

## Minutes

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

Tuesday, September 7, 2021  
4:00 PM - Council Chambers  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648  
Or Virtual via Zoom webinar

A video recording of the 4:00 PM and 6:00 PM portions of this meeting  
is on file in the Office of the City Clerk, and archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)

#### 4:00 PM — COUNCIL CHAMBERS

#### CALLED TO ORDER — 4:00 PM

#### ROLL CALL

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

*City Clerk Robin Estanislau requested permission to be absent pursuant to City Charter Section 310 (a).*

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

##### Study Session

- #1 (21-637)
- 1) PowerPoint presentation entitled **21 Main Street RFQ** submitted by Ursula Luna-Reynosa, Director of Community Development.
  - 2) PowerPoint Presentation entitled **Ruby's Diner Huntington Beach Proposal** submitted by Ursula Luna-Reynosa, Director of Community Development.
  - 3) PowerPoint Presentation entitled **Huntington's on the Pier** submitted by Ursula Luna-Reynosa, Director of Community Development

#### PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS — None

#### STUDY SESSION

##### 1. 21-637 21 Main Street RFQ - Pier Concession Opportunity

Director of Community Development Ursula Luna-Reynosa presented a PowerPoint communication entitled **21 Main Street RFQ** with slides titled **21 Main Street - Background; 21 Main Street - RFQ; Let's Go Fishing & Surf City Snack Bar LLC (2); Ruby's Hospitality Group, LLC (2); Surf City Partners, LLC (2); EDC Recommendation; ENA; Presentations; and Questions?**

Marian Johnson, owner of Let's Go Fishing and Surf City Snack Bar, LLC reviewed her 29-year history of service to the City, and expressed her frustration at the lack of support from City staff who originally stated their intention was to help make the business successful. Ms. Johnson stated the business has operated with integrity and honesty since 1992, and when she asked for details several years ago about the complaints City Manager Chi referenced, no details were ever provided. She further added she has proposed paying sixteen percent (16%) back to the City, and doesn't understand the City's apparent effort to replace a successful family business.

Joe Micatrotto from Ruby's Hospitality Group described some of the other food service businesses they have brought to the area during the past 40 years in the Hospitality industry to document their ability to be successful with this project.

Chris Beynon with Surf City Partners presented a PowerPoint communication entitled ***Huntington's on the Pier*** with historical photos (11), and slides titled ***Understanding and respect of history and context; Supports policy direction of the City (2); Family-Friendly Dining (2), Proactive Support of HB's Non-Profit Fundraisers; Weather Protected Comfort; Daily Sunset Views!; Carts, Fishing Pole Rentals; Sustainability, Significant Investment in City-Owned Facility Improvements and Maintenance; Financially Sound; Strong Revenue Generation; and Talented, Committed and Long-time Based Local Team.***

Director Luna-Reynosa summarized staff effort to provide Council with comparable information on the three potential vendors for this Study Session.

Council Member Peterson and City Manager Chi discussed the issues presented to Let's Go Fishing several years ago such as signage and advertising which City Manager Chi confirmed were addressed by Ms. Johnson.

Council Member Posey and Director Luna-Reynosa discussed alcohol sales cutoff times and how the percentage of revenue derived from alcohol sales is determined.

Council Member Bolton and Keith Bohr of Surf City Partners discussed permitting concerns related to the Coastal Commission and Health Department. Mr. Bohr admitted he did not consult his restaurant operating team members when initially calculating the percent of alcohol sales, and in retrospect the number should be more in the 22-25% range rather than the 40% used in the presentation.

Mayor Pro Tem Delgleize and Jeff Bergsma of Surf City Partners discussed their experience with meeting permitting requirements, including his involvement through the years in setting up 19 restaurants on Main Street.

Mayor Carr and Jeff Bergsma discussed the permitting timeline and the expectation that the Coastal Commission process could take six months, and Mr. Bergsma stated that the current tenant could remain in the premises during that time.

Director Luna-Reynosa confirmed that there are building code requirements pertaining to restrooms in the building across the Pier, which was not part of the original RFQ. In addition to County Health Department requirements related to food service and the Coastal Commission permitting process, which all will impact permit processing time.

Council Member Moser and Director Luna-Reynosa discussed potential risks to the City for one proposal versus another, as well as the fact that other entities may have shown interest in the project if it had included the second building from the beginning.

Council Member Kalmick and Director Luna-Reynosa discussed Coastal Commission jurisdiction details in trying to understand a realistic timeframe, and Director Luna-Reynosa stated that without a specific site plan, that would be difficult to determine.

Director Luna-Reynosa advised the whole process would include the Planning Commission, and the California Coastal Commission which may have issues with any parking concepts.

#### **RECESSED TO CLOSED SESSION — 4:56 PM**

A motion was made by Posey, second by Moser, to recess to Closed Session for Items 3 – 5. With no objections the motion passed.

#### **CLOSED SESSION ANNOUNCEMENT(S)**

2. **21-650 Mayor Carr Announced: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators: Oliver Chi, City Manager and Travis Hopkins, Assistant City Manager, who will be participating in today's Closed Session discussions regarding labor negotiations with: Huntington Beach Firefighters' Association (HBFA), Fire Management Association (FMA), Police Management Association (PMA), Marine Safety Management Association (MSMA), Management Employees' Organization (MEO) and Huntington Beach Municipal Teamster (HBMT)**

#### **CLOSED SESSION**

3. **21-599 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION. (Gov. Code section 54956.9(d)(1).) Name of case: Kennedy Commission, et al. v. City of Huntington Beach; OCSC Case No.: 30-2015-00801675.**
4. **21-601 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION. (Gov. Code section 54956.9(d)(1).) Name of case: City of Huntington Beach v. State of California (SB35, et al); OCSC Case No. 30-2019-01044945.**
5. **21-646 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Oliver Chi, City Manager and Travis Hopkins, Assistant City Manager. Employee Organizations: Huntington Beach Firefighters' Association (HBFA), Fire Management Association (FMA), Police Management Association (PMA), Marine Safety Management Association (MSMA), Management Employees' Organization (MEO) and Huntington Beach Municipal Teamsters (HBMT).**

**6:00 PM - COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:05 PM**

## ROLL CALL

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

***City Clerk Robin Estanislau requested permission to be absent pursuant to City Charter Section 310 (a).***

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

## 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.

- 6. 21-553 Kelly Frankiewicz of Leisure World Community Church, Seal Beach and member of the Greater Huntington Beach Interfaith Council**

## CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Michael Gates reported that in Closed Session the City Council voted unanimously to file an Appeal to the recent Attorney's Fees Award and the improper and erroneous entry of Judgement by the State Court, after the case was already dismissed by the Kennedy Commission: Kennedy Commission, et al. v. City of Huntington Beach; OCSC Case No.: 30-2015-00801675.

