

**Special Meeting Minutes
City Council/Public Financing Authority
City of Huntington Beach**

Tuesday, June 1, 2021
5:00 PM - Council Chambers
6:00 PM - Council Chambers
Virtual via Zoom Webinar
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A video recording of the 5:00 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/

5:00 PM - COUNCIL CHAMBERS

CALLED TO ORDER — 5:02 PM

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

(Received After Agenda Distribution) — None

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

RECESSED TO CLOSED SESSION — 5:04 PM

A motion by Posey, second Kalmick, to recess to Closed Session for Items 2, 3 and *New (21-443). With no objections, the motion passed.

CLOSED SESSION ANNOUNCEMENT(S)

1. 21-431 Mayor Carr Announced: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator, City Manager Oliver Chi; also in attendance: Assistant City Manager, Travis Hopkins who will be participating in today's Closed Session discussion of the public employment of the Police Chief

CLOSED SESSION

2. 21-423 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Gov. Code section 54956.9(d)(1).) Name of case: Brewster (Terri Lynn) v. City of Huntington Beach; OCSC Case No. 30-2020-01160094.
3. 21-430 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.

***New 21-443 CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION. Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: Number of cases, one (1).**

6:00 PM — COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:04 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Mayor Pro Tem Ortiz

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.

Deacon Joe Sullivan, St. Bonaventure Catholic Church, Huntington Beach and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

4. 21-434 Mayor Carr called on Victoria Alberty to present the "Adoptable Pet of the Month"

Ms. Alberty and Karen of Top Dog Barkery joined the meeting via Zoom to introduce Guinness, a Black Lab/Shephard mix, born on March 17, and his Mamacita, a small Shephard mix. Both of these energetic dogs need a home with a yard, and anyone interested can complete an application at Top Dog Barkery, Pacific City.

5. 21-421 Mayor Carr presented a commendation to Kiwanis of Huntington Beach President Shawn Wood to celebrate the organization's 60th anniversary of service in Surf City

Mayor Carr introduced Shawn Wood, provided a brief historical overview of Kiwanis Club, and described some of their events to improve the lives of children by providing food, clothing, educational and recreational activities.

Mr. Wood expressed appreciation for the recognition and thanked all of the volunteers who make it possible to carry out their devotion to improving the world, one child and one community at a time, by focusing on human and spiritual, rather than material values.

6. 21-422 Mayor Carr presented the "Making a Difference Award" to David Gins for his diligence in having the new Mobi-Mat installed off the 6th Street parking lot to allow those with disabilities easy access to enjoy the ocean

Mayor Carr stated this award recognizes selflessness, volunteerism, exceptional community service, and applauds unsung heroes. Councilmember Moser, who nominated Mr. Gins for this recognition,

described how he invited her, as an elected official, to join his team working to provide easy access to the ocean for those with disabilities. Councilmember Moser noted Mr. Gins' extensive volunteer services with many local, state and national organizations to help those with life challenges, and thanked him for modeling advocacy and solutions-oriented thinking.

Mr. Gins expressed his appreciation for the recognition and shared his inspiration for the many people, including his friend Kamaka Jensen, who are now more able to access the ocean in Huntington Beach with the installation of the Mobi-Mat.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

City Manager's Report

#7 (21-427) Email communication received regarding the Public Safety Update on Unlawful Assembly.

Consent Calendar

#10 (21-424) Four (4) email communications regarding Mobile Home Advisory Board appointments.

#16 (21-418) Email communication regarding elimination of Environmental Assessment and Subdivision committees.

Councilmember Items

#21 (21-441) Ten (10) email communications received regarding review of the Settlement Agreement reached in the Moore/Field v. Huntington Beach & Michael Gates. (Item #21 was withdrawn from the Agenda on 5/28/21).

PUBLIC COMMENTS (3-Minute Time Limit) — 11 In-Person Speakers; 4 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>.

Amory Hanson, a candidate for City Council in 2022 and member of the Huntington Beach Historic Resources Board, was called to speak and shared his pleasure at being allowed to speak in person at this meeting, and requested that all Huntington Beach deliberative assemblies also be allowed to meet in person. (00:28:09)

Michael Gates, City Attorney and candidate for reelection in 2022, was called to speak and responded to a recent article in the *Orange County Register* about Councilmember Item No. 21 submitted by Councilmembers Kalmick and Posey, thereafter, pulled from the agenda on Friday, May 28. He shared factual details on the Settlement Agreement reached in the case of Moore / Field v. Huntington Beach & Michael Gates. (00:29:43)

Cari Swan was called to speak and expressed her appreciation for City Attorney Michael Gates, and summarized her opinion that sensitive legal issues should not be discussed in any open session, but if the Council decides differently, they should start with the 2008 case which is described in the book *Friendly Fire: The Illusion of Justice* by Adam Bereki, a former Huntington Beach Police Officer. (00:33:01)

