

Minutes

City Council/Public Financing Authority City of Huntington Beach

Monday, July 6, 2020
4:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

4:00 PM - COUNCIL CHAMBERS

CALL TO ORDER — 4:01 PM

ROLL CALL

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

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.

Study Session

#1. (20-1731) A PowerPoint communication entitled *Huntington Beach Police Department Overview* submitted by Police Chief Robert Handy.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS

(3 Minute Time Limit) — 1 In-Person Speaker; No Phone-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>.

Kathryn Levassiur, a resident of Huntington Beach for over 21 years, was called to speak and shared her opinions on current social events, and stated she expects this Study Session to provide a hard look at current procedures and policies. (00:02:38)

STUDY SESSION

1. 20-1731 Police Chief Handy provided an update on Police Department Protocols and Procedures

Police Chief Robert Hardy presented a PowerPoint communication entitled: *Huntington Beach Police*

Department Overview with slides titled Purpose of Presentation, Value Statements, Service Teamwork Integrity, Vision Statement, Serving With Honor, Hiring Process, Hiring Process for Sworn, New Hire Training, In Service Training, Supervisory/Management Development, Equipment Investments, Common Recent Questions(3), Community Outreach and Relationship Building, CBP Programs(3), Use of Force Data(3), Body Worn Cameras, Complaint Data, Employee Accountability Data, Moving Forward, and Questions.

Councilmember Posey thanked Chief Handy for the detailed report which he believes describes the efficacy of the Huntington Beach Police Department. Councilmember Posey and Chief Handy discussed costs for new-hire training, the number of applicants that are tested and put through a background check before there is a job offer, Academy hires, sponsorship, and probationary period.

Councilmember Carr thanked Chief Handy for the quality presentation and his service, as well as the service of each officer. Councilmember Carr and Chief Handy discussed possibly later in the year offering the Citizens Academy virtually.

Councilmember Brenden thanked Chief Handy for his excellent leadership, and they discussed investment in new tools and equipment to help diffuse and resolve situations peacefully. Chief Handy explained staff is always looking at how to effectively deal with people who resist arrest, including additional officer training. Councilmember Brenden commended Chief Handy for the five-year statistic that only one hundredth of one percent (.0001%) of all calls resulted in the use of force. Councilmember Brenden stated his support for a Community Advisory Board which he believes would demonstrate a willingness to be transparent with the community, and would like to identify community issues that could possibly be handled by other departments to free up police officers to focus on crime-in-process situations.

Councilmember Delgleize stated her support for offering the Citizens Academy as soon as possible. Councilmember Delgleize expressed her concern about how people perceived police during recent protests and stated her support for the formation of a Community Advisory Board, and shared her appreciation for the Police Department's "what is best for Huntington Beach" attitude. Councilmember Delgleize encouraged continued dialogue to provide healing solutions.

Mayor Semeta reiterated how impressive the .0001% Use of Force statistic is, and stated support for more emphasis on the positive and compassionate actions of officers when dealing with the public. Mayor Semeta stressed the importance of advocating for more funding at all government levels to allow officers to focus on issues related to crime, and suggested that Chief Handy's presentation be disseminated more widely within the community to help the public understand the great Police Department that Huntington Beach has and the integrity of its officers.

Councilmember Peterson thanked Chief Handy for his excellent report, and suggested that all Community Advisory Board members be exposed to the officers' point of view through videos that demonstrate the options available in a rapidly escalating situation. Chief Handy responded that there will be a required training component that will incorporate the simulator, the laws that govern use of force, policies, procedures, and standard practices.

Mayor Pro Tem Hardy thanked Chief Handy for patiently listening to questions and responding to community concerns especially during the last couple of months, and for his excellent presentation for the Study Session.

Chief Handy thanked everyone for their compliments and stated those compliments really belong to the 365 quality and dedicated employees in the Police Department.

A motion was made by Brenden, second Peterson, to recess to Closed Session for Items 2 – 7.

RECESSED TO CLOSED SESSION — 5:23 PM

CLOSED SESSION

2. **20-1724** Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Maday (Margaret) / Solorio (Andrew) v. City of Huntington Beach/Travis Mossbrooks; OCSC Case No.: 30-2020-01133396.
3. **20-1725** Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Austin (Ronald) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2020-01140605.
4. **20-1734** Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Rosier (Maliek) v. City of Huntington Beach, et al.; USDC Case No.: SACV 18-2175 DOC (DFMx).
5. **20-1735** Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Californians for Homeownership, Inc. v. City of Huntington Beach; OCSC Case No. 30-2019-01107760.
6. **20-1736** Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Cruz (Martin & Ana) and N.B.C. v. City of Huntington Beach, et al.; USDC Case No. 8:19-cv-1449-DOC (ADSx).
7. **20-1737** Pursuant to Government Code § 54956.9(d)(2), the City Council recessed into Closed Session to confer with the City Attorney regarding potential litigation. Number of cases, one (1).