## AWARDS AND PRESENTATIONS

- 7. 21-602 Mayor Carr called on Victoria Alberty for the Adoptable Pet of the Month**

Ms. Alberty introduced Ms. Emory, who was rescued in Alabama with her puppy, and S.A.F.E. Rescue Team founder, Markelle, who explained that Emory's puppy was adopted in Alabama, but Ms. Emory, approximately one year old, was originally scheduled for euthanasia. Due to the actions of the locals who discovered Ms. Emory while visiting in Alabama, she was transported to Huntington Beach. More information on Ms. Emory, as well as many other available foster dogs, can be found at <https://saferescueteam.org>.

- 8. 21-417 Mayor Carr called on members of the Assistance League of Huntington Beach to present a belated 70th anniversary commendation to the group as it now celebrates its 71st anniversary of providing service in Huntington Beach**

Mayor Carr announced that the Assistance League was started exactly 71 years ago, and the Huntington Beach Assistance League is composed of over 350 volunteers providing over 70,000 hours of service annually to improve the quality of life for children and adults in Huntington Beach, Fountain Valley and Westminster. Ms. Maggie expressed appreciation for the acknowledgement and thanked the volunteers and community members for their support throughout the years.

- 9. 21-623 Mayor Carr proclaimed September 15 to October 15 as National Hispanic Heritage Month and present proclamation to Huntington Beach native, Gloria Alvarez**

Mayor Carr described National Hispanic Heritage Month as an opportunity to celebrate the history, culture and contributions of citizens' whose ancestors come from Spain, Mexico, the Caribbean and Central and South America. Ms. Alvarez, along with her cousins and an aunt, gratefully acknowledged the recognition of their family's farming and business activities in Huntington Beach for over 100 years. Mayor Carr also announced that videographer Matt Liffreing has produced three vignettes on local Hispanic history that will be showing on HBTv3 during Hispanic Heritage Month.

**10. 21-491 Mayor Carr proclaimed September 20 as California Surfing Day and presented a proclamation to Don Ramsey**

Mayor Carr noted that California Surfing Day started with the local surf community rallying in 2018 in Sacramento to receive unanimous State Senate approval. Don Ramsey, Jericho Poppler, and Councilmember Posey recounted the experience of being a part of that group as Don and Jericho accepted the proclamation.

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

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Patty Esparza announced supplemental communications that were received by her office following distribution of the Council Agenda packet:

**City Manager's Report**

#12 (21-651) PowerPoint Communication titled ***Fiscal Year 2021/2022 Citywide Mobility Project*** submitted by City Manager Oliver Chi.

**Consent Calendar**

#16 (21-557) One (1) email communication received regarding the Huntington Beach Downtown Business Improvement District (HBBID) proposed Budget for Fiscal Year (FY) 2021-2022.

#20 (21-619) One (1) email communication received regarding the Extended Temporary Closure of the Second Block of Main Street.

#30 (21-653) Ten (10) email communications received regarding an Exclusive Negotiating Agreement (ENA) with Ruby's Hospitality Group, LLC for 21 Main Street at the Huntington Beach Pier.

**Administrative Items**

#32 (21-588) PowerPoint Communication titled ***American Rescue Plan Act (ARPA) Spending Plan Review and Allocation*** submitted by City Manager Oliver Chi.

#33 (21-625) PowerPoint communication titled ***Pier Plaza Arts and Crafts Faire*** submitted by Director of Community and Library Services Chris Slama.

**Ordinances for Introduction**

#35 (21-112) Three (3) email communications regarding Introduction of Ordinance No. 4222 amending Chapter 8.40 of the Huntington Beach Municipal Code (HBMC) titled Noise Control.

**Councilmember Items**

#36 (21-664) One (1) email communication received regarding a Proposal for a Public Memorial Honoring Rick "Rockin' Fig" Fignetti.

#37 (21-659) Four (4) email communications received regarding a Feasibility Study regarding the possible relinquishment of Pacific Coast Highway (PCH).

**PUBLIC COMMENTS** (2 Minute Time Limit) — 40 In-Person and 6 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>.*

Ralph Bauer, a former City Council and School Board member, and long-time resident of Huntington Beach, was called to speak and stated his reasons for supporting the City Council and his opposition to the Council Recall effort. (01:38:57)

Shirley Dettloff, a former Mayor and 57-year resident of Huntington Beach, was called to speak and stated her reasons for supporting the City Council and her opposition to the Council Recall effort. (01:40:40)

Kay Goddard, a resident of Huntington Beach for over 30 years, was called to speak and stated her opposition to the Council Recall effort and suggested the Council recall group focus their efforts on promoting their candidate(s) of choice for the regular November 2022 election process. (01:42:37)

Gigi Jackson, a retired educator and resident homeowner of Huntington Beach, was called to speak and shared her reasons for opposing the Council Recall effort. (01:44:32)

Galen Pickett was called to speak and shared his personal reasons for supporting the City Council and his opposition to the Council Recall effort. (01:47:22)

Laura Sire, a nearly 60-year resident of Huntington Beach, was called to speak and stated her support for the City Council and opposition to the Council Recall effort. (01:49:36)

Karen Carroll, a long-time resident of Huntington Beach, was called to speak and shared her support for diligently reviewing the recorded actions of Councilmembers to verify whether the Council recall effort is speaking truth. (01:51:58)

Marian Johnson, owner of Let's Go Fishing on HB Pier, was called to speak and stated her dismay at apparently being replaced by "big money" entities, and shared some of her memorable experiences from running a successful, 29-year business on the most iconic Huntington Beach Pier. (01:53:30)

Tony Zarkades, representing Huntington Beach American Legion Post 133, was called to speak and stated support for Councilmember Item #39, in support of the Orange County Veterans Cemetery in the City of Anaheim. (01:55:42)

Tim Geddes, a long-time resident of southeast Huntington Beach, was called to speak and shared his reasons for opposing the Council Recall effort. (01:57:55)

Jean Nagy, a resident of Huntington Beach for over 29 years, was called to speak and shared her appreciation for the Council's efforts to improve the parks in Huntington Beach, especially the support of Mayor Pro Tem Delgleize. (01:59:52)

Brian Cleugh, a resident of Huntington Beach, was called to speak and shared information to support his request that Councilmembers do the right thing for the soccer playing kids of Huntington Beach when they make the decision of what should be done with the Gisler Middle School site. (02:02:08)

Mary LeBoeuf, a 25-year resident of Huntington Beach, was called to speak and reviewed details of the 2003 agreement between the City of Huntington Beach and the Waterfront Condominiums located adjacent to the Federally protected wetlands at the corner of Beach Boulevard and Pacific View Avenue which stipulates the Condominium's responsibility for up to \$30,000 annually for maintenance. She brought this item to the Council a year ago, but nothing has changed, and not one City staff member has replied to subsequent inquiries, and therefore she believes the taxpayers continue to pay for any maintenance performed at that site. (02:03:54)