Ida Margaret Wolff was called to speak and shared her personal opinions regarding COVID-19. (00:36:47)

Mary Jo Baretich, Zone C Vice President, Golden State Manufactured-Home Owners League (GSMOL), and Member, Huntington Beach Mobile Home Advisory Board (MHAB), was called to speak and requested that Consent Calendar Item No. 10 regarding appointments to the MHAB be postponed to allow affected homeowners proper time for discussions on these appointments, and suggested all MHAB members should be either local Huntington Beach mobile home owners or managers. (00:39:02)

Devin Dwyer, self-described as a recovering politician, was called to speak and shared his perspectives of the City Attorney's office during his tenure as a Huntington Beach Councilmember from 2008 – 2012. Mr. Dwyer added his opinion that City Attorney Gates has cleaned up the City Attorney's office, and asked that the current City Council not allow the past practice of settling lawsuits to return. (00:41:14)

Eric Silkenson, At-Large Member, Mobile Home Advisory Board, was called to speak and thanked Council for returning to Council Chambers, and thanked Stoney's Pizza and residents for stepping up to help replace items recently lost by Pier Plaza vendors during the May 21-23 incidents. He shared concerns expressed to him by some mobile home owners regarding the Mobile Home Advisory Board appointments in Consent Calendar Item No. 10, suggesting additional time needed for further discussions. (00:44:26)

Avery Counts, Constituent Services Manager for Orange County 2nd District Supervisor Katrina Foley, and resident of Huntington Beach, was called to speak and thanked Huntington Beach for the wonderful Memorial Day event with the American Legion; provided an update on the work that Supervisor Foley is doing for Huntington Beach, including State funding for channel improvements; and described upcoming community events to support employers and job seekers including the Veterans Workforce Development Program. OC Supervisor Foley may be reached through avery.counts@ocgov.com or by calling 714-559-8364. (00:46:39)

Jeff Herold, a resident and business owner in Huntington Beach since 1990, was called to speak and shared his concerns regarding the homeless population which appears to be day camping on the sand in Sunset Beach. He shared pictures to document his concerns and suggested laws need to be changed to prevent this type of activity from continuing. (00:48:22)

Gina Clayton-Tarvin, Trustee, Ocean View School District, was called to speak and shared School District actions related to COVID-19, and announced the District's upcoming in-person promotions for 5th and 8th graders. (00:51:25)

Maureen was called to speak and shared her opinions on why Harvey Milk should not have been honored on May 22, and suggested that Mayor Carr and City Councilmembers support Mayor Pro Tem Ortiz rather than continue to disparage him. (00:54:28)

Galen Pickett, (phone-in caller) was called to speak and stated his support for the Council's recent efforts to acknowledge the LGBTQ community, and for working together to reach consensus. (00:56:24)

Allison Plum and Jerry Blyweiss, (phone-in caller) a long-time resident of Huntington Beach and member of American Legion Post 133, were called to speak and stated their opposition to Consent Calendar Item No. 10 regarding the appointment of Vickie Talley to the Mobile Home Advisory Board (MHAB). They recommended that only residents, owners or managers of a Huntington Beach mobile home community be allowed to be MHAB members. (00:59:32)

Mary Kate (Katie) Morrow, (phone-in caller) was called to speak and stated her support for the Council and business community's recent efforts to acknowledge the LGBTQ community, and thanked City Attorney Michael Gates for stepping forward and addressing recent publicity through the proper channel

as a Public Speaker, rather than sticking to social media platforms like Mayor Pro Tem Ortiz has done.
(01:01:54)

John (phone-in caller) was called to speak and stated his opposition to Public Hearing Item No. 19 regarding the adoption of the City Budget for Fiscal Year 2021/22, specifically Resolution No. 2021-40 levying retirement property tax for pre-1978 employee retirement benefits; and stated opposition to Consent Calendar Item Nos. 12, 13 and 14 approving Professional Service contracts totaling \$7.65M.
(01:04:59)

At approximately 7:05 PM, Mayor Pro Tem Tito Ortiz read a prepared statement to announce that he was resigning from his elected position as Mayor Pro Tem for the City Council, effective immediately.

CITY COUNCIL/PUBLIC FINANCING AUTHORITY RECESS - At 7:08 PM, Mayor Carr called for a 10-minute recess.

RECOVERED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 7:21 PM

City Clerk Robin Estanislau announced for the benefit of the listening public that all Councilmembers returned to Chambers after the brief recess, with the exception of Mr. Ortiz.

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

Councilmember Kalmick reported attending meetings of the Smart City's Ad Hoc Committee, and Ad Hoc Committee to Review Commissions and Boards.

Councilmember Moser reported attending a special meeting of the Homeless Task Force with Police Officers; meetings with Faith Leaders and City Manager Chi regarding Project Zero; and HB Central Park Collaboratives including Central Park Landscape Designer Erik Katzmaier.

