Minutes

City Council/Public Financing Authority
City of Huntington Beach

Tuesday, October 19, 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/

4:00 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 4:00 PM

ROLL CALL

Pursuant to Resolution 2001-54, Councilmember Peterson requested and with no objections, was granted permission to be absent.

Mayor Carr noted for the record that Councilmember Peterson has missed nearly thirty percent of Council meetings in the last six months, and stated she was going to excuse his absence.

Present: Bolton, Delgleize, Carr, Posey, Moser, and Kalmick
Absent: Peterson

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Closed Session
#8 (21-776) Email received regarding California Renters Legal Advocacy and Education Fund/THDT Investment, Inc. v. City of Huntington Beach.

#9 (21-777) Email regarding Carlifornians for Homeownership, Inc. v. City of Huntington Beach (RPI THDT Investment, Inc.).

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit) — 1 Speaker
The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at http://www.surfcity-hb.org/government/agendas.

Kenneth Stahl, representing THDT Investment, Inc., Californians Renters Legal Advocacy and Education Fund, and also speaking on behalf of Californians for Homeownership, Inc., was called to speak and stated the Applicant is eager to work with the Council to get his project approved at 8041 Ellis Avenue, and provided examples of costs to other cities who attempted to appeal a court decision for similar cases. (00:02:30)

DRAFT

A motion was made by Posey, second by Moser to recess to Closed Session for Items 3 – 12. With no objections, the motion carried.

RECESSED TO CLOSED SESSION — 4:07 PM

CLOSED SESSION ANNOUNCEMENT(S)

1. **21-765 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)**

2. **21-782 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 discussion of the public employment of the Police Chief**

CLOSED SESSION

3. **21-766 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)**

4. **21-767 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Bob Guzman v. City of Huntington Beach, Worker's Comp. Case Nos. 1) COHB-20-0333, (2) COHB-19-0169, (3) COHB-15-0294, and (4) COHB-13-0053.**

5. **21-768 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Brian Schrieber v. City of Huntington Beach, Worker's Comp. Case No. COHB-20-0341.**

6. **21-769 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Larry Pitcher v. City of Huntington Beach, Worker's Comp. Case No. COHB-19-029.**

7. **21-770 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Robert Dalton v. City of Huntington Beach, Worker's Comp. Case No. COHB-18-0341.**

8. 21-776 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: California Renters Legal Advocacy and Education Fund/THDT Investment, Inc. v. City of Huntington Beach; OCSC Case No.: 30-2020-01140855.

9. 21-777 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Californians for Homeownership, Inc. v. City of Huntington Beach (RPI THDT Investment, Inc.); OCSC Case No. 30-2019-01107760.

10. 21-778 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Merz (Michael) v. City of Huntington Beach, et al.; USDC Case No.: 8:21-cv-00105-CJC (KEXx).

11. 21-779 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: Number of cases, two (2).

12. 21-780 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) The City Council shall recess into Closed Session to meet with its designated labor negotiator, Oliver Chi, City Manager; also in attendance: Travis Hopkins, Assistant City Manager to discuss the public employment of the Police Chief.

6:00 PM — COUNCIL CHAMBERS

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

ROLL CALL

Pursuant to Resolution 2001-54, Councilmember Peterson requested and with no objections was granted permission to be absent.

Present: Bolton, Delgleize, Carr, Posey, Moser, and Kalmick
Absent: Peterson

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.

13. 21-774 Rev. Patricia Mercado of Center of Spiritual Living in Huntington Beach and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

14. 21-761 Mayor Carr called on Victoria Alberty who presented the Adoptable Pet of the Month

Ms. Alberty introduced Sheldon, a three-year-old rescue, and S.A.F.E. Rescue Team founder Markelle who stated the adoption form and additional details can be found at https://saferescueteam.org.

15. 21-762 Mayor Carr proclaimed October as Breast Cancer Awareness Month and presented a proclamation to Dr. Richard Reitherman, Medical Director of Breast Imaging at MemorialCare Orange Coast Medical Center, and Cindy Callaghan, Director of Imaging and Breast Center Services

Mayor Carr stated that one in eight women in the U. S. will be diagnosed with breast cancer, and introduced Dr. Reitherman, Cindy Callaghan and Janice Nelson of MemorialCare Orange Coast Medical Center with offices in Fountain Valley, Huntington Beach and Newport Beach. Mayor Carr stated the purpose of Breast Cancer Awareness Month is to increase awareness and promote early detection, and shared there are Huntington Beach Police Department "Pink Patches" for purchase to raise money for breast cancer awareness.

Dr. Reitherman stated that every woman, starting at the age of 40 unless there is a family history of cancer, should get a mammogram every year.

16. 21-763 Mayor Carr presented the Mayor's HB Excellence Award for August 2021 to Patricia Albers, Senior Personnel Analyst

Mayor Carr explained the awardee is selected by fellow employees to acknowledge their humility, social awareness, passion, exceptionality, integrity and for being team oriented. Fellow employees described Ms. Albers as someone who does an amazing job in filling vacancies, responds in a timely manner, can be trusted to follow through, provides respectful and constructive feedback, and demonstrates honest and ethical behavior.

Brittany Mello, HR Administration, shared that Ms. Albers started with the City in 2004 in the City Clerk's Office and in 2007 she made the transition to Human Resources. Ms. Albers received a similar acknowledgement when the Department Heads recognized outstanding employees in 2010.

Ms. Albers stated that working with very talented staff members dedicated to public service over the years has been her pleasure.

17. 21-764 Mayor Carr honored the memory of longtime Library Page Holly Freese with the Mayor's HB Excellence Award for September 2021

Mayor Carr announced that Holly Freese, who recently passed away, epitomized OneHB ethics and served with humility and exceptionality since 1998 in the Library's Circulation and Children Departments. Holly was incredibly kind, had a smile for everyone, and was always willing to help co-workers. She was known by patrons and staff for her attentiveness and gracious nature. Ms. Freese was a role model and mentor for other Library Pages.

Holly's mother Kathy, who is a Library Page, and step-dad Bob received the award and thanked everyone for recognizing Holly's service.

18. 21-792 Mayor Carr proclaimed October as National Disability Employment Awareness Month

Mayor Carr stated there are 39.9 million people in the U. S. with a disability, and the purpose of National Disability Employment Awareness Month is to educate and celebrate the many and varied contributions

of America's workers with disabilities. This year's theme is “American Recovery Powered by Inclusion” to ensure people with disabilities have access to employment and community involvement during the recovery from the COVID-19 pandemic. Mayor Carr added that that out of 102 cities, Huntington Beach was ranked as the 8th Best City for people with disabilities by Wallet Hub.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

City Manager's Report
#19 (21-785) Email received regarding Oil Spill in Huntington Beach.

Consent Calendar
#20 (21-610) Email received regarding adoption of Resolution No. 2021-48 terminating the City's local emergency declaration in response to COVID-19.

Administrative Items
#29 (21-593) Email received from Bud Benneman, Vice Chair, Environmental Board regarding proposed name change.

Email received from Mark Sheldon regarding reconfiguration of City Boards, Commissions, and Committees.

#30 (21-687) Email received regarding adoption of Resolution No. 2021-52 authorizing the establishment of 15 miles per hour school zone speed limit on Oak Lane between Cypress Drive to Mandrell Drive.

Ordinances for Introduction
#32 (21-753) Email received regarding Short-Term Rental (STR) regulations.