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:12 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Councilmember Peterson

INVOCATION

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

8. 20-1683 Patricia Mercado of the 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

9. 20-1721 ~~Mayor Semeta to call on John Etheridge to invite the Huntington Beach City Council to the Rededication Ceremony of the Surfing Walk of Fame on August 1.~~
10. 20-1698 Mayor Semeta presented the Mayor's HB Excellence Award to Public Works Utilities Manager, Brian Ragland

Mayor Semeta explained that the recipient of the Mayor's HB Excellence Award is determined through an employee nomination process which demonstrates peer acknowledgement. Mayor Semeta reviewed Manager Ragland's training and 40 years of design and management experience. He started with the City of Huntington Beach in 2001, and currently oversees 87 employees in water production, distribution, quality and wastewater divisions. Mayor Semeta described Brian as an honest, humble, and straight-forward leader who is always looking out for the best interests of the City. Mayor Pro Tem Hardy presented Manager Ragland with the Mayor's Award since Mayor Semeta was attending the meeting remotely.

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

- #11 (20-1491) PowerPoint Presentation entitled *Ascon Landfill Site Update* submitted by Assistant City Manager, Travis Hopkins
- #12 (20-1723) Email communication received from Jeanine Davis related to indoor dining

Consent Calendar

- #13 (20-1718) Interdepartmental Communication received from City Clerk, Robin Estanislau proposing a revision
- #15 (20-1688) Interdepartmental Communication received to provide evidence of competitive bidding from Lt. Chris Nesmith, Investigations Bureau Commander.

Administrative Items

- #21 (20-1726) PowerPoint Communication entitled *Tenant Based Rental Assistance (TBRA) Program* submitted by Director of Community Development, Ursula Luna-Reynosa

#22 (20-1741) Email communication received from Elizabeth Hofeldt supporting closure of Second Block of Main Street

PUBLIC COMMENTS (2 Minute Time Limit) — 40 In-Person Speakers; 8 Phone-In Speakers

At 6:00 PM, individuals wishing to provide a comment on an agenda item or non-agenda item may call (669) 900-6833 and enter Webinar ID: 986 8560 9496. Once a caller has entered the meeting, their call will be placed in a holding queue and will be answered in the order received. When invited to speak, callers are encouraged to identify themselves by name, and can speak for no more than 2 minutes.

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

Jerry Raburn, a Goldenwest College student, was called to speak and shared his opinions on varied current events. (01:38:58)

Bob S., an educator, coach, and four-year resident of Huntington Beach, was called to speak and expressed his appreciation to the City Council and the Huntington Beach Police Department for their phenomenal service. (01:40:43)

David Wilson, a resident of Huntington Beach since the late 1960's, was called to speak and stated his opinion that fundamental structural change is needed, not defunding of police departments. (01:43:12)

Ray Raines, a 55-year resident of Huntington Beach, was called to speak and expressed his appreciation, gratitude and admiration for the ways the City has kept people safe in these unprecedented times. (01:44:56)

Russell Neal, a resident of Huntington Beach, was called to speak and shared his opinions on America, which he described as a land of freedoms and opportunity. (01:47:18)

Sally Cohen, a 20-year resident, was called to speak and shared her appreciation for the Huntington Beach Police Department and asked everyone to share their opinions in a peaceful manner. (01:49:28)

Lilli Cutler, a resident of Huntington Beach, was called to speak and thanked Mayor Semeta for her leadership, and stated her opposition to the idea of defunding police departments. (01:51:01)

Sylvia Calhoun, a resident of Huntington Beach since 1982, was called to speak and stated her appreciation for the service of Mayor Semeta, the City Council, and the Huntington Beach Police Department. (01:51:48)

Eva Weisz, a resident of Huntington Beach, was called to speak and expressed her opinions on current events and thanked the City Council members, Mayor Semeta, Police Chief Handy and the Huntington Beach Police Department for their outstanding work and dedication. (01:52:40)

Kathryn Levassiur, a 21-year resident of Huntington Beach and ardent supporter of short-term vacation rental regulation and tax, was called to speak and shared her opinions regarding Huntington Beach Code Enforcement. (01:54:58)

Debbie Zuganelis, Property Manager for Robert Koury Properties, was called to speak and stated support for any action the City takes to support Main Street businesses, and shared that their staff is interested in being part of a long-term solution. (01:57:20)

Gerald Chapman was called to speak and asked why the police never enforce illegal firework regulations within the City. (01:59:35)

Robert McMahon was called to speak and asked that the Police Department address the issues of noise and safety created by motorcycles and cars racing through the Downtown area streets. (02:01:24)

Ron McLin was called to speak and asked for Council's support for a solution to assist the Main Street businesses serve as many customers as possible until they can return to normal servicing. (02:02:44)

Fady Malek, owner of four businesses in Downtown, was called to speak and stated his support for Administrative Item #22 (20-1741) regarding a Temporary Closure of the Second Block of Main Street to vehicular traffic. (02:04:47)