Cathey Ryder, a resident of Huntington Beach since 1985 and long-time volunteer for youth activities, fundraising, and election efforts, was called to speak and stated her family's support for opposing the Council Recall effort and suggested that group focus on promoting their candidate(s) of choice for the regular November 2022 election process. (02:05:50)

Juana Mueller was called to speak and stated her support for the Police and Fire Departments, and the City Council. (02:07:33)

Gary Wilkenson, a 35-year resident of Huntington Beach, was called to speak and stated his appreciation for Councilmembers service, and thanked City staff for going above and beyond at 5:00 PM on a Friday last October so his daughter could be married. (02:08:52)

Bill Cook, United States Marine Corps, Vietnam Veteran, Chairman of the Orange County Veterans Memorial Park Foundation, and Veterans Alliance of Orange County (VALOR) Board Member, was called to speak and stated support for Councilmember Item #39, in support of the Orange County Veterans Cemetery in the City of Anaheim. (02:11:14)

Mike McDonough, Board President, Plaza Almeria, was called to speak and stated support for extending the closure of the Second and Third Blocks of Main Street to vehicular traffic. (02:12:56)

Joe Micatrotto, representing Ruby's Hospitality Group, was called to speak and briefly outlined the Group's qualifications and experience as the best operators for the lease agreement for 21 Main Street at Huntington Beach Pier. (02:14:37)

Pat Goodman, a long-time resident and homeowner in Huntington Beach, was called to speak and stated her opposition to the Council Recall effort. (02:16:12)

Allen Korneff, Trinidad Homeowners Association Board member speaking only for himself, was called to speak and described the desperately needed street repairs to address small vehicle/bicycle/motorcycle safety hazards on Saybrook Lane and Edinger Avenue, and asked that Council do their part to ensure the issue is addressed as soon as possible. (02:18:54)

Connie Boardman was called to speak and thanked Councilmembers for serving the community, stated her opposition to the Council Recall effort, and suggested they focus their efforts on promoting their candidate(s) of choice for the regular November 2022 election. (02:21:12)

Patrick Collins, a resident of Huntington Beach since 2007, was called to speak and shared his opinion that when the City Council membership is changed, whether through the Recall effort or in the November 2022 election, the housing program agreements will be reversed. (02:23:20)

Paul Horgan, a resident of Huntington Beach, was called to speak, thanked the Councilmembers for serving the community, and stated his opposition to the Council Recall effort. (02:24:35)

Melody Steelman, a Huntington Beach homeowner since 1992, was called to speak and stated her opposition to the City's purchase of the Elan property without a vote of the residents, and her support for the Council Recall effort. (02:26:18)

John Tillotson, a resident of Huntington beach for over 52 years and owner of property on the West side of the Third Block of Main Street, was called to speak and asked for Council's support to find a permanent way to allow for expanded outdoor dining and address the current street barrier which psychologically tells people to "go back". (02:28:36)

Jim Hall, owner of Surf City Ale House, 301 Main Street, was called to speak and stated his support for Mr. Tillotson's comments. Mr. Hall added that foot traffic from Second Block to Third Block is down by 50 percent (50%) and he asked that Third Block be treated the same as Second Block regarding options to encourage patrons. (02:31:00)

Lisa Hollis, a Registered Nurse for 25 years, was called to speak and shared her opinions on COVID-19 mandates. (02:32:38)

Barry Kielmister, a 33-year resident of Huntington Beach, was called to speak and stated his opposition to the Council Recall effort. (02:34:55)

Amory Hansen, Member of the Historic Resources Board and Candidate for City Council in 2022, was called to speak and stated his opinion that the Historic Resources Board should be included in Councilmember Item #36 regarding developing a proposal for a public memorial honoring Rick "Rockin' Fig" Fignetti. Mr. Hansen also stated his opposition to Consent Calendar Item #20 regarding extending the temporary closure of the Second Block of Main Street to vehicular traffic. (02:36:32)

Nader Hanna was called to speak and shared his opinions in support of the Council Recall effort. (02:38:11)

Julie Barksdale, a resident of Huntington Beach, was called to speak and shared a very recent incident where her son and his friend were crossing Lake Street at Utica Avenue and the friend was severely injured by a car that hit him. Ms. Barksdale asked for Council's support to ensure that a crosswalk and "25 MPH speed limit when children are present" sign be installed at that intersection for the safety of the students who pass that way at least two times each weekday. (02:41:19)

Pano Frousiakis, Candidate for City Council in 2022, and proponent of Save Surf City Recall, was called to speak and shared his opinion and opposition to Ordinances for Introduction #35 regarding introduction of Ordinance No. 4222 amending the Huntington Beach Municipal Code titled Noise Control, unless it is amended to clearly state freedom of speech will be exempt from requiring a permit. Mr. Frousiakis also stated his opposition to Councilmember Items #37 to conduct a feasibility analysis regarding possible relinquishment of Pacific Coast Highway (PCH) to improve vehicular and pedestrian safety. (02:43:36)



Kenney Bennett, long-time Huntington Beach resident and business owner, was called to speak and welcomed Councilmember Bolton. Mr. Bennett also asked that Council consider pushing back the October 1, 2021, Un-hosted Short-Term Rental delisting ordinance to the end of the year to allow the Steering Committee more time to discuss issues. (02:45:43)

Ann Palmer, 30-year resident of Huntington Beach and parent volunteer, was called to speak and shared that a Californians for Community Planning Initiative to protect local control for zoning, land use and development was filed and is expected to be placed on the November 2022 ballot, and asked Council to pass a resolution in support of the initiative. (02:47:14)

Mark Dixon, a 50-year resident of Huntington Beach, was called to speak and stated his support for current Councilmembers and his opposition to the Council Recall effort. (02:49:28)

Ariane was called to speak and shared her opposition to the appointment of Councilmember Bolton and support for the Council Recall effort. (02:51:46)

Jignesh, born and raised in Huntington Beach, was called to speak and stated his opposition to the appointment of Councilmember Bolton. (02:54:06)

Chris Kluwe, an 11-year resident of Huntington Beach, was called to speak and stated his support for the local American Youth Soccer Organization (AYSO) need to keep open playing fields with lights in Huntington Beach. (02:56:25)

Kathryn Levassiur, a long-time resident of Huntington Beach and supporter of the Huntington Beach Short-Term Rental Alliance, was called to speak and asked that the same rules apply to both Sunset Beach and Huntington Beach. Ms. Levassiur also asked that Council extend the October 1, 2021, permit deadline to the end of the year. (02:57:49)

Valentina Bankhead, a resident of Huntington Beach, was called to speak and stated her support for the Council Recall effort. (03:00:04)