Councilmember Items
#36 (21-795) Eight (8) emails received regarding support for a permanent ban on new offshore oil, gas drilling and similar exploration activities off the coast of California.

Mayor Carr announced that due to the number of citizens attending tonight's meeting to participate in Public Hearing Item No. 27 on the Gisler Residential Project, the hearing was moved forward. Action on the item is recorded under its originally published agenda location:

***27. 21-718 Approved Mitigated Negative Declaration No. 20-002, Resolution No. 2021-51 approving General Plan Amendment No. 20-002, and Ordinance No. 4236, as amended, approving Zoning Map Amendment No. 20-002 (Gisler Residential - 21141 Strathmoor Lane)**

PUBLIC COMMENTS (3 Minute Time Limit) — 26 In-Person and 5 Call-In Public 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.

Shirley Dettloff, a 57-year resident of Huntington Beach, was called to speak and thanked the Council and City staff for their leadership in addressing the recent oil spill. Ms. Dettloff also shared her rebuttals

to many of what she believes are false statements being made by supporters of the Council Recall. (02:47:19)

Karen Ccarroll was called to speak and shared a history of Council votes on various high-density projects, some of which were voted on many years ago by previous Councilmembers, to demonstrate that many statements being made by supporters of the Council Recall do not pertain to current Councilmembers. (02:49:40)

Jenny Braithwaite was called to speak, stated her anger at the Council Recall effort, and described many of the great projects and actions the current Council has taken to address critical issues during the last couple of years, and thanked Council for their professional management skills in addressing health, economic and environmental issues. (02:52:25)

Bill Hickman, Surfrider Foundation, was called to speak and stated his support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (02:54:27)

Grant Bixby, local real estate broker and Business Alliance for Protecting the Pacific Coast member, was called to speak and stated his support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (02:55:15)

Laura Sire, a long-time resident of Huntington Beach, was called to speak and shared her support for the improvements the City is planning for the Oak View community, for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California, and her opposition to the Council Recall. (02:57:27)

Cathey Ryder, a resident of Huntington Beach since 1985, was called to speak and stated her support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:00:19)

Pano Frousiakis, Candidate for City Council in 2022, was called to speak and stated his appreciation and support for the City's Police Officers and first responders, especially for their handling of recent shooting incidents. (03:02:09)

Debbie Killey, President, Huntington Beach Council on Aging (HBCOA), was called to speak and shared information on services provided by the HBCOA and support for Consent Calendar Item No. 22 regarding the Memorandum of Understanding between the City and HBCOA. (03:04:22)

Ralph Bauer, long-time resident of Huntington Beach, and Huntington Beach Council on Aging (HBCOA) Board Member, was called to speak and thanked Randy Pesqueira, Executive Director of Senior Services, and the wonderful staff at the HB Senior Center, as well as his support for Consent Calendar Item No. 22 regarding the Memorandum of Understanding between the City and HBCOA. (03:05:51)

Phil Burtis, Huntington Beach Council on Aging (HBCOA) Treasurer, was called to speak and described HBCOA's management structure and mission in support of Consent Calendar Item No. 22 regarding the Memorandum of Understanding between the City and HBCOA. (03:07:46)

Ellen Hope Kearns, Huntington Beach Council on Aging (HBCOA) Vice President, was called to speak and shared images of some of the outdoor activities provided by HBCOA in their parking lot during the COVID-19 pandemic in support of Consent Calendar Item No. 22 regarding the Memorandum of Understanding between the City and HBCOA. (03:09:06)

Lindsay DuFresne, Senior Center Front Desk Receptionist and Huntington Beach Council on Aging (HBCOA) Board Member, was called to speak and described HBCOA membership benefits and services in support of Consent Calendar Item No. 22 regarding the Memorandum of Understanding between the City and HBCOA. Further details about HBCOA can be found at www.hbcoa.org. (03:11:24)

Armita Ariano, Orange County Coastkeeper Staff Attorney, was called to speak and stated support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:12:56)

Amory Hanson, member of the Historic Resources Board and Candidate for City Council in 2022, was called to speak and stated his support for Consent Calendar Item No. 20 related to terminating the City's Emergency Declaration in response to COVID-19. Mr. Hanson also stated his support for Administrative Item No. 29 (D) for planning an annual event to recognize citizen appointees. (03:14:55)

John Villa, Huntington Beach Wetlands Conservancy Executive Director, was called to speak and thanked Council for being proactive during the recent oil spill and expressed appreciation to the Huntington Beach Fire and Police Departments, City Manager's Office, and Public Works Department and their staff members for going above and beyond in protecting the non-profit owned wetlands and including him in regular updates during the crisis. (03:16:19)

Richard Busch, Huntington Seal Beach Chapter, Surfrider Foundation, Beach Cleanup Coordinator, was called to speak and stated support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:18:34)

Jason Allen, Surfrider Foundation member, was called to speak and stated his support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:19:55)

Raymond Hiemstra, Sierra Club Orange County Conservation Chair, was called to speak and stated his support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:21:10)

David James, Reform for Marijuana Laws, Orange County Chapter member, was called to speak and asked that the Council reconsider their stance against marijuana sales in Huntington Beach. Mr. James shared from personal experience the benefit and safety of marijuana, and provided examples of the revenue generated by jurisdictions that have approved marijuana sales. (03:22:13)

Kathryn Levassiur, a long-time resident of Huntington Beach and Short-Term Rental (STR) Alliance Co-Founder, was called to speak and thanked Mayor Carr for her leadership through recent crises. Ms. Levassiur also asked why the City continues to block the vast majority of STR (un-hosted) property owners from applying for a permit. (03:24:31)

Pat Love, whose family has lived in the area for about 100 years, and Short-Term Rental Alliance member, was called to speak and asked that Council read the Short-Term Rental Alliance email addressed to them yesterday. Mr. Love asked why there is an ordinance for an issue that is not creating any problems in the City, and impedes a legitimate and functioning industry. (03:26:26)

Barry Kielsmeler, a 33-year resident of Huntington Beach, was called to speak and stated his opposition to the Council Recall. He stated his support for workforce housing and shared his perspective on the Council's legal and appropriate actions to rehabilitate and rent existing properties to make them available at affordable rates. (03:28:43)

Galen Pickett was called to speak, stated his opposition to the Council Recall effort, and shared his opinions on what he perceives as inaccurate communications by Council Recall enthusiasts. (03:31:14)

Victor Leipzig, a long-time resident of Huntington Beach, representing Amigos de Bolsa Chica and Sea and Sage Audubon Society, Orange County Chapter, was called to speak and stated support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:32:56)

Tim Geddes, a long-time resident of southeast Huntington Beach, was called to speak and suggested that open space for AYSO use could be designated at the Magnolia Tank Farm site. Mr. Geddes shared examples of Councilmember actions and activities to document his opposition to the Council Recall, and stated his support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:35:14)

Caller Dan McDonald, a long-time Huntington Beach resident and homeowner, was invited to speak and shared his opinions on SB 9 and SB 10 and Sacramento's efforts to exert control over local land-use. Mr. McDonald asked why Council has not promoted the Brand-Huang-Mendoza Tri-Partisan Land Use Initiative to ensure local control for local land-use decisions. (03:37:35)

Caller Melissa Morris, Oceana Southern California Field Representative, was invited to speak and stated support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California, and added that if approved, Huntington Beach would become the 100th west coast municipality to formally oppose offshore drilling. (03:39:26)