Murat Coach, owner of Coach's Mediterranean Grill & Bar and resident of Huntington Beach for 32 years, was called to speak and shared his support for Administrative Item #22 (20-1741) regarding a Temporary Closure of the Second Block of Main Street to vehicular traffic. (02:05:12)

Moe Kanoudi, owner of a business on the second block of Main Street, was called to speak and stated his support for Administrative Item #22 (20-1741) regarding a Temporary Closure of the Second Block of Main Street to vehicular traffic. (02:05:29)

An anonymous speaker was called to speak and shared his opinions regarding lawful assembly. (02:06:49)

John Christiana was called to speak and shared his experiences and opinions related to domestic terrorism. (02:09:04)

Silvia Guzman-Cedano was called to speak and shared her experiences and opinions related to domestic terrorism. (02:10:57)

Lindsey Anderson, a resident of Huntington Beach, was called to speak and shared her opinions on current events. (02:13:11)

An anonymous speaker, a resident of Huntington Beach, was called to speak and shared her experiences and opinions on current events. (02:15:40)

Brittany Baddon was called to speak and shared her experiences and opinions about current events. Mayor Pro Tem Hardy invited Ms. Baddon to complete a blue card, and announced again the phone number and email address for anyone to contact Council Members. (02:17:58)

Oscar Rodriguez, lifelong resident and a Candidate for Huntington Beach City Council in 2020, was called to speak and stated his support for Administrative Item #22 (20-1741) regarding a Temporary Closure of the Second Block of Main Street to vehicular traffic, and encouraged the City to dialogue with the community voices that have not historically been heard. (02:20:47)

Emily Pruitt was called to speak and shared her opinions regarding current events. (02:23:03)

Justin Frazier, a Marine veteran, was called to speak and shared his experiences and opinions related to current events. (02:24:53)

Jennifer Cooper, a 22-year resident of Huntington Beach, was called to speak and shared her experiences and opinions related to current events. (02:27:11)

Kira Clinton, a resident of Huntington Beach, was called to speak and thanked Police Chief Handy for his transparency during tonight's Study Session, and encouraged the City to build trust and legitimacy with the community through a diverse Community Advisory Board. (02:29:34)

Grace Mortero, a resident of Garden Grove, was called to speak and shared her opinions related to current events. (02:31:52)

Natasha Mangham, born and raised in Huntington Beach, was called to speak and shared her experiences and opinions related to current events. (02:34:18)

Natalie Moser, a life-long resident of Huntington Beach, Chair of the Huntington Beach Human Relations Task Force, and a Candidate for Huntington Beach City Council in 2020, was called to speak and shared her experiences and opinions related to current events. (02:35:57)

Scott Brewsaugh was called to speak and shared his experiences and opinions related to current events. (02:38:14)

Camille Nandi, a former resident of Huntington Beach and anthropologist, was called to speak and shared her experiences and opinions related to current events. (02:39:35)

An anonymous speaker was called to speak and shared his experiences and opinions regarding current events. (02:41:53)

An anonymous speaker was called to speak and shared her experiences and opinions regarding current events. (02:44:09)

An anonymous speaker was called to speak and shared her opinions regarding current events. (02:46:30)

An anonymous speaker, a life-long resident of Huntington Beach, was called to speak and shared his opinions regarding current events. (02:47:43)

Jerry Cutler, a resident of Huntington Beach, was called to speak and stated his opposition to defunding the police. (02:49:59)

An anonymous speaker was called to speak and read the names of brutality victims. (02:51:36)

Megan was called to speak and shared her opinions on current events. (02:53:50)

Caller Michael Ben-Yehuda was invited to speak and shared his opinions regarding lack of local enforcement related to pandemic social distancing directives from Governor Newsom. (02:56:51)

Caller 133, Amory Hanson, a Candidate for Huntington Beach City Council in 2020 and member of the Historical Resources Board, was invited to speak and expressed appreciation for the City allowing deliberative commissions and boards to begin meeting again. (02:59:57)

Caller 157, Kathy Barton, a resident of Huntington Beach, was invited to speak and shared her opinions on current events. (03:01:10)

Caller 996, Dave Shenkman, Huntington Beach Downtown Business Improvement District (HBDBID) member, was invited to speak and stated support for Administrative Item #22 (20-1741) regarding a Temporary Closure of the Second Block of Main Street to vehicular traffic. (03:03:51)

Caller 160, Bethany Webb with HB Huddle, was invited to speak and shared her opinions on current events, and stated support for Administrative Item #22 (20-1741) regarding a Temporary Closure of the Second Block of Main Street to vehicular traffic. (03:04:50)

Caller 403, Libby Frolickman, was invited to speak and stated her support for Administrative Item #22 (20-1741) regarding a Temporary Closure of the Second Block of Main Street to vehicular traffic, and thanked the City Council for reaffirming the City's Policy on Human Dignity. (03:07:19)

Anonymous caller 355 was invited to speak and thanked Police Chief Handy for his transparency in this evening's Study Session report, and shared her opinions related to that report. (03:08:50)

Caller 904, Alona Jayson, was invited to speak and shared her response to Police Chief Handy's Study Session report, and stated support for a diverse Community Advisory Board. (03:11:07)

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

Councilmember Posey reported attending a meeting of the Association of California Cities — Orange County (ACC-OC) Legislative and Regulatory Committee regarding proposed housing bills (Senate Bill 1299, Senate Constitutional Amendment 1, and Assembly Bill 2345) on rezoning, affordable housing, and housing project issues which are moving through the State's legislative process.

