and commUNITY Pop-Up Picnic Programs

City Manager Oliver Chi presented a PowerPoint communication titled *Hate Free HB* with slides entitled: *Hate Free HB Event April 11, 2021*, slides 3 through 5 event pictures, *CommUNITY Pop-Up Picnic*, and slides 7 through 11 event pictures.

City Manager Chi and Council thanked especially the Community and Library Services staff for quickly putting together such an outstanding event.

Mayor Carr recommended that this become an annual event as a way to demonstrate the positive energy of Huntington Beach residents for helping one another. She also thanked Councilmember Moser for suggesting the idea, and her leadership to ensure a successful day.

Councilmember Moser thanked the Council and City Manager Chi for their support, and expressed her kudos to the Community and Library Services staff and various elected officials who managed and participated in this non-partisan event. She also thanked the community for participating in the celebration of diversity, and expressing interest in a repeat event.

Councilmember Delgleize shared the comments she heard from participants expressing a desire to do it again.

Councilmember Posey shared his appreciation for the opportunity for friendly communication with those 'on the other side of the aisle' in a fun atmosphere, and thanked everyone who had a part in planning this event.

Councilmember Kalmick thanked staff for their efforts to create an event that highlighted the best of Huntington Beach, and expressed his hope this will be repeated.

Councilmember Moser stated her intent to focus on future similar events and having continued conversations on inclusion and diversity.

21-353 Police Department Update on Recent City Protests

City Manager Chi introduced Interim Police Chief Julian Harvey who provided an update on the April 11 White Lives Matter rally and counter demonstrations at the Huntington Beach Pier. There were 12 arrests for assault, fighting in public, municipal code violations, and weapons offenses. The City declared an unlawful assembly in the early afternoon, and within approximately an hour and a half, the crowd had dispersed.

Mayor Carr thanked Interim Chief Harvey and Police Department staff for being proactive and prepared so that people could safely and peacefully express themselves.

Councilmember Moser echoed Mayor Carr's comments and confirmed with Interim Police Chief Harvey that residents with criticisms, questions, or concerns should feel free to reach out to him.

21-354 Ascon Project Update

Assistant City Manager Travis Hopkins presented a PowerPoint communication titled *Ascon Landfill Site Update* with slides entitled: *Project and Site Status*, *Pit F Remediation Set to Resume in mid-June (2)*, *Ascon to introduce opt-in Community Alert System - AsconAlert*, and *Ascon Project Information Contacts*.

Mayor Carr clarified with Assistant City Manager Hopkins that within the tented area only the air treatment system will operate 24 hours a day 7 days a week until the remediation is completed.

Councilmember Kalmick and Assistant City Manager Hopkins discussed further details on the air treatment system and efforts being taken to ensure the City's noise code requirements are met.

CONSENT CALENDAR

Councilmember Posey pulled Item 12 for discussion.

9. 21-309 Approved and Adopted Minutes

A motion was made by Peterson, second Posey to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated April 5, 2021, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

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

10. 21-256 Received and filed the City Clerk's quarterly listing of professional services contracts filed in the City Clerk's Office between July 1, 2020 and December 31, 2020

A motion was made by Peterson, second Posey to receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk during the period of July 1, 2020 and September 30, 2020;" and, receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk during the period of October 1, 2020 and December 31, 2020."

The motion carried by the following vote:

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

11. 21-313 ~~ITEM WITHDRAWN Approve appointments to the Mobile Home Advisory Board (MHAB) as recommended by City Council Liaisons Carr and Posey~~

12. 21-268 Accepted the lowest responsive and responsible bid, approved appropriation and authorized execution of a construction contract with GEM Construction, Inc., in the amount of \$542,424 for the Central Park Restrooms Phase 3, CC-1608

Councilmember Posey pulled this item to confirm with City Manager Chi that Quimby Act (developer) funds provided a major portion of the cost for Central Park restrooms, and discussion on funds available for future park improvement projects.