Caller Steve Shepherd was invited to speak and stated his support for: Consent Calendar Item #20 to extend temporary closure of the Second Block of Main Street to vehicular traffic; Consent Calendar Item #23 regarding a professional service contract for the City's mobility plan; and Councilmember Items #37 to conduct a feasibility analysis regarding the possible relinquishment of Pacific Coast Highway (PCH) to improve vehicle and pedestrian safety. (03:02:39)

Caller 910, an anonymous Huntington Beach resident, was invited to speak and stated support for: Ordinances for Introduction Item #35 regarding amending the Huntington Beach Municipal Code (HBMC) titled Noise Control; Councilmember Items #39 in support of the Orange County Veterans' Cemetery in the City of Anaheim; more archeological dig sites in all USA cities; and a drive-through dinosaur and/or insect exhibit. (03:04:53)

Caller Dan McDonald was invited to speak and stated his support for the Californians for Community Planning Initiative to bring land use, zoning and development back to the local level, and the AYSO volunteer coaches requests to keep open playing fields with lights in Huntington Beach. (03:07:07)

Caller Mark Sheldon, a 30-year resident of Huntington Beach, was invited to speak, welcomed Councilmember Bolton and thanked all Councilmembers for serving the City. (03:09:17)

Caller Bethany Webb, a 40+-year resident and Huntington Beach homeowner and mother, was invited to speak and welcomed Councilmember Bolton, and stated her opposition to the Council Recall effort. Ms. Webb also stated support for more crosswalks with "25 MPH when children are present" street signs to improve safety throughout Huntington Beach for school children. (03:11:59)

Caller Kelly Miller, President and CEO of Visit Huntington Beach, and Huntington Beach Downtown Business Improvement District (HBDBID) Member, was invited to speak and stated his support for Consent Calendar Item #16 to approve the HBDBID Annual Report and Proposed Budget for Fiscal Year 2021-2022. (03:14:11)

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

Councilmember Kalmick reported meeting with the Huntington Beach Police Officers' Association (HBPOA), attending Southern California Association of Government (SCAG) Energy and Environment Committee, and Emerging Technology Committee meetings, and with Mayor Pro Tem Delgleize attending a Federal Aviation Administration (FAA) meeting on jet noise.

Mayor Pro Tem Delgleize reported attending the Federal Aviation Administration (FAA) meeting with Councilmember Kalmick on jet noise.

Council Member Posey reported attending a Southern California Association of Government (SCAG) meeting to discuss possibly shifting Sustainable Communities Regional Planning to the Orange County Council of Governments (OCCOG).

Councilmember Moser reported participating in the Youth Board interviews with Mayor Carr; attending a Homeless Task Force meeting; Homeless Project Zero Workgroup meetings with Mayor Pro Tem Delgleize and Mayor Carr; and a Huntington Beach Central Park collaborative meeting. She also announced the Humans Relations Task Force Cultural Cinema Showcase opens for virtual screenings from September 17 through September 19, and from September 15 to October 15 HBTv3 will be airing three family-friendly films to celebrate National Hispanic Heritage Month.

Council Member Bolton reported meeting with the Huntington Beach Police Officers' Association (HBPOA), and announced her appointment of Janet Michaels to the Finance Commission.

Mayor Carr reported attending a meeting of the Communications Committee, participating in the Youth Board interviews, attending meetings of OC Sanitation, the Citizens Academy kick-off, Intergovernmental Relations Committee (IRC), HB Council on Aging, and Visit HB. She also reported meeting with the Huntington Beach Police Officers' Association (HBPOA).

### **11. 21-514 Appointed Voting Delegate and Alternate for the League of California Cities Annual Conference and Expo - September 22-24, 2021**

Mayor Carr proposed Councilmember Moser to serve as voting delegate, and Councilmember Bolton as alternate, for the Friday, September 24th League of California Cities Annual Conference & Expo.

A motion was made by Delgleize, second Posey to appoint City Council Member Moser to serve as the voting delegate and City Council Member Bolton as alternate, to represent the City of Huntington Beach at the 2021 League of California Cities Annual Conference & Expo. The General Assembly will be held on Friday, September 24, 2021.

The motion carried by the following vote:

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

## CITY MANAGER'S REPORT

### 12. 21-651 City Mobility Projects Update

City Manager Chi introduced Public Works Director Sean Crumby who presented a PowerPoint communication entitled ***FY 2021/22 Citywide Mobility Project Update*** with slides titled: ***Current Focus; Utica Bike Boulevard; Delaware Street Bike Lanes; Goldenwest St. Protected Bike Lane; Shipley to Shore Path; Blufftop Park - Beach Path (2); Talbert Channel Multi-Use Trail; Micro-Transit Service - Circuit; and Questions & Comments.***

Mayor Pro Tem Delgleize expressed her support, especially for the bike rider and pedestrian projects.

Councilmember Kalmick and Director Crumby discussed details regarding spacing and protection for Class 4 bicycle lanes.

Councilmember Peterson and Director Crumby discussed the bicycle project locations, follow-up review to analyze actual usage, and slightly reducing vehicle traffic lanes in some areas to produce the space for safe bicycle lanes.

Councilmember Moser expressed her excitement for these projects which include all types of mobility. She and Director Crumby discussed there will be opportunities for planned community bike rides, especially after the bike lanes are updated and people should feel safer.

Mayor Carr and Director Crumby discussed the schedule, with work expected to start in December and anticipated to be completed in the Spring.

***Unagendized*** — Assistant City Manager Travis Hopkins provided an Ascon Update PowerPoint Presentation entitled ***Ascon Landfill Site Update*** with slides titled: ***Ascon Landfill Site Update (3)*** and ***Ascon Project Information Contacts***

## CONSENT CALENDAR

Councilmember Posey pulled Items #16, #19, #20 and #30, Councilmember Kalmick pulled Item #17, and Councilmember Peterson pulled Item #27 for further discussions. Councilmember Peterson stated his abstention for Item #13 because he was absent from that meeting.

### 13. 21-586 Approved and Adopted Minutes

A motion was made by Kalmick, second Delgleize to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated August 3, 2021 as written and on file in the office of the City Clerk.

The motion carried by the following vote:

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

**14. 21-643 Received and Filed Update to the 2021 City Council Liaison List — Citizen Boards, Commissions, Committees, and Task Forces**

A motion was made by Kalmick, second Delgleize to receive and file an update to the 2021 Council Liaison List by approving new appointments for Councilmember Bolton, and reassignments for Councilmembers Kalmick and Moser.

The motion carried by the following vote:

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

**15. 21-631 Approved appointments and reappointments to the Huntington Beach Youth Board with terms set to expire on May 31, 2022**

A motion was made by Kalmick, second Delgleize to, as recommended by City Council Liaisons Carr and Moser, approve the reappointment of the following students to a one-year term on the Huntington Beach Youth Board with terms set to expire on May 31, 2022: Luke Blankenbaker - Huntington Beach High School; Vivian Bui - Huntington Beach High School; Kenady Osborne - Marina High School; and Emma Weston - Edison High School; and, as recommended by City Council Liaisons Carr and Moser, approve the appointment of the following students to a one-year term on the Huntington Beach Youth Board with terms set to expire on May 31, 2022. Acacia Bartel - Marina High School; Faith Ngyuen - Edison High School; Colin Parrott - Huntington Beach High School; Sarah Rizvi - Ocean View High School; and Adam Vo - Edison High School.