Councilmember Delgleize reported attending an Orange County Transportation Authority (OCTA) Board meeting where the vendor was selected for the synchronization of intersections on 12 miles of Edinger Avenue, from Bolsa Chica to the Auto Mall, through the cities of Huntington Beach, Fountain Valley, Santa Ana and Westminster.

Councilmember Carr reported meeting with the Huntington Beach Police Management Association (HBPMA) and attending a meeting of the West Orange County Water Board.

Mayor Pro Tem Hardy reported attending a meeting of the West Orange County Water Board, conducting applicant interviews for the Youth Board, and attending a Zoom meeting of the Sea Level Rise Working Group and Coastal Cities Group for the League of California Cities.

CITY MANAGER'S REPORT

11. 20-1491 Ascon Landfill Site Update

Assistant City Manager Travis Hopkins presented a PowerPoint communication entitled *Ascon Landfill Site Update* with slides titled: *Current Status*, *How To Stay Informed*, and *Question or Concerns*.

12. 20-1723 Update of the City COVID-19 Response Plan and Actions for Review and Discussion and an update by Fire Chief and Police Chief on 4th of July Activities

City Manager Oliver Chi presented a PowerPoint communication titled *Huntington Beach COVID-19 Response Plan and Actions for Review and Discussion*, with slides titled: *Situational Update U. S. Totals (2)*, *California, Orange County, COVID-19 Cases Accelerating Rapidly (2)*, *Orange County (2)*, *Local Available Hospital Resources, Orange County, Huntington Beach (2)*, *HB EMS Response Statistics, Local Available Hospital Resources, Opening Up The California Economy — Orange County, COVID-19 Small Business Relief Program, HB 4th of July COVID-19 Response Overview, Information & Outreach Regarding COVID-19, Continue to Stay Vigilant to Flatten the Curve*, and *Questions*.

Police Chief Robert Handy provided an update of Police Department activities over the holiday weekend including the strategy to prepare for the holiday. He thanked Community Services Director Chris Slama and Community Services Manager Chris Cole, for the adapted July 4th Parade. Pre-holiday reports of fireworks were higher this year compared to last year, however July 4th calls were down this year compared to last year, and anecdotally there was increased fireworks activity throughout the City. On July 4th there were 53 fireworks confiscations including 22 citations and 20 arrests.

Fire Chief Scott Haberle provided an update of the Fire Department activities over the holiday weekend, including social media campaigns before July 4th. On July 4th there were seven (7) investigations of dumpster and small debris fires; there were no structural fires, and over 300 pounds of fireworks were confiscated. One Police Officer received burns as he was attempting to extinguish neighborhood fireworks, and was commended for taking action that most likely prevented a resident from being harmed. Overall, the Fire Department had about fifty percent (50%) fewer calls compared to last year, most likely due to the beach closure. Marine Safety staff worked a 24-hour schedule this year in conjunction with the Police Department for enforcement action and education, and assisting with keeping people off the beach. There were 3 or 4 rescues due to rough water conditions.

Councilmember Delgleize and Police Chief Handy discussed the citations and fines, and new techniques the department used to stop illegal fireworks. Councilmember Delgleize thanked Fire Chief Haberle for riding in the 4th of July parade.

Councilmember Posey complimented both the Fire and Police Departments for their services to keep Huntington Beach safe.

Councilmember Carr and Chief Handy discussed the best course of action for ongoing fireworks after 4th July is to call the Police Department directly with a specific address, or report through the website.

CONSENT CALENDAR

Councilmember Posey requested to pull Item 17 for further discussion.

13. 20-1718 Approved and Adopted Minutes

A motion was made by Posey, second Delgleize to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated June 15, 2020, as written and on file in the office of the City Clerk, ***as amended by Supplemental Communication.***

The motion carried by the following vote:

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

14. 20-1722 Adopted Resolution No. 2020-31 authorizing the City to Levy the Annual Retirement Property Tax for Fiscal Year 2020/21 to pay for Pre-1978 Employee Retirement Benefit Levels

A motion was made by Posey, second Delgleize to adopt Resolution No. 2020-31, "A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2020/2021 to Pay for Pre-1978 Employee Retirement Benefits" of \$0.01500 per \$100 of assessed valuation. The tax rate of \$0.01500 would continue the tax rate included in the current Fiscal Year 2019/20 Adopted Budget.