A motion was made by Posey, second Delgleize to accept the most responsive and responsible bid submitted by GEM Construction, Inc., in the amount of \$542,424; and, appropriate \$162,919 in additional funding from the Fund 226 balance; 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, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize
NOES: None

13. 21-283 Accepted the lowest responsive and responsible bid and authorized execution of a maintenance contract with Commercial Waterproofing Systems, Inc. (ERC Roofing

and Waterproofing), in the amount of \$225,450 for the Slater Pump Station Roof Replacement Project, MSC-534

A motion was made by Peterson, second Posey to accept the lowest responsive and responsible bid submitted by Commercial Waterproofing Systems, Inc., doing business as ERC Roofing and Waterproofing, in the amount of \$225,450; and, authorize the Mayor and City Clerk to execute a maintenance contract in a form approved by the City Attorney.

The motion carried by the following vote:

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

14. 21-298 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with Sancon Technologies, Inc., in the amount of \$701,988.40 for the Fiscal Year 20/21 Sewer Lining project, CC-1619

A motion was made by Peterson, second Posey to accept the lowest responsive and responsible bid submitted by Sancon Technologies, Inc., in the amount of \$701,988.40; 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, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize
NOES: None

15. 21-299 Accepted the lowest responsive and responsible bid, approved appropriation of funds and authorized execution of a construction contract with Palp, Inc. dba Excel Paving, in the amount of \$1,577,750 for the Edwards — Varsity Tract Water Main Replacement project, CC-1558

A motion was made by Peterson, second Posey to accept the lowest responsive and responsible bid submitted by Excel Paving in the amount of \$1,577,750.00; and, appropriate \$171,000 from the Prop 42 Fund, Account No. 21985201.82300; 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, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize
NOES: None

16. 21-273 Adopted Resolution No. 2021-10 requesting that the United States Army Corps of Engineers (USACE) fund and immediately proceed with Surfside-Sunset Beach Nourishment Project Stage 13 from Anaheim Bay Harbor to Newport Bay in Orange County, California

A motion was made by Peterson, second Posey to adopt Resolution 2021-10, "A Resolution of the City Council of the City of Huntington Beach Requesting that the United States Army Corps of Engineers Fund and Immediately Proceed with Surfside-Sunset Beach Nourishment Project Stage 13 from Anaheim Bay Harbor to Newport Bay in Orange County, California."

The motion carried by the following vote:

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

PUBLIC HEARING

17. 21-312 Adopted Resolution No. 2021-28 approving the 2021-2022 Annual Action Plan for Federal Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Entitlement Grant Programs

Economic Development Project Manager Robert Ramirez presented a PowerPoint communication titled *CDBG & HOME Annual Action Plan* with slides entitled: *Background, Public Participation, CDBG Program Objectives, CDBG National Objectives, CDBG Local Priority Objectives, CDBG Allocations, HOME Program Objectives, HOME Local Priority Objectives, HOME Allocations, 2021-22 Available Funding, CDBG Public Services, CDBG Administration, CDBG Capital & Housing Preservation Projects, 2020-21 CDBG Subrecipients (2), What's Next? and Thank You/Questions?*

Mayor Carr opened the Public Hearing.

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

#17 (21-312) A PowerPoint presentation entitled *CDBG & HOME Annual Action Plan (AAP) Approval FY 2021-22* submitted by Community Development Director, Ursula Luna-Reynosa.

City Clerk Estanislau announced there were no speakers with raised hands.