The motion carried by the following vote:

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

**16. 21-557 Approved Huntington Beach Downtown Business Improvement District (HBDBID) Annual Report and Proposed Budget for Fiscal Year (FY) 2021-2022, and Adopted Resolution No. 2021-42 declaring the City's intention to levy an annual assessment for FY 2021-2022 at a public hearing scheduled for October 5, 2021**

Councilmember Posey pulled this item to respectfully ask for the third time for a complete database showing the principal and/or taxpayer for each business with current, complete and accurate contact information. He stated the current lists being used do not match and therefore appear to be incomplete

and inaccurate, and therefore this will be the last time he will accept the Annual Report and Proposed Budget, unless the complete database is provided.

Mayor Carr invited HBDBID members in the audience an opportunity to respond to Councilmember Posey's comments, and the reply was, "We are good."

Mayor Pro Tem Delgleize stated her support and agreement with Councilmember Posey's comments.

A motion was made by Posey, second Carr to approve Huntington Beach Downtown Business Improvement District Annual Report and Proposed Budget for FY 2021-2022; and, adopt Resolution No. 2021-42, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2021-2022 Within the Huntington Beach Downtown Business Improvement District," which sets a public hearing for October 5, 2021; and, authorize the City Manager to sign all necessary documents.

The motion carried by the following vote:

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

NOES: None

**17. 21-572 Adopted Resolution No. 2021-47 identifying the FY 2021-22 projects to be funded by SB 1: The Road Repair Accountability Act**

Councilmember Kalmick pulled this item to respond to Public Speaker Mr. Korneff who addressed the conditions on Saybrook Lane and Edinger Avenue. Public Works Director Crumby confirmed that both streets are in need of repairs, and that Saybrook Lane will be paved within the current 2021-22 Fiscal Year (FY), and Edinger Avenue is scheduled for the next (2022-23) FY as it is currently in a bit better condition. (Fiscal Year is July 1 - June 30.) Director Crumby confirmed he will reach out to Mr. Korneff with this information.

A motion was made by Kalmick, second Bolton to adopt Resolution No. 2021-47, "A Resolution of the City Council of the City of Huntington Beach Adopting a List of Projects for Fiscal Year 2021-22 Funded By SB1: The Road Repair and Accountability Act."

The motion carried by the following vote:

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

NOES: None

**18. \*\*\*ITEM #18 OMITTED PRIOR TO AGENDA PUBLICATION\*\*\***

**19. 21-634 Took positions on legislation pending before the State and Federal Legislature, as recommended by the Intergovernmental Relations Committee (IRC); adopt Resolution No. 2021-49**

Councilmember Posey pulled this item to describe Senate Bill 1 which addresses land development in areas that may be impacted by rising sea levels, regardless of whether a municipality already has Flood Control measures in place.

A motion was made by Posey, second Delgleize to approve a City position of Oppose Unless Amended on Senate Bill 1 (Atkins) — Environmental, Public Health, and Workers Defense Act of 2019; and, adopt Resolution No. 2021-49, "A Resolution of the City Council of the City of Huntington Beach (1) Announcing its Commitment to End Child Marriage by Calling for an "18 No Exceptions Law"; and (2) Authorizing the City Manager and Authorized City Personnel to Publish on the City's Website and Social Media Platforms Necessary Information Pertaining to Ending Child Marriage."

The motion carried by the following vote:

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

**20. 21-619 Extended Temporary Closure of the Second Block of Main Street to Vehicular Traffic Through the End of the Calendar Year (December 31, 2021)**

Councilmember Posey pulled this item to approve it, and request that City Manager Chi come back with options to partially close Third Block in a way that allows some traffic to meet the needs of both sides of the street.

Mayor Carr stated there are currently discussions regarding modifications to all of the Downtown area which include consideration for California Coastal Commission (CCC) parking policies.

Councilmembers Moser and Posey asked if the issue of the current barrier, which is eliminating the extension of energy from Second Block to Third Block, can be addressed now rather than later. City Manager Chi confirmed that staff will continue discussions with Third Block business owners in the effort to build cohesion with Second Block, and stated any viable options will be brought back to Council for consideration.

A motion was made by Posey, second Kalmick to authorize the City Manager to continue the temporary closure of the second block of Main Street to vehicular traffic to accommodate outdoor dining and retail in the public right-of-way through December 31, 2021.

The motion carried by the following vote:

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

**21. 21-597 Accepted the lowest responsive and responsible bid, approved appropriations and authorized execution of a construction contract with H2M Construction Inc., in the amount of \$646,153.00 for the Lake Park Improvements Project CC-1629**

A motion was made by Kalmick, second Delgleize to accept the most responsive and responsible bid submitted by H2M Construction Inc., in the amount of \$646,153.00; and, authorize the appropriation of \$189,053 from the Park Development Impact Fund balance to account 22845013.82900; and, authorize the appropriation of \$88,607 from the Infrastructure Fund to account 31485201.82900; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

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

**22. 21-617 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with Parsam Construction, Inc. in the amount of \$515,000 for the Peck and Springdale Facility Improvements project, CC-1590**

A motion was made by Kalmick, second Delgleize to accept the lowest responsive and responsible bid submitted by Parsam Construction Inc. in the amount of \$515,000; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

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

**23. 21-584 Approved and authorized execution of a Professional Services Contract with Sam Schwartz Engineering, DPC for the City's Mobility Plan; and, approved appropriation of funds**

A motion was made by Kalmick, second Delgleize to approve and authorize the Mayor and City Clerk to execute, "Professional Services Contract Between the City of Huntington Beach and Sam Schwartz Engineering, DPC for the City's Mobility Plan," in an amount not to exceed \$323,000; and, appropriate funding in the amount of \$323,000 from the Infrastructure Fund undesignated fund balance to account 31485201.69365.

The motion carried by the following vote:

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

**24. 21-587 Approved and authorized the execution of Letter Amendment No. 1 to Memorandum of Understanding No. C-0-2441 with Orange County Transportation Authority (OCTA) for "Pilot Regional Signal Performance Measure Project" — Time Extension**

A motion was made by Kalmick, second Delgleize to approve and authorize the Transportation Manager to execute "Letter Amendment No. 1 to Memorandum of Understanding No. C-0-2441 for 'Pilot Regional Signal Performance Measure Project' — Time Extension."