Caller Azsha Hudson, a California native and Masters student at Scripps, was invited to speak and stated her support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. (03:41:24)

Caller Mark Sheldon, a 30-year resident of Huntington Beach, was invited to speak and stated his support for Councilmember Item No. 36 regarding a permanent ban on new offshore drilling off the coast of California. Mr. Sheldon also stated his concerns about unintended consequences if Administrative Items No. 29 reconfiguring a select number of City Boards, Commissions, and Committees is approved, especially related to the Environmental Board, and requested that the name, scope, and functionality of this Board remain as it is now. (03:42:46)

Caller #2717, Victor Valladares, a resident of Huntington Beach and Co-Founder of Oak View ComUNIDAD, was invited to speak and stated his request that Belsito Drive and Koledo Lane also be included for Administrative Items #30 authorizing the establishment of 15 miles per hour school zone speed limit on Oak Lane between Cypress Drive to Mandrell Drive. Mr. Valladres thanked Mayor Carr and Councilmember Moser for Councilmember Items #36 and stated his support for a permanent ban on new offshore oil, gas drilling and similar exploration activities off the Coast of California. (03:45:14)

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

Councilmember Kalmick announced his appointment of Dr. Richard Harrison to the Community and Library Services Commission, Scott Miller to the Charter Review Commission, and Spencer Hagman as the alternate. Councilmember Kalmick reported attending a meeting of the Environmental Board; Citizen's Academy Community Development session; and a meeting of the Southern California

Association of Government (SCAG) Environmental and Energy Committee, as well as numerous meetings related to the oil spill.

Mayor Carr reported attending meetings of the Orange County Sanitation District; Association of California Cities – Orange County (ACC-OC); Oak View Community; and, as did most other Councilmembers, a multitude of briefing and press conference meetings related to the oil spill.

Councilmember Moser reported attending meetings of the Citizen's Academy Community Development session; Oak View Community; Youth Board; Human Relations Task Force; Environmental Board; Business Improvement District (BID) Board of Directors; and numerous meetings related to the oil spill.

Councilmember Posey stated that city councils are prohibited by State law from formally addressing ballot initiatives or specific candidates; and reported attending meetings of the Local Agency Formation Commission (LAFCO); Orange County Power Authority; and Southern California Association of Government (SCAG) Board to discuss SoCal Greenprint.

Councilmember Bolton announced her appointment of Ian Adam to the Planning Commission; and reported attending a meeting of the Human Relations Task Force; the Boys & Girls Club of Huntington Valley Fundraiser; visiting the Be Well OC Center; and attending a Congressional Hearing on the local oil spill.

CITY MANAGER'S REPORT

19. 21-785 Oil Spill Response Update

City Manager Chi introduced Fire Chief Scott Haberle who presented a PowerPoint communication titled *Huntington Beach Oil Spill Response Update*, with slides entitled *Updated Spill Information*, *Current Status*, *Patriot Clean Up Work*, *City Water Testing (2)*, and *Fisheries Update.*

Mayor Pro Tem Delgleize confirmed with Chief Haberle that Huntington Beach Fire Department staff accompany Patriot employees on the clean-up work.

CONSENT CALENDAR

20. 21-610 Adopted Resolution No. 2021-48, Terminating the City's Local Emergency Declaration in Response to COVID-19

A motion was made by Posey, second Delgleize to adopt Resolution No. 2021-48, "A Resolution of the City Council of the City of Huntington Beach Proclaiming the Termination of the Local Emergency Declared on March 16, 2020."

The motion carried by the following vote:

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

21. 21-788 Adopted Resolution No. 2021-59 amending the Fiscal Year 2021/22 Budget to carry over unspent appropriations from Fiscal Year 2020/21 for the continuation of Capital Improvement Program (CIP) Projects

A motion was made by Posey, second Delgleize to adopt Resolution No. 2021-59, "A Resolution of the City Council of the City of Huntington Beach Amending the Fiscal Year 2021/22 Budget to Carry Over Unspent Appropriations from Fiscal Year 2020/21", which incorporates and references the continuation of funding. Exhibit A lists individual capital improvement projects and their respective carryover amounts totaling $21,692,325.

The motion carried by the following vote:

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

22. 21-630 Approved and authorized execution of a Memorandum of Understanding (MOU) between the City of Huntington Beach and the Huntington Beach Council on Aging (HBCOA) to enhance the dignity and quality of life of the City's senior citizens

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute an updated "Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Council on Aging."

The motion carried by the following vote:

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

23. 21-716 Approved and authorized execution of a three-year agreement with the San Diego County Sheriff's Department to participate in Operation Stone Garden (OPSG)

A motion was made by Posey, second Delgleize to approve and authorize Interim Police Chief Julian Harvey to execute the "Agreement for Fiscal Year 2020 Operation Stonegarden (OPSG);" and, appropriate $192,900 in grant funding for Operation Stone Garden.

The motion carried by the following vote:

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

24. 21-725 Approved and authorized execution of Amendment No. 1 to Professional Services Contract with Sierra Analytic Laboratory, Inc. for Water Quality Sampling and Analysis in the amount of $120,000

A motion was made by Posey, second Delgleize to authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Sierra Analytic Laboratory for Water Quality Sampling and Analysis."

The motion carried by the following vote:

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

ABSENT: Peterson

25. 21-742 Approved and authorized the Mayor and City Clerk to execute Amendments No. 1 to Professional Services Contracts with Dakota Communications and Barrios & Associates, LLC, for On-Call Public Affairs Services

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Dakota Communications for On-Call Public Affairs Specialists to Support the Public Information Office;" and approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Barrios & Associates, LLC. for On-Call Public Affairs Specialists to Support the Public Information Office."

The motion carried by the following vote:

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

26. 21-756 Approved and authorized execution of a Professional Services Contract with LSA Associates, Inc. in the amount of $241,250, for preparation of the Bella Terra Residential Project Environmental Impact Report (EIR); approved and authorized execution of a reimbursement agreement with Bella Terra Associates, LLC in the amount of $241,450 to fund the EIR; approved an increase in the Community Development Department's Professional Services listing authority by $241,450 and appropriate fund to be fully reimbursed

A motion was made by Posey, second Delgleize to approve and authorize the Mayor and City Clerk to execute a "Professional Services Contract" between the City of Huntington Beach and LSA Associates, Inc. for the Bella Terra Units Environmental Impact Report" in the amount of $241,450 as prepared by the City Attorney (Attachment No. 1); and, approve and authorize the Mayor and City Clerk to execute a "Reimbursement - Planning - Agreement Between the City of Huntington Beach and Bella Terra Associates, LLC for Costs Incurred for the Bella Terra Units Environmental Impact Report" in the amount of $241,450 as prepared by the City Attorney (Attachment No. 2); and, approve an increase in the Community Development Department's professional services listing authority by $241,450 for the preparation of the Bella Terra Units Environmental Impact Report to ensure compliance with Administrative Regulation Number 228, Section 7.1; and, appropriate funds as revenues are received in the amount of $241,450 from the General Fund to the Community Development Department Professional Services Account 10060201.69365 for the Professional Services Contract between the City and LSA Associates, Inc., which is funded by a reimbursement agreement.