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

A motion was made by Posey, second Delgleize that the City Council approve and authorize the following in compliance with the Consolidated Plan Procedures of 24 CFR Part 91: conduct a public hearing; and, adopt Resolution No. 2021-28, "A Resolution of the City Council of the City of Huntington Beach Approving the 2021-2022 Action Plan for Federal Community Development Block Grant, and Home Investment Partnerships Programs," and, authorize the City Manager to sign all necessary documents.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

18. 21-333 Approved selection of Be Well OC (Mind OC) as service provider for the City's Mobile Crisis Response Program for select mental health calls for service

City Manager Chi and Interim Police Chief Harvey presented a PowerPoint communication titled *Mobile Crisis Response Pilot Program* with slides entitled: *The Problem, The Impact, The Frustration, The Result, The Potential Solution, Possible Benefits To Mobile Crisis Response Approach, Be Well OC*

Identified As Preferred Program Operator, If Approved, Project HOPE Will Be Operational By Early Summer, Project HOPE Program Costs, Recommended Action, and Questions?

Councilmember Delgleize confirmed with Interim Chief Harvey that the Police Department Command Center would continue to determine the appropriate response for 911 and Police Department non-emergency calls to ensure the best service engagement for each situation, and that the program would be available for all community members, not just the homeless community.

Councilmember Peterson and City Manager Chi discussed Councilmember Peterson's concerns regarding program costs for what he feels is a County responsibility. Manager Chi confirmed this project would not use any Police Department funds, but is being fully funded through available restricted use funds for which this proposed program qualifies. Interim Police Chief Harvey confirmed that mental health services are technically the responsibility of the County, and explained that the current model does drain City resources, whereas the proposed program will shift responsibility from the Police to a third party that is better equipped to deal with mental health issues and free up Police Officers to focus on local crime prevention.

Councilmember Posey stated his support for this program, and discussed with City Manager Chi potential County and Federal funding sources to keep the program going after a successful pilot. Councilmember Posey requested if approved, that staff provide periodic updates on grant application status and sustainable funding sources for future planning purposes.

Councilmember Moser and City Manager Chi discussed considerations for scaling up as more jurisdictions sign on to the program, and for meeting increased service demands. Councilmember Moser asked that key performance indicators data be readily available to anyone interested, and City Manager Chi confirmed conversations with Be Well OC regarding measuring and monitoring performance and the types of datum to be tracked. Councilmember Moser stated her support for this program which will be available for the whole community, regardless of whether they have a roof over their heads or not.

Mayor Carr concurred with Councilmember Moser's comments and stated her support for the program. Mayor Carr and City Manager Chi discussed data points and the plan to make that information available as soon as the program is up and running. City Manager Chi stated that after about 6 months it is anticipated that Police and Fire will be able to confirm whether the expected impact is being realized.

Mayor Carr confirmed with City Manager Chi that mobile crisis funding is available through the Federal Crisis Assistance Helping Out On The Streets (CAHOOTS) Act whether services are provided through a pilot or on-going program. City Manager Chi reiterated that there are only a handful of jurisdictions across the country currently offering CAHOOTS qualified programs. Mayor Carr expressed her pride for the fact that Huntington Beach is stepping up to be a leader in this regard, and stated her expectation that many other area cities will be joining the effort to provide another tool for first responders.

A motion was made by Carr, second Delgleize to approve the selection of Be Well OC (Mind OC) as the service provider for the City's trial Mobile Crisis Response program, to shift the burden of response from the police department to Be Well OC for designated, triaged mental health calls for service not involving violence, weapons, or criminal behavior; and, authorize the City Manager, with approval as to form by the City Attorney, to execute an agreement with Be Well OC (Mind OC) in substantial form to the attached (Attachment 1); and, approve appropriation from the following funding sources: 1) Police Department Development Impact Fee Fund (Fund 227) \$368,000; 2) Restricted Restitution Fund (Fund 100) \$282,000; and 3) American Rescue Plan Act HOME Funding \$850,000.

The motion carried by the following vote:

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

COUNCILMEMBER ITEMS

19. 21-345 Item Submitted by Councilmember Peterson - Consideration of Appealing SCAG Determination – POSTPONED INDEFINITELY

Councilmember Peterson stated the question is whether or not the City chooses to use the tools provided by California law to appeal the decision of California Association of Government (SCAG). He further explained his position that filing an appeal is the next logical step required to maintain local control, and that unfortunately he was stuck in traffic and unable to participate during the recent Closed Session discussion on this item.