Councilmember Delgleize reported attending a meeting of the Orange County Transit Authority (OCTA), and announced an upcoming OCTA "The Future of Transit in Orange County" workshop.

Councilmember Posey announced Orange County Vector Control workshops on June 8 and 9, 11:30 am – 1 pm, and presentation of information on genetically modifying male mosquitoes to prevent them from fertilizing eggs in an effort to reduce mosquito populations.

Mayor Carr reported attending meetings of Orange County Sanitation District, Intergovernmental Relations Committee, Ad Hoc Committee to Review Commissions and Boards, Communications Committee, and the Southeast Huntington Beach Community.

CITY MANAGER'S REPORT

7. 21-427 Public Safety Update on Unlawful Assembly

Police Chief Julian Harvey presented a PowerPoint communication entitled *Viral Three-Day TikTok Event Background* with slides entitled: *Preparation Efforts; Saturday, May 21, 2021; Saturday, May 21, 2021 — Mutual Aid; Saturday, May 21, 2021 — Unlawful Assembly; Saturday, May 21, 2021 — Over 150 Arrested; Saturday, May 21, 2021 — Property Damage; Sunday, May 22, 2021; and Next Steps*

Mayor Carr thanked Police Chief Harvey, City staff, and Officers from neighboring communities for handling the situation so admirably. Mayor Carr and Chief Harvey discussed the importance of notifying parents and schools when evidence of similar activities in the future, becomes known.

Councilmember Delgleize and Chief Harvey discussed how law-abiding citizens get a permit for a planned event, but unfortunately, some have no interest in abiding by the law. Chief Harvey stated that City Council is very supportive of the Police Department including staffing, training, equipment, and noted that in the last year ten Police Officers were hired.

Councilmember Kalmick and Chief Harvey discussed ways to determine impact by geographic area, and how to share that information with those potentially affected.

Councilmember Posey underscored how well the staff and mutual aid controlled the crowds and thanked everyone for that effort.

Councilmember Moser and Chief Harvey discussed the importance of balance when with any pre-warning communication to potentially affected businesses and public, while being careful as to not create undue panic or fear. Chief Harvey also explained that select parking structures were strategically closed.

8. 21-429 Smart Meter Technology Update

Sean Crumby, Director of Public Works, presented a PowerPoint communication entitled *AMI Customer Portal - Automatic Meter Infrastructure*, with slides titled *About, Background, Customer Portal, Bills & Payments, Billed Usage, Compare - Year to Year, Service Requests, Outages, Schedule, and End of Presentation*.

Mayor Carr and Director Crumby discussed some of the new features available with the system change which will require computer access, and added that further details and client education will be addressed after Labor Day with the beta testing.

Councilmember Kalmick asked, and Director Crumby confirmed that this system would not allow for remotely turning water on or off. Director Crumby also added that water agencies throughout the world are currently using it.

CONSENT CALENDAR

Councilmember Moser pulled Item No. 10 for further discussion, and Councilmember Peterson requested to "Abstain" on Item No. 9 A) – May 3, 2021 Minutes, and be recorded as "No" on Item No. 16.

9. 21-373 Approved and Adopted Minutes

A motion was made by Posey, second Kalmick to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated May 3, 2021, as written and on file in the office of the City Clerk; and, approve and adopt the City Council/Public Financing Authority regular meeting minutes dated May 17, 2021, as written and on file in the office of the City Clerk.

The motion carried by the following votes:

For regular meeting minutes dated May 3, 2021:

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

NOES: None

ABSTAIN: Peterson
ABSENT: Ortiz

For regular meeting minutes dated May 17, 2021:

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

10. 21-424 Approved as amended appointments to the Mobile Home Advisory Board (MHAB) as recommended by City Council Liaisons Carr and Posey

Councilmember Moser requested more time to delve into this item in light of public comments and communications. Mayor Carr asked that a motion be amended to approve the appointment of Terrance Pham, and postpone appointments of Vickie Talley and Chris Houser.

A motion was made by Moser, second Delgleize to approve the appointment of Terrance Pham as an At-Large Member to the MHAB effective immediately through August 5, 2025, and **postpone until further notice** the appointment of Vickie Talley as an Owner Member, and Chris Houser as an Owner Member.

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

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

11. 21-425 Adopted Resolution No. 2021-39 Amending Section 3 of the City Council Manual Regarding the Day of Regular Council Meetings

A motion was made by Posey, second Kalmick to adopt Resolution No. 2021-39, "A Resolution of the City Council of the City of Huntington Beach Amending Section 3 of the City Council Manual Regarding the Day of Regular Council Meetings."