The motion carried by the following vote:

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

PUBLIC HEARING

27. *21-718 Approved Mitigated Negative Declaration No. 20-002, Resolution No. 2021-51 approving General Plan Amendment No. 20-002, and Introduction of Ordinance No. 4236 approving Zoning Map Amendment No. 20-002 (Gisler Residential - 21141 Strathmoor Lane)

City Manager Oliver Chi introduced Senior Planner Ricky Ramos, and announced that The Brookfield Group also had representatives present to make comments on this item.

Senior Planner Ricky Ramos presented a PowerPoint communication entitled *General Plan Amendment (GPA) No. 20-002, Zoning Map Amendment (ZMA) No. 20-002, Mitigated Negative Declaration (MND) No. 20-002 (Gisler Residential), 21141 Strathmoor Lane, October 19, 2021*, with slides entitled *Project Site, Request (7), Analysis* and *Recommendation*.

Mayor Carr opened the Public Hearing for Item #27.

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

#27 (21-718) PowerPoint presentation entitled *Gisler Residential Project* submitted by applicant Brookfield Residential.

Letter submitted by Jennifer Ward, Orange County Business Council, supporting Brookfield Residential's proposed new homes at Gisler Site (Gisler Residential, 21141 Strathmoor).

Letter received from Leisa Winston, Superintendent of Huntington Beach City School District, supporting Brookfield Residential's proposed new homes at Gisler Site (Gisler Residential, 21141 Strathmoor).

Eighty-six (86) emails received regarding proposed new homes at Gisler Site (Gisler Residential, 21141 Strathmoor).

Public Speakers — 22 In-Person and 4 Call-In Speakers

Dave Bartlett, Vice President, Brookfield Residential, was called to speak and presented a PowerPoint communication titled *Gisler Residential Project,* with slides entitled *Gisler Residential Project (2), Gisler Park - Existing Improvements, Gisler Park - Future Improvements,* and *Thank You.*

Jolene Miller, a 38-year resident of Huntington Beach and representative of the Huntington Beach City School District, was called to speak and shared that the proceeds from the sale of this property will be used primarily to fund the modernization or reconstruction of Sowers Middle School and pay some long-term debt. Ms. Miller acknowledged the District's long-term relationship with American Youth Soccer Organization (AYSO) and described efforts to cooperate in finding alternative options for an appropriate lighted soccer field. Ms. Miller asked that City Council approve this item to ensure the City School District can proceed on schedule with improvements at Sowers Middle School. (01:03:12)

Michelle Newell, Key Mom with the Silver Bullets AYSO soccer team, asked for a City Council commitment to ensure lighted playing fields for the two fields being removed by this residential project. (01:06:13)

Emily Selna, mother of a student at Sowers Middle School, was called to speak and shared her request that more specific details are needed regarding replacement lighted soccer fields. (01:07:09)

James Torres, a 5th Street resident for 23 years, was called to speak and stated appreciation for the AYSO coaches who volunteer their time with his children, and asked that specific details regarding replacement lighted soccer fields be included in approving this item. Mr. Torres stated that anyone interested in supporting his non-profit effort to assist homeless children get into soccer can reach him at james@nokidhomeless.com. (01:08:48)

Jennifer Ward, Sr. Vice President, Advocacy and Government Relations, Orange County Business Council, was called to speak and stated support for the Gisler development plan because of the importance of housing for a strong Orange County economy. Ms. Ward stated this housing project would chip away at the housing shortage that Orange County faces. (01:11:37)

Steven Atherton, a Huntington Beach parent and soccer coach, was called to speak and stated his support for setting aside enough land within this project for a soccer field. In his opinion, it would cost nearly $2M for proper soccer field lighting, and stated there are no fields big enough for soccer in south Huntington Beach. Mr. Atherton encouraged all parties to work together for a better solution. (01:13:41)

Roberto Aguirre, resident of Huntington Beach, parent of two young children and ASYO Hot Chili Peppers coach, was called to speak and quoted from October 8th and 19th letters that the School District Superintendent sent to Huntington Beach City Councilmembers regarding the District's efforts to explore replacement soccer field options to support his opinion that the terms for relocating the soccer field have not been finalized. Mr. Aguirre asked that City Council members delay a decision on this matter until completion of the referenced study. (01:16:06)

Jeff Combs, father of three AYSO soccer players and AYSO soccer coach, was called to speak and stated his concern is for the younger children coming up and soccer playing options they may not have if the Gisler fields are removed. He stated his opinion that the Sports Complex might be a solution, but not for the 92646 area. Mr. Combs stated that Huntington Beach soccer fields are in worse condition than any other place the teams play. He encouraged all parties involved to develop a proper soccer field for the community. (01:18:39)

Chris Kluwe, AYSO U12 Girls soccer coach, was called to speak and stated these girls will not be able to play soccer next year if the Gisler fields are not there. He echoed the statement of Mr. Combs that quality fields are needed in Huntington Beach, and children should not have to be warned to watch for gopher holes when playing soccer. Mr. Kluwe stated his opinion that if the details for a proper soccer field are not included now for any agreements, it will be too easy to push that detail down the road and most likely, there may not be any playing space. (01:23:18)

Heather Traska, AYSO U11 Boys soccer coach and her team, was called to speak and stated there will be no place for this team to play if the Gisler field is not available. Ms. Traska stated lighting is critical for a safe playing environment, and confirmed that the conditions at Gisler are horrible and that coaches and volunteers fill holes to make the field a little bit safer for the kids to play on. (01:23:39)

Joe Nadley, a 35-year AYSO coach, was called to speak and stated there is no place for the kids that play at Gisler Park if those fields go away. He further stated his opinion the residents around Peterson or Moffet will not be happy to suddenly have lights on them until 9 PM. Mr. Nadley stated in 2016, when he last coached at Gisler, over 1,200 kids were using the fields. He asked City Councilmembers to delay

any decision on this issue until there is a solid plan for south Huntington Beach soccer fields, and added that $250,000 is not going to be adequate. (01:25:20)

Kimo Gandall, a Registered Parliamentarian, real estate agent, born and raised in Huntington Beach and AYSO youth soccer player, was called to speak and stated his opinion that the developer is bribing the City with their offer of $250,000 for lighting. He described past projects where developers promised better parks with more housing, and explained the reality is more traffic, and less parking space in the neighborhood. Mr. Gandall stated his opinion that approving this project will cause irreversible damage to the City, and added that the Quimby Act requires a density to park ratio. (01:27:06)

Pano Frousiakis, a Candidate for City Council in 2022, and soccer coach and player, was called to speak, and stated that existing soccer fields in south Huntington Beach are in disrepair. As a coach for special needs children at Gisler, he stated eliminating these fields would mean these children would no longer have the opportunity to participate in soccer. Mr. Frousiakis stated that it might take bonds, or other financial resources, but effort should be focused on creating more green spaces, not reducing green space, for the families and children of Huntington Beach. He asked if the Councilmembers are going to support the residents, or the lobbyists and developers. (01:30:16)

An unnamed guest, mother of the Red Chili Peppers AYSO player, was called to speak and stated the need for safe soccer fields. This mother asked that the Council use their collaborative skills that resulted in the wonderful Sea View baseball and playground site to provide for another safe site for youth soccer players. (01:33:28)

Gretchen Fuog, a resident of Huntington Beach, was called to speak and stated her support for this development project because it will provide homes for people to live in Huntington Beach. She stated that schools and sports are also important, but in the current housing crisis, stand-alone properties are crucial. (01:35:12)

Adam Wood was called to speak, stated his support for this project, and reminded people that the funds raised by the School District will be used to benefit the City's children. He suggested a "big picture" perspective that includes preserving the opportunity for soccer, as well as providing for the children at home tonight studying for school tomorrow. (01:38:01)