A motion was made by Peterson, second Ortiz that the City Council direct the City Attorney to appeal SCAG's February 2021 RHNA determination of 13,386, including with authorization from City Council to initiate a lawsuit on behalf of the City in State Court.

Councilmember Kalmick stated that since this issue has already been discussed in Closed Session, he made a substitute motion that the item be postponed indefinitely.

Councilmember Peterson stated that there was a discussion on the topic, but no formal action was taken, and asked for clarification on the substitute motion.

Councilmember Kalmick replied that during the previous Closed Session discussion, Council decided to take no action so therefore his motion is to confirm that Council has no desire to address this item at this time.

Councilmember Posey stated that in light of the fact that City Attorney Gates did not attend the Closed Session meeting to participate in the discussion, after putting this item on the agenda, he feels it must not really be an important issue and therefore provided the second for the substitute motion.

Councilmember Delgleize stated she appreciates Councilmember Peterson's request for an appeal, but believes there are better ways to address the issue, especially when SCAG is only the messenger and the City's first appeal was lost. Councilmember Delgleize added that Assembly Member Janet Nguyen has introduced AB 1258 asking for a judicial review of final housing need regional plans. Councilmember Delgleize stated she agrees that the Regional Housing Needs Assessment (RHNA) of 13,3886 units for Huntington Beach is not attainable, nor based on reality, and she is very passionate about local control, and stated her opinion the best way to move forward is to participate with a group of like-minded cities.

Councilmember Posey stated he also does not want to see over 13,000 units built in the City, but another lawsuit has no guarantee of reducing the numbers. He further explained that if the City enters into litigation, there is a strong likelihood that the City will find itself with a Decertified Housing Element, which could ultimately result in a lawsuit from the State and possible loss of grant funding.

The substitute motion made by Kalmick, second Posey to postpone the item indefinitely carried by the following vote:

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

20. 21-355 Item Submitted by Mayor Carr - Consider providing all operators with an extension until October 2, 2021, to comply with the City's updated Short-Term Rental (STR) Regulations - APPROVED

Mayor Carr stated she had just been notified that home hosted short-term rental operators in Huntington Beach are being delisted by platforms such as VRBO or Expedia if the operators do not have a City permit. Therefore, she proposed an October 1, 2021, deadline to allow time for compliance, and asked that a Council Ad Hoc Committee comprised of Councilmembers Peterson and Kalmick be established.

Councilmember Delgleize thanked Mayor Carr for her quick response to address the unfortunate situation some hosts found themselves in, and stated her support for the item.

Councilmember Posey stated his support for this item, and suggested that Community Development staff reach out to determine if the listing platforms that sent out delisting notifications are capable of sending out warning notices with the October 1, 2021 date.

Councilmember Kalmick stated he is in support of this item, and honored to be part of the STR Ad Hoc Committee, to ensure the quality-of-life goal.

City Attorney Michael Gates and Community Development Director Ursula Luna-Reynosa discussed the fact that the STR ordinance is already in effect, and Community Development staff have already reached out to the listing platforms who indicated they are able to assist with communication. City Attorney Gates and Director Luna-Reynosa agreed that for a transparent process Council action should amend the ordinance, and ask staff to delay enforcement.

A motion was made by Carr, second Delgleize to recommend that the City Council vote to provide all operators in the City until October 1, 2021, to obtain their necessary STR permit ***as amended to appoint Councilmembers Peterson and Kalmick to serve on an STR Ad Hoc Committee; and, direct staff to temporarily delay enforcement of new, complex STR regulations for operators in Zones 1 and 2 and return to Council with a code amendment that extends enforcement of new regulations until October 1, 2021.***

The motion carried by the following vote:

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

NOES: None

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Posey reported touring the local business Primal Elements with Antonia Graham of the Orange County Power Authority (OCPA) to discuss power needs, and asked that the meeting be adjourned in recognition of the 78th Anniversary of the Warsaw Ghetto Uprising on April 19, 1943.