The motion carried by the following vote:

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

**25. 21-598 Approved and authorized execution of an Operational/Management Agreement between the City of Huntington Beach and HBSC Partners, LLC, for Facility Management and Operation Services at the Huntington Central Park Sports Complex**

A motion was made by Kalmick, second Delgleize to approve and authorize the Mayor and City Clerk to execute an Operational/Management Agreement between the City of Huntington Beach and HBSC Partners, LLC, for facility management and operation services of the Huntington Central Park Sports Complex.

The motion carried by the following vote:

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

NOES: None

**26. 21-614 Approved and authorized execution of a three-year Services Agreement with the City of Irvine for Public Safety Helicopter Services**

A motion was made by Kalmick, second Delgleize to approve and authorize the Mayor and City Clerk to execute the "Services Agreement for Public Safety Helicopter Support Between the City of Huntington Beach and the City of Irvine."

The motion carried by the following vote:

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

NOES: None

**27. 21-655 Directed staff to implement programming at Huntington Beach Pier Plaza and the surrounding area during the later months of the Year**

Councilmember Peterson pulled this item to discuss with City Manager Chi and Community and Library Services Director Chris Slama the source and use of Special Events Fund 101. Councilmember Peterson stated his opinion that nearly \$500,000 over three years might be better spent on the parks.

Mayor Carr clarified that the contract is written so that once Ice-America has recouped their costs the income will be split 65/35% so actual City costs could be less than the projected \$450,000 over three years.

A motion was made by Carr, second Kalmick to approve and authorize the Mayor and City Clerk to execute a "Service Agreement Between the City of Huntington Beach and Seaside Inc, LLC DBA Ice-America for Huntington Beach Pier Plaza Outdoor Ice Skating Rink"; and, authorize the appropriation of \$150,000 from Specific Events Fund 101 for FY 2020/21 to account 10145101.695.05.

The motion carried by the following vote:

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

NOES: Peterson

**28. 21-639 Approved the execution and recordation of a License Agreement with Huntington Gateway Industrial, LLC for the Huntington Gateway Phase I Industrial Project**

A motion was made by Kalmick, second Delgleize to approve and authorize the Mayor and City Clerk to execute and record the "License Agreement between the City of Huntington Beach and Huntington



Gateway Industrial, LLC to Provide Installation and Maintenance of Landscaping and Landscaping Improvements in the Public Right-of-Way" for the Huntington Gateway Phase I industrial project (Attachment 1).

The motion carried by the following vote:

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

**29. 21-645 Approved and authorized execution of Amendment No. 1 to the Professional Services Contract with Go Live Technology, Inc., in the amount of \$85,000, for project management and technical staffing services for the City of Huntington Beach's Enterprise Land Management (ELM) Project**

A motion was made by Kalmick, second Delgleize 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 Go Live Technology, Inc., for Technical Staffing Services for City of Huntington Beach's Enterprise Land Management (ELM) Project."

The motion carried by the following vote:

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

**30. 21-653 Authorized and directed the City Manager to execute an Exclusive Negotiating Agreement (ENA) with Surf City Partners for 21 Main Street at the Huntington Beach Pier, as amended**

Councilmember Posey pulled this item to state he was surprised staff would presume to know which vendor Council would select when the Study Session was held earlier in the evening. Theoretically, this vote should have been scheduled for a following meeting. But since the item is on this agenda, Councilmember Posey made an amended motion, based on the risk/reward Study Session discussion, with Surf City Partners, which he believes best supports the City and Pier's destination branding.

Councilmember Bolton stated her support for Councilmember Posey's comments, and added she would like to have more time to evaluate how California Coastal Commission (CCC) policies might impact the Surf City Partners' plan.

Councilmember Posey responded that he would anticipate discovery of CCC impacts to be part of the negotiation process.

Councilmember Kalmick offered that the motion be additionally amended to allow Let's Go Fishing to remain open during negotiations. Councilmember Posey stated his support for adding this to his amended motion.

Mayor Carr stated support for Councilmember Bolton's comments about more time needed to better understand a project that just suddenly included two buildings and restrooms. She stated her opinion that this project is clearly evolving as discussions continue, and more answers are needed before a

final commitment is made, including if Ms. Johnson, Let's Go Fishing proprietor, is even interested in continuing on a month-to-month basis.

Councilmember Moser stated she views the negotiations as the opportunity for discovering answers to the questions, and therefore her support for the amended motion.

City Manager Chi explained this item was placed on the Consent Calendar to represent staff's recommendation as they were aware of the many permitting issues presented by the Surf City Partners proposal. He clarified that an Exclusive Negotiating Agreement (ENA) is not a lease agreement, but a way to move a project forward through a commitment with one concept, and in no way impacts the current tenant's lease. City Manager Chi stated Council should not anticipate a project using two buildings based on the Study Session presentation and comments, as that option was not part of the City's RFQ. He added that Council will be kept up to date as negotiations proceed to keep them aware of potential risks and any staff concerns.

Mayor Pro Tem Delgleize stated support for Councilmember Posey's initial concern about presuming to know Council's vendor selection, but with the explanation provided by City Manager Chi she feels comfortable supporting the amended motion.

Councilmember Bolton stated her support for the amended motion knowing the negotiation process will allow for appropriate discovery for current concerns and questions.

A motion was made by Posey, second Moser to authorize and direct the City Manager to execute an Exclusive Negotiating Agreement (ENA) with ~~Ruby's Hospitality Group, LLC~~ **Surf City Partners**, in a form approved by the City Attorney, to negotiate the terms of a lease agreement for 21 Main Street, **and to allow Let's Go Fishing to remain open while under negotiations.**

The motion carried by the following vote:

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

## **PUBLIC HEARING**

31. 21-633 **Cancelled Advertised Public Hearing Item 21-633 authorizing City staff to apply for the Orange County Enhanced Mobility for Seniors and Disable Grant Program (EMSD)**

## **ADMINISTRATIVE ITEMS**

32. 21-588 **Approved American Rescue Plan Act (ARPA) Spending Plan Review and Allocation**

City Manager Chi presented a PowerPoint communication entitled **American Rescue Plan Act (ARPA)**, with slides titled **Today's Discussion; Background - Federal Response to COVID-19; Business/Household ARPA Assistance Also Available; HB ARPA Funding Overview; ARPA State and Local Fiscal Recovery Fund Direct Aid Allocation to HB; ARPA Funding: Ineligible Uses; ARPA Funding: Eligible Uses; Considerations; Use of ARPA Funds; Policy Direction for ARPA Funding Spending Plan; Proposed Projects: Addressing Present Needs (2); Proposed**

***Projects: Planning for the Future (4); Proposed 18 Projects by Community Needs; and Recommendations***

Councilmember Posey stated his support for arterial beautification projects, and discussed with City Manager Chi whether funding could also be available for a second van for the Be Well program. City Manager Chi advised that if that program continues it could become an option.

Councilmember Kalmick and City Manager Chi briefly discussed off-setting program dollars for other funds, and details on the skate park which currently is planning for skateboards and BMX, and confirmed nothing has been finalized.