The motion carried by the following vote:

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

15. 20-1688 Approved and authorized execution of a three-year contract with Waymakers in the amount of \$335,405 for the management of the Juvenile Diversion Program

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 Waymakers for the Management of the Juvenile Diversion Program."

The motion carried by the following vote:

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

16. 20-1727 Approved Termination of Rent Abatement for Certain Tenants at City-owned Facilities effective August 1, 2020 and authorized City Manager to reinstate if necessary

A motion was made by Posey, second Delgleize to authorize and direct the City Manager, or his designee, to terminate Rent Abatement to concessionaire tenants of various City-owned facilities, effective August 1, 2020. A list of the tenants is outlined in Attachment No. 1; and, authorize the City Manager, or his designee, to reinstate the Rent Abatement if future COVID-19 pandemic actions severely impact the tenants ability to operate.

The motion carried by the following vote:

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

17. 20-1729 Approved the appointment of Sean Crumby to the position of Public Works Director and authorized the City Manager to execute the Employment Agreement

Councilmember Posey pulled this item to invite Mr. Crumby to introduce himself. Mr. Crumby is a 25-year Civil Engineer with the last 20 years of experience in city government, and is a resident of Huntington Beach.

A motion was made by Posey, second Delgleize to approve and authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and Sean Crumby" for the position of Public Works Director.

The motion carried by the following vote:

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

PUBLIC HEARING

Individuals wishing to speak on matters scheduled for Public Hearing may call (669) 900-6833 and enter Webinar ID #986 8560 9496 at the time the Public Hearing is opened. Once a caller has entered the queue, their call will be held until they are invited to speak announcement of the last 3 digits of their phone number. Callers will be asked to identify the agenda number of their Public Hearing item, and are encouraged to identify themselves by name. Callers are provided 3 minutes to speak.

18. 20-1717 Approved for Introduction Ordinance Nos. 4214, 4212, 4215, 4216, and 4213, approving Zoning Text Amendment (ZTA) No. 19-005 and Municipal Code Amendment adding Chapter 5.110 (Group Homes)

Senior Planner Hayden Beckman presented a PowerPoint communication entitled *Zoning Text Amendment No. 19-005* with slides titled: *Background (3), Amendments, Chapter 204 Use Classifications (2), Chapter 210 Residential Districts, Additional Provision L-8 (continued), Chapter 210 Residential Districts (2), Chapter 230 Site Standards, Chapter 230.28 Group Homes (continued) (2), HBMC Chapter 5.110 Group Homes, Zoning Text Amendment No. 19-005, Staff and Planning Commission Recommendation, and Questions?*

Director of Community Development, Ursula Luna-Reynosa, clarified that this action is not a prohibition, but a regulatory framework, for Group Homes.

Councilmember Posey confirmed with staff that this is a regulatory framework which will provide a tool for permit revocation. Senior Planner Beckman confirmed that existing group or sober living homes and residential care facilities can apply for a permit. City Attorney Michael Gates confirmed that this action will not shut down any existing facilities. Councilmember Posey asked for a future update on

illegal sober living homes. Senior Planner Beckman explained the difference between being a patient vs owning a Sober Living Home regarding certain crime convictions.

Councilmember Brenden and Chief Assistant City Attorney Vigliotta discussed that location distance limits for Sober Living Homes cannot consider what may be across a border in an adjacent city. Councilmember Brenden clarified for the record that Councilmember Peterson partnered in bringing the original request last Fall, and thanked both the City Attorney's Office and Community Development staff for putting in the time necessary to reach this point. There was further staff discussion on procedures if a Sober Living Home resident does not remain sober, as well as the time limit given for existing group homes to come into compliance with the new ordinance.

Councilmember Delgleize and Senior Planner Beckman discussed that the regulatory framework details will be available for the permit process on the City's website, and clarified that operators will be required to disclose intake, management and program completion policies and procedures. Councilmember Delgleize confirmed with staff that state licensed care homes with seven (7) or more residents cannot be regulated by a city ordinance, and she expressed appreciation to Costa Mesa for their leadership in this effort. Director Luna-Reynosa clarified that historically state licensed facilities of six (6) or fewer residents are regulated by the state and a city is required to treat them as residential facilities, and if there were more than six (6) residents the city was allowed control through the Conditional Use Permit (CUP) process. The intent of the current ordinance is to provide regulation for non-state licensed facilities.

Councilmember Carr confirmed with staff that state-licensed facilities are not required to also have a city permit, and discussed Referral Facilities restrictions vs. Group Homes or Sober Living Homes, the proposed 1,000 foot buffer which staff explained follows Orange County's ordinance, and the permit revocation process which is outlined in the code.