The motion carried by the following vote:

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

12. 21-308 Approved and authorized execution of Professional Services Contracts for On-Call Development Review Engineering and Professional Consulting Services with Ardurra Group, Cannon Corporation, Derek J. McGregor, and HR Green Pacific

A motion was made by Posey, second Kalmick to approve and authorize the Mayor and City Clerk to execute \$500,000 "Professional Services Contract between the City of Huntington Beach and Ardurra Group, Inc., for On-Call Development Review Engineering and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$500,000 "Professional Services Contract between the City of Huntington Beach and Cannon Corporation for On-Call Development Review Engineering and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$500,000 "Professional Services Contract between the City of Huntington Beach and Derek J. McGregor, Inc., for On-Call Development Review Engineering and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$500,000 "Professional

Services Contract between the City of Huntington Beach and HR Green Pacific, Inc. for On-Call Development Review Engineering and Professional Consulting Services."

The motion carried by the following vote:

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

13. 21-392 Approved and authorized execution of Professional Services Contracts for On-Call Civil Engineering, Surveying, and Consulting Services with Ardurra Group, BKF Engineers, RAK Development dba Kreuzer Consulting Group, Psomas, and Stantec Consulting Services, Inc.

A motion was made by Posey, second Kalmick to approve and authorize the Mayor and City Clerk to execute \$1,000,000 "Professional Services Contract Between the City of Huntington Beach and Ardurra Group for On-Call Civil Engineering, Surveying, and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$1,000,000 "Professional Services Contract Between the City of Huntington Beach and BKF Engineers for On-Call Civil Engineering, Surveying, and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$1,000,000 "Professional Services Contract Between the City of Huntington Beach and Kreuzer Consulting Group for On-Call Civil Engineering, Surveying, and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$1,000,000 "Professional Services Contract Between the City of Huntington Beach and Psomas for On-Call Civil Engineering, Surveying, and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$1,000,000 "Professional Services Contract Between the City of Huntington Beach and Stantec Consulting Services, Inc. for On-Call Civil Engineering, Surveying, and Professional Consulting Services."

The motion carried by the following vote:

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

14. 21-395 Approved and authorized execution of Professional Services Contracts for On-Call Civil Engineering, Surveying and Professional Consulting Services with Moffatt & Nichol, Anchor QEA, LLC and COWI North America

A motion was made by Posey, second Kalmick to approve and authorize the Mayor and City Clerk to execute \$650,000 "Professional Services Contract Between the City of Huntington Beach and Moffatt and Nichol for On-Call Civil Engineering, Surveying and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$250,000 "Professional Services Contract Between the City of Huntington Beach and Anchor QEA, LLC for On-Call Civil Engineering, Surveying and Professional Consulting Services;" and, approve and authorize the Mayor and City Clerk to execute \$250,000 "Professional Services Contract Between the City of Huntington Beach and COWI for On-Call Civil Engineering, Surveying and Professional Consulting Services."

The motion carried by the following vote:

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

NOES: None
ABSENT: Ortiz

15. 21-428 Took positions on legislation pending before the State and Federal Legislature, as recommended by the Intergovernmental Relations Committee (IRC)

A motion was made by Posey, second Kalmick to approve City positions on the following State legislation: Watch Assembly Bill 1177 (Santiago) — California Public Banking Option Act; and, Support Assembly Bill 1158 (Petrie-Norris) — Alcoholism or drug abuse recovery or treatment facilities.

The motion carried by the following vote:

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

**16. 21-418 Adopted Ordinance No. 4230 amending the Municipal Code and Zoning and Subdivision Code to eliminate the Environmental Assessment Committee and Subdivision Committee (Appeal of Planning Commission Denial of Zoning Text Amendment (ZTA) No. 21-002)
Approved for introduction May 17, 2021 – Vote: 6-1 (Peterson – No)**

A motion was made by Posey, second Kalmick to adopt Ordinance No. 4230, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapters 2.33, and 2.56 of the Huntington Beach Municipal Code; Chapters 240, 248, 250 and 251 of the Huntington Beach Zoning and Subdivision Code Removing All References to the Subdivision and Environmental Assessment Subcommittees (Zoning Text Amendment No. 21-002)."

The motion carried by the following vote:

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

**17. 21-419 Adopted Ordinance No. 4231 adding Section 17.48.050 to the Huntington Beach Municipal Code Chapter to amend Subsection A of Section 690.13 of the California Electrical Code
Approved for introduction May 17, 2021 – Vote: 7 – 0**

A motion was made by Posey, second Kalmick to adopt Ordinance No. 4231, "An Ordinance of the City Council of the City of Huntington Beach Adding Section 17.48.050 to the Huntington Beach Municipal Code Chapter to Amend Subsection A of Section 690.13 of the California Electrical Code."