Mayor Carr thanked staff and Councilmember Moser and Mayor Pro Tem Delgleize for serving on the Ad Hoc committee.

A motion was made by Bolton, second Delgleize to approve the proposed ARPA funds spending plan for Huntington Beach, and direct staff to prepare the necessary budget appropriate documents to facilitate the adopted program.

The motion carried by the following vote:

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

NOES: None

**33. 21-625 Provided Direction to Staff Regarding the Pier Plaza Art A-Faire Events at Pier Plaza**

City Manager Chi introduced Chris Slama, Community and Library Services Director, who presented a PowerPoint communication entitled ***Pier Plaza Arts & Crafts Fair*** with slides titled: ***Programming History; Promotional Agreement Expired; Development of a New Agreement; and Questions?***

Councilmember Peterson and Community Services Manager Chris Cole discussed the differences between the craft fair which is an established and repetitive weekly event, vs. annual specific events which require a lot of annual administrative effort, or concessionaire lease agreements which generally cover approximately 200 days of operation per year and have an established footprint. Director Slama confirmed that the fees can be negotiated and include a profit-sharing percentage.

Mrs. Pam Free shared details regarding the Craft Faire events that she has been managing since initiated 29 years ago by Ray Silver. Mrs. Free described the value to the City, community, visitors, and explained that many of the hand-crafted artists support themselves through this program.

Council Member Peterson confirmed that if option A is approved, moving forward the City would continue negotiations with Mrs. Free.

A motion was made by Peterson, failed due to lack of a second, to direct staff to continue working with Pier Plaza Art A-Faire and execute a new promotional agreement for City Council's consideration.

Councilmember Posey stated his appreciation for the effort Mrs. Free has put in to continuing the Art A-Faire for the past 29 years. and noted that Council has a responsibility to the taxpayers to evaluate whether the maximum value is being achieved, or if there are better ways to proceed.

Mayor Carr expressed her interest in opening up the process to allow for others to participate in a bid process and provide an opportunity to explore alternatives.

Councilmember Moser stated her support for Option B, and reminded everyone that according to the presentation, the City may have the opportunity to enter into agreements with more than one vendor, based on the City's needs and vendor qualifications.

Councilmember Kalmick, Director Slama and City Manager Chi discussed the fact that historically Conditional Use Permits (CUP) were used for Friday events, and contracts for weekend events. City Manager Chi expressed his opinion that ultimately it is a contractual agreement when the City leases space it owns. Councilmember Kalmick stated his support for Option B.

A motion was made by Carr, second Posey to direct staff to issue an RFQ to identify the most qualified arts and craft fair operators and return to City Council with a proposed operator and promotional agreement for consideration.

The motion carried by the following vote:

AYES: Bolton, Carr, Posey, Moser, and Kalmick

NOES: Peterson

ABSTAIN: Delgleize

**34. 21-656 Approved formation of a 2021 Charter Revision Committee to conduct a review of the Huntington Beach City Charter, as amended**

City Manager Chi presented a PowerPoint communication entitled ***Huntington Beach City Charter Review Requested*** with slides titled: ***History of Charter Review Committee; Staff Recommendation;*** and ***Questions?***

Councilmember Posey stated his support for this item and confirmed with City Manager Chi that if the Charter Review Committee were to recommend changes, the process would have to be completed and approved by Council and submitted to the County approximately 90 days before the 2022 November election. Councilmember Posey stated this would be an ambitious game plan that should utilize the services of a consultant in addition to seven (7) council-appointed members.

A motion was made by Posey, failed due to lack of a second, to approve the formation of a 2021 Charter Revision Committee comprised of seven residents, individually appointed by each City Council Member, and one Charter review consultant to provide subject matter expertise and guidance throughout the process; direct the City Manager to enter into an agreement with a qualified consultant.

Mayor Carr stated her preference to expect each Councilmember to determine their appointee within the next couple of weeks so the Charter Review Committee could be approved at the September 21, 2021, Council meeting.

Councilmember Kalmick recommended that each Councilmember also select an alternate to ensure the process keeps moving along.

Mayor Pro Tem Delgleize and City Manager Chi discussed that once the individuals for the Committee are confirmed, the objective of the first meeting would be to determine a meeting schedule in order to meet deadline expectations with the guidance of the consultant.

Councilmember Kalmick confirmed with City Manager Chi that ultimately the Council determines whether the timeline is for the June primary election or November general election in 2022. City Manager Chi reviewed the process steps to include Committee review, followed by a Public Hearing to present the recommendations, and then Council vote on recommendations and to determine which election date is appropriate.

A motion was made by Kalmick, second Moser to approve the formation of a 2021 Charter Revision Committee comprised of seven residents, ***as amended to add seven alternates***, individually appointed by each City Council Member, and one Charter review consultant to provide subject matter expertise and guidance throughout the process; direct the City Manager to enter into an agreement with a qualified consultant.

The motion carried by the following vote:

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

## **ORDINANCES FOR INTRODUCTION**

- 35. 21-112 Approved for introduction Ordinance No. 4222 amending Chapter 8.40 of the Huntington Beach Municipal Code (HBMC) titled Noise Control relating to the control of unnecessary, excessive, and annoying sounds and protecting noise-sensitive land uses, ensuring land use/noise compatibility, reducing noise from mobile sources, and mitigating noise from construction, maintenance, and other sources**

City Manager Chi introduced Community Development Director Ursula Luna-Reynosa who in turn introduced Joanna Cortez, Associate Planner, and Consultants Josh Carmen and Izzy Garcia and Deputy Director of Community Development Jennifer Villaseñor, who all participated via Zoom, and presented a PowerPoint communication entitled ***Noise Control Update*** with slides titled: ***Background (2); Ordinance Update (2); Analysis/Recommendation; and Questions?***

Director Luna-Reynosa added that this effort is to ensure the Noise Control code is consistent with the General Plan update, and easier to enforce.

Council Member Kalmick stated that this has been in process for quite some time, and reviewed some of the specific changes.

Mayor Pro Tem Delgleize and Ms. Cortez discussed that hours for "loud" construction, whether commercial or residential projects, is being changed from 7 AM – 8 PM, to 7 AM – 7 PM.

Councilmember Bolton thanked staff for the time they took to bring her up to speed and answer her questions on this item earlier, and she stated her support.

A motion was made by Kalmick, second Carr to, after the City Clerk reads by title, approve for introduction Ordinance No. 4222, "An Ordinance of the City of Huntington Beach Amending Chapter 8.40 of the Huntington Beach Municipal Code Relating to Noise Control." (Attachment 1)

The motion carried by the following vote:

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

### **COUNCILMEMBER ITEMS**

#### **36. 21-664 Approved Item Submitted by Mayor Carr and Mayor Pro Tem Delgleize — Develop a Proposal for a Public Memorial Honoring Rick "Rockin' Fig" Fignetti**

Mayor Carr introduced this item as being in response to community recommendations, which would direct staff to work with the Huntington Beach Interfaith Council in designing a plaque for Tower "0" at Huntington Beach Pier. She amended the item to include the Historic Resources Board as recommended by Amory Hansen during public comments.