Councilmember Peterson and staff discussed procedures for public outreach to educate potential and existing facility owners as well as neighborhood homeowners about the new ordinance. The current procedure for homeowners to call code enforcement regarding issues with existing facilities will not change, and letters will go to current homes and facilities that must comply with the new ordinance.

Mayor Pro Tem Hardy verified with staff that operator permits are issued to a specific person at a specific address and do not continue with new owners if the facility is moved or sold.

Councilmember Posey confirmed with Senior Planner Beckman that currently there are approximately 177 state licensed Sober Living Homes or residential care facilities in Huntington Beach, and the majority of complaints are related to noise, excessive cigarette smoke, pedestrian and parking issues. Director Luna-Reynosa explained that current regulations would consider these as nuisance complaints, but if the ordinance is passed these issues would become permit violations. There was discussion that the ordinance is not expected to produce increased issues, but over time may actually reduce complaints if permits are revoked.

Mayor Pro Tem Hardy confirmed with Senior Planner Beckman that the intent is to list facility permits on the City's website.

Mayor Pro Tem Hardy opened the Public Hearing for this item.

City Clerk Robin Estanislau announced receipt of the following Supplemental Communications for this item, and stated there were no public speakers.

Public Hearing

#18 (20-1717)

- 1) PowerPoint communication entitled *Zoning Text Amendment No. 19-005 (Group Homes)* submitted by Director of Community Development, Ursula Luna-Reynosa
- 2) Email communication received from #norecoveryonashworth supporting limitation and regulation of Sober Living Homes/Recovery Homes

Mayor Pro Tem Hardy closed the Public Hearing for this item.

Mayor Semeta thanked all of the various department staff members for their diligence in preparing and presenting this ordinance, as well as the City of Costa Mesa for leading the way to provide an effective enforcement tool.

Councilmember Brenden clarified with staff that prior calls for service will be available for consideration when enforcing this ordinance.

Mayor Pro Tem Hardy summarized that this will be an enforcement mechanism for non-compliant operators as the good operators will qualify for the permit and follow the regulations.

Councilmember Carr also thanked Costa Mesa for generously sharing their model, and City Attorney Michael Gates and staff, as well as Community Development staff, for the hours of time it took to make that model fit the City's needs to create this enforcement tool.

Councilmember Brenden stated his support for this item because it will help ensure that residents of these homes receive quality care and hopefully result in fewer homeless individuals.

A motion was made by Brenden, second Peterson to find that the project will not have any significant effect on the environment and is categorically exempt from the California Environmental Quality Act pursuant to Section 15061 (b)(3) (General Rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the amendment to the HBZSO will have a significant effect on the environment (Attachment No. 1); and, approve Zoning Text Amendment No. 19-005 with findings (Attachment No. 1), approve amendment to Huntington Beach Municipal Code adding Chapter 5.110 (Group Homes), and, after the City Clerk reads by title, approve for introduction: Ordinance No. 4214, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions (Zoning Text Amendment No. 19-005);" and, Ordinance No. 4212, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance Titled Use Classifications (Zoning Text Amendment No. 19-005);" and, Ordinance No. 4215, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled R Residential Districts (Zoning Text Amendment No. 19-005);" and, Ordinance No. 4216, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards (Zoning Text Amendment No. 19-005);" and, Ordinance No. 4213, "An Ordinance of the City Council of the City of Huntington Beach Amending Title 5 of the Huntington Beach Municipal Code Titled Business Licenses and Regulations;" (Attachment Nos. 2 - 6).

The motion carried by the following vote:

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

19. 20-1728 Approved FY 2020/2021-2024/2025 Housing and Urban Development (HUD) Consolidated Plan, FY 2020/2021 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs, FY 2020/2021-2024/2025 Citizen Participation Plan, and FY 2020/2021-2024/2025 Regional Analysis of Impediments to Fair Housing

Director of Community Development Ursula Luna-Reynosa presented a PowerPoint communication entitled: *20/25 Consolidated Plan, 2021 Annual Action Plan, 20/25 Citizen Participation Plan, 20/25 AI* with slides titled: *Discussion Items, 2020/2025 Consolidated Plan, 2020/2025 Consolidated Plan Funding Categories, 2020/2025 Consolidated Plan Priorities, 2020/2021 Annual Action Plan (3), 2015-2019 Citizen Participation Plan Amendment, 2020-2025 Citizen Participation Plan, 2020-2025 Regional Analysis of Impediment (2), and Questions?*

Mayor Pro Tem Hardy opened the Public Hearing for this item.

City Clerk Robin Estanislau announced receipt of the following Supplemental Communications for this item, and stated there were no public speakers:

#19 (20-1728) PowerPoint communication entitled *20/25 Consolidated Plan 20/21 Annual Action Plan 20/25 Citizen Participation Plan 20/25 AI* submitted by Director of Community Development, Ursula Luna-Reynosa

Mayor Pro Tem Hardy closed the Public Hearing for this item.