The motion carried by the following vote:

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

PUBLIC HEARING

18. 21-396 Adopted Resolution No. 2021-34 adopting the 2020 Urban Water Management Plan (UWMP); Adopted Resolution No. 2021-35 adopting the 2020 Water Shortage Contingency Plan (WSCP); Approved for introduction Ordinance No. 4233 amending Chapter 14.18 of the Huntington Beach Municipal Code Water Management Program; and, Adopted Resolution No. 2021-33 adopting the Amendment to the Adopted 2015 UWMP

City Manager Chi introduced Deputy Director, Public Works Utility Division, Alvin Papa who shared a PowerPoint communication entitled *Public Hearing - June 1, 2021* with slides entitled: *Public Hearing Items, 2020 UWMP — Background, 2020 UWMP — Assessment Overview, 2020 UWMP — New Items, 2020 UWMP — Key Findings, 2020 WSCP — Overview, 2020 WSCP — Annual Assessment Framework, Six Shortage Levels & Response Actions, Ordinance No. 4233, Appendix L — Addendum to the 2015 UWMP (2), Recommendation Actions, and End of Public Hearing — June 1, 2021*

Councilmember Peterson asked, and City Manager Chi agreed, that language in 14.18.041 be added to state any proposed changes would be brought to City Council to allow for public input, versus just being implemented by the City Manager.

Councilmember Delgleize and Deputy Director Papa briefly discussed annual water shortage assessment details, and Mr. Papa stated his opinion that overall, the outlook is very good for the next 25 years.

Councilmember Moser stated her appreciation for the depth of topics covered in the Urban Water Management Plan (UWMP), and expressed her expectation that the previously discussed water system will be a tool to inform, educate and encourage water conservation.

Mayor Carr opened the Public Meeting.

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

Public Hearing

#18 (21-396) Inter-Departmental Memo regarding Urban Water Management Plan (UWMP) identifying a revision to Ordinance No. 4233 submitted by Sean Crumby, Director of Public Works.

PowerPoint communication entitled *Public Hearing — 2020 Urban Water Management Plan* submitted by Sean Crumby, Director of Public Works.

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

A motion was made by Peterson, second Posey to adopt Resolution No. 2021-34, "A Resolution of the City Council of the City of Huntington Beach Adopting the 2020 Urban Water Management Plan Pursuant to AB797 and SB1011"; and, adopt Resolution No. 2021-35, "A Resolution of the City Council of the City of Huntington Beach Adopting the 2020 Water Shortage Contingency Plan Pursuant to AB797 and SB1011"; and, after the City Clerk reads by title, approve for introduction Ordinance No. 4233, "An Ordinance of the City of Huntington Beach Amending Chapter 14.18 of the Huntington Beach Municipal Code Water Management Program"; and, adopt Resolution No. 2021-33, "A Resolution of the City Council of the City of Huntington Beach Adopting the Amendment to the Adopted 2015 Urban Water Management Plan Pursuant to AB797 and SB1011," ***as amended by Supplemental Communication (replacement page for Ordinance 4233); and, add provision to HBMC Section 14.18.060 to improve public notification.***

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

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

19. 21-426 **Adopted Resolution No. 2021-38 to Adopt a Budget for the City for Fiscal Year 2021/2022; Resolution No. 2021-41 establishing the Gann Appropriation Limit for Fiscal Year 2021/2022; Resolution No. 2021-40 Levying a Retirement Property Tax for Fiscal Year 2021/2022 to Pay for Pre-1978 Employee Retirement Benefits; Resolution No. 2021-37 Setting Advanced Life Support, Basic Life Support, and Emergency Ambulance Transportation Fees to be Charged by the Fire Department; Resolution No. 2021-36 Amending the Community & Library Services Department Charges for Entrance To or Use of City Property (Supplemental Fee Resolution 14); approved for introduction Ordinance No. 4232 Amending Huntington Beach Municipal Code Chapters 10.04 and 10.60 Relating to On-Street Parking Meter Zones; approved the purchase of certain capital equipment and authorized the City Manager to enter into all documents necessary to acquire and lease finance the purchase of the capital equipment at an interest rate not to exceed 2.25%; approve the refinancing of the City's four outstanding capital leases at an interest rate not to exceed 1.50%, and authorized the City Manager or designee to take all administrative and budgetary actions necessary to complete the refinancing; and, authorized the Mayor to establish a three-person City Council Ad-Hoc Subcommittee to review expenditure opportunities and make recommendations to the City Council on how to best utilize funds received through the American Rescue Plan Act (ARPA)**