Councilmember Delgleize, as a member of the Orange County Transportation Authority (OCTA) Board, reported the Magnolia Bridge is opening very soon, thanked Mayor Carr for the recent informative virtual Townhall meetings, and stated her strong support for the new Be Well OC pilot program.

Councilmember Peterson wished his neighbor, Bud (Robin) Gesellat, a Happy 99th Birthday. Bud is a WWII Veteran, a POW after his bomber was shot down over France, who worked and lived locally all of his life, is head of the Plumeria Society, is active in his front and back yards every day caring for his

many plumeria plants, and still drives wherever he wants to go! Councilmember Peterson stated his desire to personally drive Bud in next year's July 4th Parade to celebrate his 100th birthday.

Councilmember Kalmick reported participating in the recent virtual Townhall on COVID-19 with the CEO of Huntington Hospital and Interim Chief of Police Harvey, attending a Council on Foreign Relations State and Elected Officials webinar on Broadband and the Digital Divide, and shared his interest in taking a look at the Naval right-of-way land to determine who actually owns it and possibly creating an official linear park.

Mayor Pro Tem Ortiz asked, and received, permission to be excused at 9:37 PM as he was beginning to feel the physical results of being involved in an auto accident that totaled his car earlier in the day.

Councilmember Moser announced Youth Board "Youth in Government" days will be held virtually on April 20, 21 and 22. In recognizing Earth Day, she expressed her interest in creating Climate Safety for Huntington Beach to focus on making the coastline more resilient and community more competitive; announced that Sweet Elle Cafe Downtown is sponsoring a Community Solo Clean-up Event on Earth Day from 3 - 7 PM in collaboration with Republic Services, 4 Blue Waves, Surfrider Foundation, and various Scout and community groups; a virtual dialogue series on Community Solidarity begins on April 22, 6 – 7:30 PM, presented jointly by the HB Human Relations Task Force and OC Human Relations, and the second dialogue will take place on May 20, (pre-registration is required); the Human Relations Task Force Cultural Cinema Showcase and Panel on Asian American and Pacific Islander (AAPI) issues will run from Friday, May 21 through Sunday, May 23; Greater Huntington Beach Interfaith Council Community Drive-thru Donation Day on April 24, 9 AM – 1 PM at the HB Sports Complex for their Annual Day of Service, and Annual Interfaith Day of Prayer is May 6 at 9 AM; and HB Reads virtual interview with the author of *They Called Us Enemy*, George Takei, on May 3 at 3:30 PM. Councilmember Moser stated it is not acceptable for Mayor Pro Tem Ortiz to equate the Democratic Party with the KKK. Councilmember Moser tearfully shared her love for her dying Father, who likes to listen to the Council meetings, and stated this may be his last meeting.

Mayor Carr shared a virtual hug with Councilmember Moser and encouraged her to reach out to her fellow Councilmembers if she needs anything during this time. Mayor Carr acknowledged Chris Alsop, Owner of Thunder Storage Company, for partnering with Streams to the Ocean to plan an Earth Day cleanup effort that collected over 127 pounds of trash from City gutters. Mayor Carr reported attending a Victims Rally with OC District Attorney Todd Spitzer to acknowledge National Crime Victims Awareness Week, April 19 - 25, and to honor Lita Mercado of Waymakers; and announced that April 29 is National Denim Day to recognize April as Sexual Assault Awareness month.

ADJOURNMENT — at 9:46 PM, in recognition of the 78th Anniversary of the Warsaw Ghetto Uprising on April 19, 1943, to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, May 3, 2021, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

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

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

ATTEST:

City Clerk-Secretary

Mayor-Chair