Ann McCarthy, Regional Commissioner, AYSO Region 56, AYSO volunteer for 15 years, and U14 boys' team coach, was called to speak and stated currently AYSO Region 56 serves 1,400 - 2,000 kids each year from the age of 4 to mid-teens. Huntington Beach currently has five AYSO regions, and part of the program's success is that kids can play in their own neighborhood. Ms. McCarthy added that Gisler is the only location with lights in south Huntington Beach. She expressed appreciation for the developer, school district, and City including AYSO in their deliberations related to the impact on youth sports. Ms. McCarthy requested City Council assurance that funding for lighted, full-sized fields is a part of the proposed project. (01:39:31)

Tim Geddes, 38-year resident of southeast Huntington Beach, former soccer player and referee, was called to speak and stated his support for a firm commitment, not just promises, from the City to assure the future of AYSO soccer is preserved and enhanced with quality fields for growing southeast Huntington Beach. (01:42:45)

Brian Cleugh, a Gisler neighborhood resident born and raised in Huntington Beach, and youth sports volunteer, was called to speak and thanked the project participants for including youth sports representatives in the discussions. He stated his opinion that Edison Park is the solution for south

Huntington Beach, and his hope that in a year or two he will not still be looking for the solution. (01:44:36)

Judi Reiner, who lives across the street from the Gisler site, was called to speak and Marlo Mole spoke on her behalf stating Ms. Reiner has always supported the school and sports field use for this site and she is sad to see this will be lost. Ms. Reiner also supports local control for land use, and urges the City Council to approve the plan for 85 single residence homes. (01:46:40)

Pam Bertsch, a resident of Huntington Beach since 1974, and whose current home shares a wall with the Gisler site, was called to speak and stated that while this property has been vacant it has created a very unsafe neighborhood. Ms. Bertsch voiced her support for the planned development, thanked Brookfield for their transparency during the process, and asked that people stop blaming each other and move forward together to find the right solution. She stated her opinion that all of the students at Sower Middle School will benefit from this sale, and encouraged the Council to approve this project before the State dictates the use of the land. (01:48:23)

Caller Ellen DeWitt, whose family has been residents in the Gisler tract for nearly 30 years, was invited to speak and asked that the City Council support the Planning Commission in approving this project. (01:51:37)

Caller Dan McDonald, who has a child participating in AYSO soccer who will attend Sowers Middle School next year, was invited to speak, and stated his support for a secure plan or commitment for the replacement lighted soccer fields rather than just promises to look into solutions. (01:52:13)

Caller Michelle Stone, a resident of Huntington Beach and mother of a child who attends Sowers Middle School, was invited to speak and stated she has seen Police at the empty Gisler site addressing issues of vandalism, homelessness, and drug use. Ms. Stone stated her support for approving and moving forward with the plan presented as the money will be used for the benefit of all students. (01:53:06)

Caller Selva Sendur was invited to speak and stated his support for this project, adding he is looking for a family home in Huntington Beach and this would provide the perfect solution. (01:54:34)

There being no more Public Hearing speakers, Mayor Carr closed the Public Hearing for this item.

Councilmember Kalmick thanked Mayor Carr for moving this item forward so the many children present could participate in the process, and expressed appreciation for the AYSO representatives who made time to meet with Councilmembers, as well as the speakers who clearly described how useful the Gisler fields are.

Councilmember Kalmick explained that the land belongs to the School District, and wished there were different options. Councilmember Kalmick and staff discussed that previous City Councilmembers opted to not purchase the property for several reasons, including the fact that at the time the former School District Superintendent indicated they had a plan to coordinate additional or separate lighted fields for AYSO needs.

City Manager Chi added that Director of Community and Library Services Chris Slama and staff are looking at including lighted fields as part of the Edison Park update, and historically the City planned that sports fields would remain on School District land. Given that plan seems to be shifting during the last couple of years, City Manager Chi cited Worthy Park and Murdy Community Center updates which included added lights for open field playing space, as examples of how the City is addressing the issue.

Director Slama stated that the community has made it very clear that lighted playing fields are needed and staff has prioritized this for upcoming park updates. He added that the Community Services Commission will review the conceptual plan for Edison Park next month, and if approved, it could be presented to Council as early as December.

Councilmember Kalmick confirmed with Chief Assistant City Attorney Vigliotta there is no way for the City to compel the School District to maintain youth sports playing fields, but Development and Planning staff would have to confirm if the City could compel the developer through Planned Unit Development (PUD) documents.

Councilmember Kalmick and City Manager Chi discussed that Huntington Beach is an infill city that is primarily developed, and historically the School District has provided the playing fields with the City providing park space around the playing fields. Changing demographics provides an opportunity for interesting and innovative options; and, it would take development findings for Council to deny based on violation of community thresholds. Sr. Planner Ramos stated Attachment No. 1 to the Staff Report includes the findings Council would have to make in order to approve the Zoning Map Amendment and the Mitigated Negative Declaration. There is one finding in the Resolution to determine that the General Plan Amendment is necessary for the changing needs and orderly development of the City.

Councilmember Kalmick confirmed with staff that there are two soccer fields on this site; and confirmed with City Manager Chi that Brookfield Properties is currently offering $500,000 for lighting at a site the School District will select. In the meantime, City Manager Chi stated that Community and Library Services staff are contemplating ways that the City can provide interim options for AYSO Region 56 to use lighted sports fields. Staff is also considering long-term plans, including next month's Community Services Commission meeting to evaluate Edison Park plans and are engaging AYSO representatives in the planning process.

City Manager Chi explained that Brookfield, as part of their community benefits PUD, has plans for substantial improvements to Gisler Park that will cost $700,000 to $800,000.

Councilmember Kalmick confirmed with Sr. Planner Ramos that Quimby Act requirements are being met.

Chief Assistant City Attorney Vigliotta confirmed for Councilmember Kalmick that PUD wording is the mechanism to ensure compliance related to the $500,000 lighting commitment. City Manager Chi explained the process would involve a payment to the City held in escrow until such time when the plan is in place to install the lights.

Councilmember Moser stated that everyone agrees the kids need appropriate places to play, and described some of the conversations and planning meetings that were held which resulted in Brookfield increasing their payment for field lighting. Councilmember Moser also summarized efforts the City is taking, as earlier described by City Manager Chi and staff, to ensure AYSO teams have appropriate facilities for continued soccer practice.

Councilmember Posey shared his perspective that zoning is fluid to meet changing community needs, and one of the benefits in this particular situation is that the Public/Semi-Public designation with Residential Low-Density overlay allows for at least a dozen uses that do not need Planning Commission or City Council approval. He explained that Public/Semi-Public refers to access, but not exclusive use and rezoning this parcel will ensure that the School District will get maximum value to return to their schools; and the City and taxpayers get community benefits such as Developer Impact Fees for parks, and that fee for this project will amount to just over $1M.

Councilmember Posey further stated that having 85 homes on the market will double available housing in the City, and will provide property tax revenue, which the School District does not pay, as well as 85 more families spending disposable income in Huntington Beach helping to create jobs, support local businesses and deliver increased sales tax revenue. Councilmember Posey stated his support for this zoning change, which he believes, is appropriate for the location.