City Manager Chi and Chief Financial Officer Dahle Bulosan jointly presented a PowerPoint communication titled *Proposed FY 2021/22 Budget Adoption* with slides entitled: *Presentation Overview, City's Financial Status Heading Into FY 2021/22, Huntington Beach Is In A Terrific Financial Position!, The City Addressed Unprecedented Fiscal Challenges This Past Year, Difficult Decisions Previously Made Are Providing Benefits Today, Review of Budget Study Session Items, Budget Study Session Held May 17, 2021, Legal Cost Expenditures, Historical Legal Costs July 1, 2018 to May 19, 2021 (3), City Prosecutor Program MOU w/OCDA Identified, Homeless Response Position, Downtown Parking Structure - Updated Parking Rates, Seasonal Parking Rates - Parking Meters, Seasonal Parking Rates - Attended Parking Lots, RV Camping Note, EMS Cost Recovery Fee Adjustment, Finance Purchase of Major Capital Replacement Equipment, Establish City Council Ad-Hoc ARPA Funding Committee, FY 2021/22 Budget Study Session Follow-Up, Proposed FY 2021-22 General Fund Budget Review, Economic Overview & Local Budgetary Impacts, FY 2021/22 General Fund Proposed Budget Review, FY 2021/22 General Fund Proposed Revenues, FY 2021/22 General Fund Proposed Revenues - \$228M (2), FY 2021/22 General Fund Proposed Expenditures, Recommended FY 2021/22 Authorized Positions, FY 2021/22 Full Time Equivalent - All Funds, FY 2021-22 Capital Improvement Budget Review, CIP Budget Overview, CIP Funding Sources, Key Facility Upgrades (3), Key Park Upgrades, Key Street Upgrades, Key Utility System Upgrades, Approval of FY 2021/22 Budget Requested, City Council Approval Requested, and Questions?*

Councilmember Moser, in response to a public comment, confirmed with City Manager Chi that California property taxes cannot be increased without voter approval; however, levying the retirement property tax to pay for pre-1978 employee retirement benefits which was approved years ago, must be voted on by Council annually.

Councilmember Moser stated her strong support for adding the position of Deputy Director of Homelessness Services to the budget, and outlined some of her expectations as a result.

Councilmember Kalmick confirmed with City Manager Chi that as currently set up, the Deputy Director of Homelessness Services would report to the Police Chief. Discussion continued to clarify that Beach Boulevard parking meters are not being moved.

Councilmember Posey confirmed with City Manager Chi that no changes are being proposed for Seasonal Beach Parking Passes.

Councilmember Posey confirmed with CFO Bulosan that any EMS cost recovery study must be completed by a specialized consultant.

Councilmember Posey and City Manager Chi briefly discussed the process that determined that purchasing helicopters is more advantageous than leasing them.

Councilmember Posey and City Attorney Michael Gates discussed the existing Memorandum of Understanding (MOU) with the District Attorney's Office, and City Attorney Gates confirmed it has the full support of new District Attorney Todd Spitzer.

Councilmember Posey and City Attorney Gates discussed, for the purpose of transparency, whether legal costs retained by various departments within the City could or should be moved to the City Attorney's Office budget from Administrative Services. City Manager Chi clarified that Administrative Services incorporates Risk Management, Human Resources, and Police Department, among others for outside legal costs. Councilmember Posey suggested that the line-item listing be more comprehensive by including the department retaining the service.

Councilmember Moser stated her preference to eventually have the Deputy Director of Homelessness Services report to the City Manager, and Councilmember Delgleize concurred. City Manager Chi explained that the Police Department currently directs homelessness responses, so it makes sense at this time to include the position in the Police Department, with a willingness to review the best structure as the services and processes evolve to end homelessness in Huntington Beach. City Manager Chi suggested that if Council approves the position, staff could provide 6-month updates for Council review.

Mayor Carr confirmed with Police Chief Harvey that the Deputy Director of Homelessness Services would be at the epicenter of calls for service in the Police Department with their 24/7 staff and communication center. Chief Harvey stated support for providing regular Council updates and review to determine if this plan continues to be optimal, or not.

Mayor Carr and Chief Harvey discussed the process selected to replace the three helicopters.

Mayor Carr opened the Public Hearing.

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

Public Hearing

#19 (21-426) PowerPoint communication entitled *Proposed FY 2021/22 Budget Adoption* submitted by Dahle Bulosan, Chief Financial Officer.

Two (2) email communications regarding Fiscal Year 2021/2022 Budget.

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

Councilmember Peterson confirmed with City Manager Chi the "at will" designation for the Deputy Director of Homelessness Services position, and stated he cannot support the quarter million dollars for the position.

Councilmember Peterson also stated his opposition to #19E regarding levying a retirement property tax for Fiscal Year 2021/2022 to pay for pre-1978 employee retirement benefits.

Councilmember Moser reiterated her support for the Deputy Director of Homelessness Services position, especially knowing there would be regular update reports.

Councilmember Posey stated his support for the Deputy Director of Homelessness Services position under the umbrella of the Police Chief.

Councilmember Posey confirmed with CFO Bulosan that approximately \$363M or 85% of the pension obligation was refinanced through a bond over 21 and 22 years, and the remaining 15% was refinanced with CalPERS.