A motion was made by Carr, second Delgleize to direct the Community Services Commission to work with the surfing community and the leadership of the Greater Huntington Beach Interfaith Council to develop a proposal for a public memorial honoring Rick "Rockin' Fig" Fignetti. Return to City Council within 120 days to present the proposal for consideration. Furthermore, staff will inform the Fignetti Family regarding the proposed memorial and seek their input throughout the process, ***as amended to include the Historic Resources Board.***

The motion carried by the following vote:

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

#### **37. 21-659 Approved Item Submitted by Councilmember Kalmick — Conduct a Feasibility Analysis regarding the possible relinquishment of Pacific Coast Highway (PCH) to improve vehicle and pedestrian safety**

Councilmember Kalmick introduced this item by explaining that Caltrans operates Pacific Coast Highway as a state highway and not a city street. He described areas where other cities have paid Caltrans to allow them local control of various roadways, and stated this effort is to start the process to find out what would be required to improve public safety.

Mayor Pro Tem Delgleize expressed her support for this item, and offered to reach out to Orange County Transportation Authority (OCTA) for assistance if staff desired.

Councilmember Moser stated her support for this item and determining how gaining control could impact the Downtown area design efforts.

Councilmember Posey stated his support, and asked why Beach Boulevard wasn't included. Councilmember Posey stated his expectation that the Feasibility Analysis will include ongoing liability as well as initial costs.

Councilmember Peterson stated he would like for staff to start the process by talking with Caltrans about them making some of the changes the City is interested in, rather than just proceeding with an acquiring process.

A motion was made by Kalmick, second Delgleize to recommend that the City Council direct the City Manager to conduct a feasibility analysis reviewing the benefits and costs associated with taking over from Caltrans the segment of PCH that runs from the City's border with Newport Beach to Seapoint.

The motion carried by the following vote:

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

**38. 21-660 Approved Item Submitted by Councilmember Kalmick — Establish Electric Vehicle Charging Station Buffer Zones**

Councilmember Kalmick explained this is in response to resident complaints, described that electric charging stations require liquid cooling and those fans can get pretty loud, and asked staff to be cognizant of the noise level differences between Level 2 and DC Fast chargers by different manufacturers.

A motion was made by Kalmick, second Moser to recommend that the City Council direct the City Manager to review our existing EV charging station regulations, and develop any necessary amendments to applicable land use codes to ensure that buffer zones are established to prevent nuisance noise disruptions for residential properties.

The motion carried by the following vote:

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

**39. 21-661 Approved, as amended to Set Aside Procedure in City Council Manual, Item Submitted by Councilmember Posey — Adopt Resolution No. 2021-53 in support of the Orange County Veterans' Cemetery in the City of Anaheim**

Councilmember Posey introduced this item and provided a brief history of past efforts to find an appropriate location, including the unanimous support of the Orange County Supervisors for Gypsum Canyon, as the best place in Orange County to honor all veterans.

Councilmember Peterson stated his support for the item, but asked why the normal process of presenting a resolution for discussion, then bringing it back for a vote, was being circumvented.

City Attorney Gates explained that according to the City Council Manual, Councilmember Items ("H" Items) are presented then brought back at a future meeting for voting, to allow proper staff review and to ensure there is no conflict with other ordinances. He added that Council could agree to set aside that process for this item, but doing so could set a precedence.

Councilmember Posey explained that he originally intended to bring this item forward for introduction at the cancelled August 24 Council meeting, and there is a timeline element involved.

Mayor Pro Tem Delgleize stated her support for the item, and Councilmember Posey stated that Council has the option to approve the item at this meeting.

Mayor Carr stated rules are important, but in this case she believes it is appropriate to set aside the Council Manual procedure and proceed with a vote.

A motion was made by Posey, second Delgleize to recommend the City Council adopt the attached Resolution 2021-53, which supports the development of a veterans' cemetery on property owned by Orange County located within the City of Anaheim, ***as amended to set aside procedure in the City Council Manual.***

The motion carried by the following vote:

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

NOES: None

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

Council Member Peterson congratulated Boy Scout Troop 1776, a troop that was started about a year ago, on their first three Eagle Scouts: Sebastian Cove Nunez, Dylan Casson, and Lorenzo Andelin.

Council Member Posey reported observing the Rockin' Fig paddle out, and attending the 4th Annual Surf City Classics First Responders Cruise with over 100 classic vehicles to thank all first responders. Representatives for Orange County Supervisor Katrina Foley, Assemblywoman Janet Nguyen and Assemblywoman Cottie Petrie-Norris also participated.

Mayor Pro Tem Delgleize reported that the City of Anaheim, partnering with Jamboree Housing, recently held the Grand Opening for Buena Esparanza, transforming a former Eco Lodge into 69 permanent supportive housing units. She thanked Anaheim and Jamboree Housing for providing an excellent model of what can be accomplished when working collaboratively.

Council Member Kalmick reported attending the Ribbon Cutting for Firehouse Subs on Warner Avenue; the Masonic Lodge Annual Deep Pit BBQ at Lake Park; the Beach Ranger Graduation Ceremony at Oak View; and joining Mayor Pro Tem Delgleize, Mayor Carr and staff for an educational bike tour of flood control channels.

Councilmember Moser congratulated Diana Abruscato for another successful Surf City Pickle Ball Tournament in Murdy Park; and reported attending a neighborhood community meeting after the shooting death of Home Inspector Michael Alderson; August 19th Junior Lifeguard graduation with Mayor Carr; OC Power Authority Energy Efficiency Development event at City Hall; Citizens Academy Session 1; Beach Ranger Graduation Ceremony at Oak View; Huntington Beach Concert Band Concert in the Park; welcomed Jason Austin, Deputy Director of Homelessness and Behavioral Health Services; and announced that Ocean View School District classes start this week.

Council Member Bolton thanked staff, the City Manager and City Attorney offices for their support as she becomes familiar with her responsibilities.



Mayor Carr thanked everyone who put together the Rockin' Fig paddle out, including Aaron Pai of Huntington Surf & Sport, Chris Cole of Community and Library Services, Don Ramsey and Bret Simpson; attending the Junior Lifeguard Program graduation for approximately 1300 graduates; and special thanks to Captain Samantha Dieterman for organizing the Beach Ranger Graduation Ceremony. Mayor Carr announced her brother is retiring from the Navy after over 20 years of service.

The meeting was adjourned with a moment of silence in remembrance of the 13 service members who died in Afghanistan, and the 5 Navy seals who died in the helicopter crash near San Diego.

**ADJOURNMENT** — 11:02 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, September 21, 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>

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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