A motion was made by Posey, second Brenden to approve staff recommendation that the City Council approve and authorize the following in compliance with the Consolidated Plan Procedures of 24 CFR Part 91: approve the 2020/2021-2024/2025 Housing and Urban Development (HUD) Consolidated Plan; and, approve the 2021/2021 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs; and, approve the 2020/2021-2024/2025 Citizen Participation Plan; and, approve the 2020/2021-2024/2025 Regional Analysis of Impediments to Fair Housing; and, authorize the City Manager to sign all necessary documents.

The motion carried by the following vote:

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

20. 20-1730 Public Hearing held and accepted Economic Development Subsidy Study for Pinnacle Petroleum Sales Tax Agreement

Community Director Ursula Luna-Reynosa presented a PowerPoint communication entitled: *Five Year Report Pursuant to Government Code Section 53083* with slides titled: *Background, AB 562, Key Points of City/Pinnacle Agreement, Cost of Agreement, Consideration Received, and Questions*

Councilmember Posey confirmed with Director Luna-Reynosa the agreement expires in five (5) years with two five (5) year options which both parties must agree to exercise.

Councilmember Brenden and Director Luna-Reynosa discussed the amount of revenue generated is one percent (1%) of total sales tax.

Mayor Pro Tem Hardy opened the Public Hearing for this item.

City Clerk Robin Estanislau announced receipt of the following Supplemental Communications for this item, and stated there were no public speakers:

#20 (20-1726) PowerPoint communication entitled *Five Year Report Pursuant to Government Code Section 53083* submitted by Director of Community Development, Ursula Luna-Reynosa

Mayor Pro Tem Hardy closed the Public Hearing for this item.

Councilmember Brenden discussed with Mayor Pro Tem Hardy when the terms changed from 70/30 in favor of city to the 65/35 current contract, who explained Huntington Beach wanted to match the competing offer to keep Pinnacle within the City.

A motion was made by Delgleize, second Brenden to open the public hearing and receive written and oral testimony; and, receive and file the "Five Year Report Pursuant to California Government Code Section 53083 on an Operating Covenant Agreement By and Between the City of Huntington Beach and Pinnacle Petroleum, Inc.," in compliance with Government Code Section 53083.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

21. 20-1726 Authorized and directed the City Manager to enter into the City's standard Professional Services Agreement with the following service providers for the Tenant Based Rental Assistance (TBRA) Program: 1) Families Forward, 2) Interval House, and 3) Mercy House; and, approved the Operating Guidelines

Community Director Ursula Luna-Reynosa presented a PowerPoint communication entitled *Tenant Based Rental Assistance (TBRA) Program* with slides titled: *Federal HOME Investment Partnership Funds, Partnership with Service Providers: Working with Community Based Organizations, COVID-19 Housing Needs, Recommended City Council Action, and Questions?*

Councilmember Delgleize and Director Luna-Reynosa discussed the increased funds that were approved this year which is expected to cover current year additional costs.

Councilmember Posey and Director Luna-Reynosa discussed that the City selects the Service Providers who then select the qualified recipients from those referred by the Huntington Beach Homeless Task Force and/or Police Department.

Councilmember Carr and Director Luna-Reynosa discussed that the City's funding allocations prevent homelessness through this rental voucher program, and the ancillary services provided such as life skill training and case management by the Service Providers.

Councilmember Brenden summarized that these three service providers have basically prevented the homelessness of 353 individuals and 144 households since 2015.

Councilmember Delgleize suggested arranging for representatives of these three organizations to make a Study Session appearance and provide an opportunity for them to describe the success of their programs.

A motion was made by Posey, second Delgleize to authorize and direct the City Manager to execute a Professional Services Agreement with Families Forward in an amount not to exceed \$313,000; and, authorize and direct the City Manager to execute a Professional Services Agreement with Interval House in an amount not to exceed \$151,249; and, authorize and direct the City Manager to execute a Professional Services Agreement with Mercy House in an amount not to exceed \$309,079; and, approve the Operating Guidelines (Attachment #1), which will be attached to the Professional Services Agreement as an exhibit.

The motion carried by the following vote:

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

22. 20-1741 Approved Temporary Closure of the Second Block of Main Street to vehicular traffic to allow restaurants to serve patrons in the public right-of-way

City Manager Oliver Chi presented a brief overview of this issue described as a response to Governor Newsom's new COVID-19 directive that shut down inside dining for the restaurant industry again in Orange County and selected other counties within the State. This proposal is different from the parklet proposal addressed by Council a couple of weeks ago. This proposal is only for the City to facilitate a temporary program that would allow restaurants on the Second Block of Main Street to serve patrons in the public right-of-way for as long as Governor Newsom's order stands.

Mayor Semeta thanked staff for the quick response to the changing situation.

Councilmember Delgleize and City Manager Chi discussed some of the logistics and expectation of availability no later than this next weekend if approved. City Manager Chi added that this is a temporary solution for local restaurants on the second block of Main Street, not a mandatory program.