Councilmember Delgleize stated her support for the Deputy Director of Homelessness Services position within the Police Department with regular reviews to evaluate whether goals are being met.

Mayor Carr expressed her support for the Deputy Director of Homelessness Services position, and also requested that the "Sunset Vista Camping, October 1 through May 31" language shown as stricken in the Parking Fee Schedule remain, and return for discussion at a later date.

Mayor Carr described the concerns she had during the 2019 budget process when the City Attorney's Office acquired three managers, and stated her opinion that it would be appropriate to remove one of the Chief Assistant City Attorney positions and apply the cost savings to the Deputy Director of Homelessness Services position. City Attorney Gates voiced objections, noting that this year's personnel budget is much lower than last year's budget, and that his office is currently recruiting for a Senior Trial Counsel, not a Chief Assistant.

Councilmember Kalmick clarified with City Attorney Gates the current number of employees, including new hires and open positions, and discussed staff turnover. City Manager Chi stated the top step for a Chief Assistant is \$92.46/hour, and Senior Trial Counsel \$85.83/hour, for an annual difference of about \$14,000. Attorney Gates observed that prior to this meeting, no member of the Council approached him to share concerns about his budget, and wondered why there was suddenly an effort to re-arrange his staff.

Councilmember Posey and City Attorney Gates discussed that as a result of COVID-19, courts were closed and court cases deferred to the end of 2021 and into 2022/23, which meant there was no pressing need to fill department vacancies. City Attorney Gates explained he purposely used that opportunity as a cost-saving measure.

Councilmember Posey closed discussion by pointing out that the Debt per Capita line item on page 412 in the \$500 range in 2017 – 2020, jumped to \$1,348 after booking the debt obligation bond.

A motion was made by Carr, second Delgleize to adopt Resolution No. 2021-38, "A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2021/22" **as amended to downgrade one Chief Assistant City Attorney position as identified on Exhibit D to Senior Trial Counsel; provide greater budget detail on services retained for outside legal counsel;** and, authorize the Professional Services included in the FY 2021/2022 budget to be representative of the services projected to be utilized by departments in FY 2021/2022; and, approve budget adjustments to the FY 2021/2022 Proposed Budget in the Funds and by the amounts contained in Attachment 2, Exhibit A-1; and, adopt Resolution No. 2021-41, "A Resolution of the City Council of the City of Huntington Beach Establishing the Gann Appropriation Limit for Fiscal Year 2021/2022" of \$1,049,513,696;" and, adopt Resolution No. 2021-40, "A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2021/2022 to Pay for Pre-1978 Employee Retirement Benefits;" and, approve the purchase and 10-year lease financing for the replacement of the City's three helicopters, fire engine, and rescue boat at an amount not to exceed \$8.75 million, with an annual interest rate not to exceed 2.25%, and authorize the City Manager or designee to enter into any and all documents to finance the purchase of the capital equipment and take all administrative and budgetary actions necessary to complete the purchase and financing; and, approve the refinancing of the City's four outstanding capital leases (Schedules 1000141779, 1000142350, 1000143109, and 1000146094) at an annual interest rate not to exceed 1.50%, and authorize the City Manager or designee to enter into any and all documents and take all administrative and budgetary actions necessary to complete the refinancing; and, adopt Resolution No. 2021-37, "A Resolution of the City Council of the City of Huntington Beach Setting Advanced Life Support, Basic Life Support, and Emergency Ambulance Transportation Fees to be Charged by the Fire Department of the City of Huntington Beach;" and, after City Clerk reads by title, approve for Introduction Ordinance No. 4232, "An Ordinance of the City of Huntington Beach Amending Chapters 10.04 and 10.60 of the Huntington Beach Municipal Code On-Street Parking Meter Zones;" and, adopt Resolution No. 2021-36, "A Resolution of the City Council of the City of Huntington Beach Amending the Community Services & Library Department Charges for Entrance To or Use of City Property by Amending Resolution 2016-59, as Amended by Resolution Nos. 2017-28, 2017-44, 2017-46, 2018-01, 2018-29, 2018-48, 2018-55, 2019-07, 2019-19, 2019-87, 2020-37, 2021-17, and 2021-18, which Established a Consolidated Comprehensive Citywide Master Fee and Charges Schedule (Supplemental Fee Resolution 14) **as amended to retain language "Winter Camping (October 1 – May 31)" stricken under Exhibit A - Sunset Vista Camping Facility (Daily Rates);** and, authorize the Mayor to establish a three-person City Council Ad-Hoc Subcommittee to review expenditure opportunities and make recommendations to the City Council on how to best utilize funds received through the American Rescue Plan Act; **and, provide periodic update to Council on Deputy Director of Homelessness and Homelessness Program within the Police Department.**