Mayor Pro Tem Delgleize stated her opinion that a single home development on this site will increase the value of the surrounding homes, and the improvements at Sowers Middle School will definitely make the area more desirable for families. She also stated that when this Council considers any strategic plan the number one consideration is improving quality of life, and confirmed her expectation that the City, Developer, and School District will produce a plan for this site that will result in AYSO having access to lighted playing fields.

Councilmember Bolton commended all of the young people for attending this meeting and expressing their views by standing with their coaches. She was also an AYSO mother and understands the importance of youth sports.

Councilmember Bolton confirmed with staff that Brookfield has committed a total of $500,000 to lighting fields, and thanked them for doubling their initial offer.

Mayor Carr commended Brian Cleugh, Alan Gandall and Ann McCarthy for participating in the process and helping to define the need so the City Council can continue to work with the Huntington Beach City School District to ensure continuity of lighted AYSO playing space. Mayor Carr also commended Brookfield for being committed to working with the City and School District to do what is best for the children. Mayor Carr added that the additional Brookfield lighting commitment will be in writing, and confirmed the City is focused on providing permanent playing space most likely at Edison Park as well as assisting in arranging interim-lighted playing space.

Mayor Carr stated she is looking forward to having another improved school, increased safety in the Gisler Park area, and adequate youth sports playing fields.

Councilmember Kalmick stated he was also an AYSO soccer player growing up and that many City staff live locally, are passionate about parks, and open space. He thanked everyone for their hard work to move this project forward.

A motion was made by Posey, second Kalmick to approve PLANNING COMMISSION AND STAFF RECOMMENDATION to approve Mitigated Negative Declaration No. 20-002 with findings (Attachment No. 1) and mitigation measures; approve General Plan Amendment No. 20-002 by adopting City Council Resolution No. 2021-51, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 20-002" (Attachment No. 2); and, approve Zoning Map Amendment No. 20-002 with findings (Attachment No. 1) and approve for introduction, after the City Clerk reads by title, Ordinance No. 4236, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Located at 21141 Strathmoor Lane from Public-Semipublic (PS) to Residential Low Density (RL) (Zoning Map Amendment No. 20-002.)" (Attachment No. 3), ***as amended to condition that prior to issuance of the project's final tract map, the City must receive from the project developer a contribution of $500,000 to be used for soccer field lighting.***

The motion **as amended** carried by the following vote:

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

NOES: None
ABSENT: Peterson

28. 21-723 Public Hearing Held — Approved Entitlement Plan Amendment (EPA) No. 21-001 (Killarney's Rooftop Dining)

City Manager Chi introduced Lead Planner Hayden Beckman who presented a PowerPoint communication titled *Killarney's Rooftop Dining* with slides entitled *Project Site, Project Description, Existing Floor Plan, Proposed Roof Plan, Downtown Resolution, Resolution 2017-42, Hours of Operation, In Lieu Program, Appeal, Analysis,* and *Recommendation*. (04:04:15)

Mayor Carr opened the Public Hearing for this item.

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

28 (21-723) A PowerPoint presentation titled *Killarney's Rooftop Dining* submitted by Ursula Luna-Reynosa, Director of Community Development.

A letter and design packets submitted by Leigh Lupinacci, Baja Sharkeez Restaurant Group, regarding Killarney's Rooftop Dining.

Ron Newman, Co-Owner of Killarney's Restaurant and Pub, was called to speak and shared how similar improvements at their businesses in Hermosa Beach brought in a new crowd and encouraged neighboring businesses to upgrade their businesses as well. Mr. Newman stated the intent is to provide a unique setting for full-service dining, drinking, social events, and private parties. If approved, the plan is to also make significant menu upgrades. (04:12:21)

Gregg Newman, Co-Owner of Killarney's Restaurant and Pub was called to speak and described some of the specific improvements planned for their establishment including two stairways and an elevator, plus furnishings and seating on the rooftop. (04:15:22)

Jeff Bergsma, Applicant Architect for this project, was called to speak and shared he has been involved with Downtown restaurants for the last 20 years. He explained the 10 PM closing really relates to those businesses closer to residential neighborhoods with many Main Street closures at 12 midnight, and some patio dining open until 2 AM. (04:18:28)

Caller #6465, Michelle Halogan, a long-time Huntington Beach resident, was invited to speak and stated her support for this fabulous addition to Downtown dining options, and setting the closure to 12 midnight. (04:20:39)

There being no more Public Speakers, Mayor Carr closed the Public Hearing.

Mayor Carr confirmed with the Co-Owners that the space would be open to the public, unless it has been previously reserved for private use, and the procedures for monitoring the number of patrons. Gregg Newman stated realistically they will most likely spend $1.3M - $1.5M on rooftop improvements, and noted that the ground floor restaurant improvements have already been completed.

Mayor Pro Tem Delgleize and Gregg Newman discussed the option to possibly add a retractable awning on the rooftop if needed and confirmed Killarney's is adjacent to commercial properties. Mr. Newman stated adding the stairs and elevator will decrease floor space on the ground floor. (04:24:13)

Councilmember Posey explained he appealed this item because the Planning Commission approved the project with a 10 PM closing time, and added that Third and Fifth Streets buffer Main Street and therefore a 12 midnight closure should apply to this project. He discussed the sunset of the City's emergency declaration and the effects on outdoor dining in the public right-of-way, and his support for the proposed improvements that will result in rooftop dining before the summer of 2022.

A motion was made by Posey, second Delgleize, to approve staff's recommendation that the City Council take the following actions: Find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15332 of the CEQA Guidelines; and, approve Entitlement Plan Amendment No. 21-001 with findings and conditions of approval.(04:26:36)

Councilmember Kalmick stated he was a member of the Planning Commission, which supported allowing the Commission the option to waive items so they would not require Council approval. He further stated as he reads the plans occupancy is 130, not 60. Councilmember Kalmick stated his opposition to a 12 midnight closure as currently the ground-level Main Street dining establishments have a 10 PM closure. He stated support for approving a 10 PM closure initially, and re-evaluating the situation to consider a 12 midnight closure in the future. (04:29:18)

Gregg Newman confirmed the original plan was for using the whole rooftop area for serving with a capacity of 130 as Councilmember Kalmick stated. However, the plan was adjusted to just use about two-thirds of the space and unfortunately, the occupancy number was not updated in the plans.

Lead Planner Beckman clarified that the plans do state 130 occupants, however the final occupancy number is calculated on square footage, and when it comes time for building permits and certificates of occupancy, the final number would be subject to review and determined at that time.

Mayor Carr expressed her concern for knowing the actual number of occupants with this action, and Chief Assistant City Attorney Vigliotta stated there would have to be an additional amendment to the Entitlement Plan Amendment to specify number of occupants as a condition of approval.

Gregg Newman stated they would be willing to agree to an occupancy of 65 for the rooftop deck, and Councilmember Posey amended his motion and Mayor Pro Tem Delgleize stated her support for the change.

A substitute motion was made by Kalmick to approve staff recommendations that the City Council take the following actions: find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15332 of the CEQA Guidelines; and, approve Entitlement Plan Amendment No. 21-001 with findings and conditions of approval, ***as amended for 10 PM closure.*** With no second, the motion failed.