Councilmember Posey commended City Manager Chi for quickly responding to the need as the City strives to help Main Street restaurants serve as many patrons as possible.

Councilmember Carr expressed her concern of also finding ways to help other restaurants on other streets. City Manager Chi explained that the temporary emergency use for outdoor commercial permit program that was approved a couple of weeks ago is still available for businesses outside of the second block of Main Street. City Manager Chi stated that the concentration of restaurants on the

second block of Main Street is driving this additional measure for temporarily closing that part of Main Street to vehicular traffic to allow access to a greater area.

Councilmember Posey and City Manager Chi discussed the commercial outdoor permit program and plans to streamline the process.

Councilmember Brenden expressed his support for this program which is focused on specific permanent businesses downtown vs. Surf City Tuesday night vendors.

Mayor Pro Tem Hardy stated her expectation that the City be prepared for very timely logistical responses if Governor Newsom announces restrictions again, not only for closing down or opening up the street for vehicular traffic, but also handling the permit process.

A motion was made by Semeta, second Posey to direct the City Manager to temporarily close the second block of Main Street in response to the current State order prohibiting indoor restaurant service, and work with all related departments including the City Attorney's Office, Community Development, and the Police Department to develop a permitting system to allow restaurants to serve patrons food in the public right-of-way.

The motion carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Semeta congratulated Mr. Crumby, for his selection as Director of Public Works; congratulated the small business owners who successfully applied for the CARES Act Small Business Grants; and reminded small business owners of the City of Huntington Beach Micro-Grant Program as another funding resource. Mayor Semeta reported attending the Orange County Human Relations Task Force Student Dialogue Day; congratulated four Girl Scout Troop 2190 Gold Award winners: Stephanie Chun, Sophia Clay, Alexandra Hill and Amber Zeng; and, congratulated Huntington Beach resident WWII Veteran William "Bill" Kull and thanked American Legion Post 133 and the Huntington Beach Fire Department for their support in providing a celebration for his 100th birthday.

Mayor Semeta provided special thanks to Stacey Newton and 4th of July Board members Linda Vircks, Andi Kowal, Lisa Marie Moreo, Matt Liffreing, Pat Love, Karen Pedersen, Chris Young and Carol Ann Walls, John Wellfringer for the GPS app that allowed residents to track the parade route, and Don Ramsey for putting together the VW buses. Also thanks to event sponsors Toyota of Huntington Beach and Chrysler Dodge Jeep Ram of Huntington Beach, plus Decorating Sponsors Beef Palace, Home Depot, Love N' Bloom Florist, Stone & Ceramic Surfaces, Matter of Craft Bottle Shop, Albertson's, Jack's Surfboards, 5th & PCH, Haole Boys Shave Ice, and Raising Cane's. A brief overview video of the July 4th Parades, produced by Matt Liffreing, was presented. Mayor Semeta also acknowledged the Day family for winning the People's Choice home decorating contest.

Councilmember Carr thanked Director of Community Services Chris Slama, the 4th of July Board, the Huntington Beach Police and Fire Departments, plus many others who stepped up for a successful celebration. Councilmember Carr congratulated the four Girl Scout Gold Awardees, thanked Police

Chief Handy for participating in the Orange County Human Relations Task Force Student Dialogue Day, and thanked Fire Chief Haberle for ensuring a COVID-safe Jr. Lifeguard program.

Councilmember Peterson thanked everyone who purchased Safe and Sane Fireworks from local non-profit booths, and supporting this fundraiser opportunity.

Councilmember Brenden acknowledged Brian Ragland for receiving the Mayor's HB Excellence Award, congratulated Diane Dwyer, 4th of July Parade Grand Marshall, expressed appreciation to the Huntington Beach Fire, Police and Marine Safety staff members for their service and ensuring a successful and safe celebration, thanked Police Chief Handy for his excellent Study Session report, and asked everyone to accept personal responsibility and concern for each other by wearing a face mask in those situations where it is recommended to protect yourself and protect others.

Councilmember Posey expressed appreciation for everyone who did their best this year to adapt to the current situation and still provide a patriotic 4th of July celebration, and stated he is looking forward to returning to the usual traditions next year.

Mayor Pro Tem Hardy stated her support for Councilmember Brenden's comments on wearing masks, thanked Councilmember Carr for helping to organize the Orange County Human Relations Task Force Student Dialogue Day and Police Chief Handy for participating in the event, reported attending the Grand Opening of the new showroom for Electric Bike Co., shared her appreciation for being part of the unique 4th of July Parades, and thanked City staff, the 4th of July Board, and many others that worked to ensure a successful celebration.

Councilmember Delgleize thanked everyone for their resiliency the last few months to ensure that Huntington Beach remains the special city that it is.

ADJOURNMENT — 10:32 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, July 20, 2020, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

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



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

ATTEST:


City Clerk-Secretary
Mayor-Chair