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

AYES: Peterson (**No-Exhibit A-1 to Resolution No. 2021-38, Proposed Budget FY 2021/22 Revisions; No-Resolution 2021-40, Levying a Retirement Property Tax for FY 2021/22 to pay for Pre-1978 Employee Retirement Benefits**), Kalmick, Carr, Posey, Moser, and Delgleize
NOES: None
ABSENT: Ortiz

COUNCILMEMBER ITEMS

20. 21-439 Item Submitted by Mayor Carr Approved - Establish a Recovery Fund to Support Businesses Impacted by the May 21-23 Incidents

Mayor Carr introduced this item by describing incident damage experienced by some vendors and Downtown businesses during what has been referred to as "Adrian's Kickback" on May 21-23, and suggested that a \$20,000 Recovery Fund Program be established to utilize remaining American Rescue Plan Act (ARPA) funds, as well as offering assistance in completing the application process.

Councilmember Peterson stated his support for personally assisting those affected, and shared his opinion that this proposal is setting a bad precedent by using taxpayer funds, especially when some type of graffiti or paint damage happens during any group event in that area. Councilmember Peterson referred to Police Chief Harvey's indication that this incident may be an indicator of things to come this summer, and expressed his belief that there are better solutions, including encouraging individuals to continue supporting and assisting those affected.

Mayor Carr stated she understands Councilmember Peterson's concerns, but she is interested in an opportunity to utilize funds that will be lost if not spent.

Councilmember Posey stated his support for Councilmember Peterson's sentiment on the matter of fiscal conservancy.

Councilmember Posey and City Manager Chi discussed whether there is a creative mechanism for utilizing some of the approximately \$200,000 remaining American Rescue Plan Act (ARPA) funds, which need to be used by the end of June, to assist affected businesses.

Councilmember Posey said he would second Mayor Carr's motion, but would like to include an amendment to the agreement with Pier Plaza Art-A-Faire, prohibiting overnight storage of merchandise, equipment or supplies.

A motion was made by Carr, second Posey to recommend that the City Council direct the City Manager to develop a \$20,000 Recovery Fund Program to support local downtown businesses that were impacted by the events from the May 21-23 weekend, ***as amended to modify agreement with Pier Plaza Art-A-Faire prohibiting overnight storage of merchandise, equipment or supplies.***

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

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

**21. 21-441 Item Submitted by Councilmembers Kalmick and Posey Withdrawn May 28, 2021
~~Consider agendizing a review of the Settlement Agreement reached in the Moore /
Field v. Huntington Beach & Michael Gates~~**

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Peterson thanked American Legion Post 133 for their participation and involvement in the City Hall Memorial Day ceremony.

Councilmember Kalmick also expressed his appreciation to American Legion Post 133, reported attending the Huntington Beach Fire Recruit Graduation, and thanked everyone who participated in or attended Harvey Milk Day and the Pride flag raising.

Councilmember Posey congratulated Kiwanis of Huntington Beach President Shawn Wood on the organization's 60th anniversary of service in Surf City, thanked him for his service to the community, and thanked Mayor Carr for acknowledging not only Harvey Milk but also George Muscone at the recent Pride flag-raising event.


Councilmember Delgleize agreed that American Legion Post 133 provided a pitch perfect ceremony; reported attending the outstanding Huntington Beach Fire Recruit Graduation ceremony; a ribbon-cutting at newly renovated Huntington Terrace Senior and Assisted Living facility; an OC Tax presentation on Southern California Edison's nuclear fuel rods relocation project; acknowledged ExperTec Automotive for inscribing a VIN or license number on catalytic converters to make it easier to notify owners if they are recovered by police; and thanked Kiwanis of Huntington Beach President Shawn Wood for recognizing important community members in their 60th Anniversary celebration.

Councilmember Moser reminded everyone of the Saturday, June 5th Clean-up Day from 8 - 10 am in the Oak View Community, and a Housing Element community meeting in Spanish; stated her appreciation to American Legion Post 133 for the moving Memorial Day Ceremony; acknowledged and thanked Stoney's Pizza for stepping up to support the people and businesses impacted by the unfortunate incidents downtown May 21-23; thanked Mayor Carr and Councilmember Kalmick for bringing to fruition the flying of the Pride flag at City Hall; expressed gratitude for being invited to speak at the Community United Methodist Church "Peace With Justice" Sunday service; wished Former Mayor Pro Tem Ortiz and his family well; and reminded people to be active participants in creating the kind of city we all want to live in.

Mayor Carr thanked American Legion Post 133 for an outstanding Memorial Day ceremony; acknowledged Battalion Chief Justin Fleming for the best Fire Recruit Graduation ceremony ever; thanked Downtown businesses for embracing Pride Month; congratulated Kiwanis of Huntington Beach President Shawn Wood on their 60th Anniversary celebration; wished Former Mayor Pro Tem Ortiz and his family well; and thanked staff for preparing Chambers for a safe in-person meeting.

ADJOURNMENT — 10:38 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, June 15, 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