The original motion made by Posey, second Delgleize was restated to approve staff recommendations that the City Council take the following actions: find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15332 of the CEQA Guidelines; and, approve Entitlement Plan Amendment No. 21-001 with findings and conditions of approval, ***as amended to cap rooftop dining area capacity at 65.***

The motion as amended carried by the following vote:

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

NOES: Kalmick
ABSENT: Peterson

ADMINISTRATIVE ITEMS

29. 21-593 Approved Recommendations to Reconfigure a Select Number of City Boards, Commissions, and Committees

City Manager Chi presented a PowerPoint communication titled *City of Huntington Beach Board, Commission, & Committee (BCC) Review and Reconfiguration*, with slides entitled *Today's Agenda; Background - Why Reviews of BCCs; Background - Current BCC Structure; Ad-Hoc City Council Committee Formed To Assess BCC Structure; Proposed Recommendations By Category; Dissolution; Consolidation (2); Reformation (4); Major Highlights (2); Municipal Code Chapter 2.100 - Operating Policies for BCCs;* and *Request for Council Actions.*

Councilmember Posey and City Manager Chi discussed previous inconsistencies in monitoring terms of service, and that going forward the regulations will be followed.

Councilmember Posey commended staff and the Ad Hoc Committee for their effort to maximize transparency, avoid duplication and better define the purpose of each Board, Commission and Committee.

Mayor Carr thanked staff for the hours of time spent on this effort reviewing by-laws and increasing efficiencies. She noted that the Boards, Commissions and Committees allow residents to become involved in local government, and stated she personally became aware of many vacancies through this process.

A motion was made by Carr, second Posey to consider the Ad-hoc Committee's ten recommendations to reform, consolidate and/or dissolve a select number of BCCs, as outlined in the staff report below; and, after review, direct staff to develop the appropriate Resolution(s), Ordinance(s), and/or documents/ reports necessary to implement City Council directed adjustments; and, direct City Council Liaisons and staff to review and enforce service terms for all citizen appointees; and, direct staff to plan an appropriate event annually to recognize citizen appointees who will be retiring for their contribution and provide continued trainings.

Councilmember Moser expressed her appreciation especially for the recommendation to add a Disability Advisory Committee, but recommending it be a stand-alone versus subcommittee, and also to celebrate and acknowledge all the volunteers.

Councilmember Moser and Mayor Carr discussed their thought process for changing the Environmental Board's title to "Sustainability" Board. Mayor Carr, after receiving feedback on the recommended change, amended her motion to retain the title of "Environmental" versus "Sustainability" Board.

Councilmember Moser expressed her excitement as the new liaison to the 4th of July Board.

Councilmember Kalmick expressed his appreciation to staff for the research it took to reach these recommendations, and suggested the Environmental Board be changed to the Environmental and Sustainability Board; that the Disability Advisory Committee be stand-alone, rather than a subcommittee under Public Works; and staff return to Council in a year with a status report on if the Boards,

Commissions and Committees are functioning as expected, or if further changes are needed. Mayor Carr and Councilmember Posey voiced no objections to Councilmember Kalmick's suggested revisions.

A original motion made by Carr, second Posey was restated to consider the Ad-hoc Committee's ten recommendations to reform, consolidate and/or dissolve a select number of BCCs, as outlined in the staff report below; and, after review, direct staff to develop the appropriate Resolution(s), Ordinance(s), and/or documents/reports necessary to implement City Council directed adjustments; and, direct City Council Liaisons and staff to review and enforce service terms for all citizen appointees; and, direct staff to plan an appropriate event annually to recognize citizen appointees who will be retiring for their contribution and provide continued trainings, ***as amended to revise the Environmental Board title to the Environmental and Sustainability Board; Disability Advisory Committee to be formed as a stand-alone committee with potentially 7 at-large members; and return to Council in one year with a status report***,

The motion as amended carried by the following vote:

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

Pursuant to Resolution No. 2015-46, a motion was made by Kalmick, second Posey, to continue the meeting after the 11:00 PM hour for action on agenda items 30-36. The motion carried by the following vote:

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

30. 21-687 Adopted Resolution No. 2021-52 authorizing the establishment of 15 miles per hour school zone speed limit on Oak Lane between Cypress Drive to Mandrell Drive

City Manager Chi introduced Traffic Manager Bob Stachelski who presented a brief overview of the item, which is just one of several changes being recommended to enhance neighborhood safety. Engineer Stachelski explained this item can be approved through a resolution, rather than requiring an ordinance, because the speed limit is effective only during school hours.

Mayor Pro Tem Delgleize and Manager Stachelski discussed that not only will the posted speed limit signs change, but neighborhood crosswalks will also be enhanced.

Mayor Carr confirmed with Manager Stachelski that the school zone speed limit signs would be placed on Mandrell Drive before Oak Avenue, and on Cypress Drive at Oak Avenue.

Councilmember Moser and Manager Stachelski discussed the traffic speed samplings, which were recorded through tubes on the street over six days.

A motion was made by Delgleize, second Bolton to adopt Resolution No. 2021-52, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Establishment of 15 miles Per Hour School Zone Speed Limit on Oak Lane Between Cypress Drive and Mandrell Drive."

The motion carried by the following vote:

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

ORDINANCES FOR INTRODUCTION

31. 21-682 Approved for introduction Ordinance No. 4237 amending Huntington Beach Municipal Code Chapter 10.12 relating to speed limits on Atlanta Avenue between Huntington Street and Beach Boulevard

City Manager Chi introduced world renowned Traffic Manager Bob Stachelski who explained this item is updating speed limits because of the recent widening and improvement of Atlanta Avenue between Delaware and Huntington Streets, and improved paving from Delaware to Beach Boulevard. He explained that State law requires review of speed limits when street configurations change.

Councilmember Kalmick and Manager Stachelski discussed AB 43, just signed by Governor Newsom, which changes some of the rules on how speed limits are set, and it is not clear when this Assembly bill will become effective, but it will not nullify any speed limits set prior to its implementation.

A motion was made by Kalmick, second Posey to after the City Clerk reads by title, approve for introduction Ordinance No. 4237, "An Ordinance of the City of Huntington Beach Amending Chapter 10.12.080 of the Huntington Beach Municipal Code Relating to Speed Limits."

The motion carried by the following vote:

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

32. 21-753 Approved for Introduction Ordinance No. 4238 amending Chapter 5.120 of the Huntington Beach Municipal Code regulating Short-Term Rentals (STR)

City Manager Chi introduced Planning Manager Jennifer Villasenor, attending via Zoom, who stated this item is presented as directed by City Council on September 21, 2021, to give Sunset Beach short-term rental operators a year from the effective date of the Ordinance to acquire a permit.

Mayor Carr confirmed with Planning Manager Villasenor that the end date for Sunset Beach operators to get an un-hosted permit is March 1, 2022, after which they would be managed by hosted regulations; and hosted permits, must be acquired by December 31, 2021.

Mayor Carr expressed her interest in consistency with just one ending date. There was discussion on whether the item should return to staff for review and language clean-up if the date is changed. Planning Manager Villasenor stated that the Ordinance only spells out the Sunset Beach date, and changing the other date would not require an Ordinance update. City Manager Chi confirmed the delist date is policy driven. City Attorney Michael Gates confirmed that the Ordinance is current as presented.

Mayor Pro Tem Delgleize and City Manager Chi discussed issues hosts are coming across in meeting current building codes, and clarified that only un-hosted short-term rentals are allowed citywide outside of Sunset Beach. Planning Manager Villasenor stated that the inspection requirements were fine-tuned with the Ad Hoc Committee working with applicants to make them less onerous.

A motion was made by Carr, second Delgleize to, after the City Clerk reads by title, approve for introduction Ordinance No. 4238, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 5.120 of the Huntington Beach Municipal Code Regulating Short-Term Rentals," ***as amended to change the date to March 1, 2022, for both hosted and un-hosted short-term rentals***.

A substitute motion was made by Kalmick, second Posey to after the City Clerk reads by title, approve for introduction Ordinance No. 4238, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 5.120 of the Huntington Beach Municipal Code Regulating Short-Term Rentals."

The motion carried by the following vote:

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

COUNCILMEMBER ITEMS

33. 21-745 Item Submitted by Mayor Carr and Councilmember Moser Approved — Request that the City recognize October as National Bullying Prevention Month, while reaffirming our City's commitment against bullying

Councilmember Moser described the purpose of this item is to increase awareness and impact, especially on children, and provide an opportunity to promote kindness, acceptance, respect and inclusion. She stated there are multiple resources available for addressing issues of bullying, and local school districts educate their students on the issue. Councilmember Moser added that adults should model appropriate behavior and engagement through civil conversations; and it is not appropriate to create hostile environments with the intention of silencing anyone else or creating a disruption.

Mayor Carr stated one goal is to provide civil and polite environments where people feel encouraged to state their diverse opinions rather than a toxic environment, which constituents do not want to participate in, whether those meetings are for Councilmembers, City Boards, Committees and Commissions or community area meetings. Mayor Carr added that passion and dissenting points of view are important, but there needs to be an effort to act and speak with civility and respect.

A motion was made by Moser, second Carr to recommend the City Council endorse an ongoing commitment to addressing bullying in all its forms by recognizing October as National Bullying Prevention Month, and that we reaffirm the City's Commitment to its 2012 Proclamation of the City Council Against Bullying.

The motion carried by the following vote:

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

34. 21-746 Item Submitted by Mayor Pro Tem Delgleize and Councilmember Kalmick Approved — Update our Residential Street Paving Plan to enhance our Street Maintenance Cycles

Mayor Pro Tem Delgleize and Director of Public Works Sean Crumby discussed the analysis in getting started to determine how much reduction can be made in the current 12-year cycle for residential street paving.

Councilmember Kalmick stated appreciation to Assistant City Manager Travis Hopkins (former Public Works Director) and former City Councilmembers for keeping a focus on the issue and certainly improving the process, and he looks forward to even more improvements and more speedy service.

Director Crumby stated the 12-year cycle was originally determined by budget constraints, but the concrete and paving work completed does decrease maintenance costs going forward. Director Crumby stated that the average condition of street pavement 12 years ago was at 71-72 (on a scale of 1 - 100 with 100 representing new pavement), and at the end of the program the rating is 79.

Councilmember Kalmick clarified that Beach Boulevard and Pacific Coast Highway are not maintained by the City.

Councilmember Posey requested that Downtown alleys be included in the master plan, as in his opinion that is where the worst street conditions exist. Director Crumby stated that staff is looking at funding sources every year for addressing the alleyways.

Councilmember Kalmick stated that alleyways throughout the City, not just the Downtown, need attention.

A motion was made by Kalmick, second Delgleize to approve the staff recommended action that the City Council direct the City Manager to begin working with Public Works on updating the City's existing street zone maintenance program, with an emphasis placed on finding ways to reduce the number of years between street maintenance cycles while maintaining a high PCI.

The motion carried by the following vote:

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

35. 21-794 Item Submitted by Councilmember Posey Withdrawn — ~~Evaluate the Feasibility of Monetizing City Owned Street Light and Traffic Signal Pole Infrastructure~~

Councilmember Posey introduced this item to evaluate if there is something different that can be done to generate some revenue, and withdrew the item from Council consideration because he believes it is a good topic for the Smart Cities and Technology Committee to review and report back on.

36. 21-795 Item Submitted by Mayor Carr and Councilmember Moser Approved — Adopted Resolution No. 2021-61 for a Permanent Ban on New Offshore Oil, Gas Drilling, and Similar Exploration Activities off the Coast of California

Mayor Carr introduced this item by reviewing the events of the last couple of weeks, and stated that though this incident was not as disastrous as it could have been, it is time to become more forward-thinking. She explained her opinion that forward thinking includes looking at the cost/benefit analysis for both the tourist and gas/oil industries, and it becomes quite apparent that the tourist industry brings in on average about $16M annually versus the gas/oil industry at less than $700,000. She stated this is a good first step to formally state support for a permanent ban.

Councilmember Moser shared her thoughts that the recent oil spill, which wasn't as disastrous as it was originally expected, does provide an opportunity to make wise decisions going forward. She stated her support for a broader decommissioning of the aging oil systems off the coast, but this resolution is a good start in the right direction for moving forward with intention.

Mayor Pro Tem Delgleize stated her support for this resolution, and her desire to dig deeper into ways to ensure the existing oil infrastructure is properly maintained and kept as safe as possible.

Councilmember Posey stated he cares deeply about the beaches and ocean, and added the fact that in the Santa Barbara area, up to 25,000 gallons of oil naturally seeps out of the seabed each day. He stated his support for actions to prevent an accidental spill from man-made equipment, but his difficulty with this item is that the City has no jurisdiction over leases that are signed or granted by the State or the U. S. Government.

Councilmember Posey noted that the City is being proactive by joining the Orange County Power Authority to give consumers and businesses a choice in energy supply, and to help drive the demand for renewable energy such as wind, solar and battery storage. He stated his opinion that as demand for renewable energy increases, fossil fuel use will naturally decline.

Councilmember Posey further shared his concern about putting economic impact and threat of potential litigation in writing as additional reasons he cannot support this resolution.

Councilmember Bolton stated she certainly agrees that offshore leases are not within the City's jurisdiction, and shared that in the previous day's hearing on the latest oil spill incident it was made clear that the opinions of impacted localities are important. She further explained that her review of the Deepwater Horizon spill from 2010 made it evident that nothing has changed in the industry since then, and her support of this resolution is a step in the right direction.

Councilmember Kalmick stated this is a great first step in the right direction, and it has his support.

Mayor Pro Tem Delgleize acknowledged Councilmember Posey's comments, but stated she sees the need to encourage action rather than waiting for the marketplace to change, especially since it is possible to do better with existing technology.

Councilmember Moser stated that even though the City does not have jurisdiction, advocacy for the environment, community and the future is required.

Mayor Carr stated that just looking at the issue from an economic perspective, the status quo is not a viable option, and any forward-thinking city needs to move away from antiquated technology.

A motion was made by Carr, second Moser to recommend that the City Council set aside City Council Manual procedure to adopt the attached Resolution in support of a permanent ban on new offshore oil, gas drilling and similar exploration activities off our coasts and vote to adopt it, as is.

City Clerk Estanislau stated for the record that the Resolution would be numbered 2021-61.

The motion carried by the following vote:

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

ABSENT: Peterson

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Posey reported on the Orange County Tax Payer Association's Roses and Radishes event, which recognizes cities, organizations, and individuals with a rose for a tax fighting perspective, or a radish for a tax increasing perspective. He added that Huntington Beach was not nominated for acknowledgment this year.

Councilmember Moser reminded everyone this is Breast Cancer Awareness month, and shared the importance of keeping discussions going. In that effort she announced that she and her breast oncology surgeon Dr. Lisa Guerra will be broadcasting and recording a discussion, which will be available on the City's Facebook and You Tube pages.

ADJOURNMENT — 12:10 AM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, November 2, 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