

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, July 19, 2022
4:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648
or Virtual via Zoom Webinar

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

4:00 PM – COUNCIL CHAMBERS

CALLED TO ORDER – 4:00 PM

ROLL CALL

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

City Clerk Robin Estanislau requested, and was granted, permission to be absent pursuant to City Charter Section 310 (a).

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Study Session

#2 (22-622) A PowerPoint communication titled *Fiscal Year 2022/23 Adopted Budget Review Including Revenues and Expenditures Report* submitted by Dahle Bulosan, Chief Financial Officer.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS

(3 Minute Time Limit) — 1 In-Person Speaker

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

Rob Pool was called to speak and shared that his review of the budget page being publicly circulated appears to him to be redacted when compared to what is currently on the City's website, and asked if the footnotes were part of the original document. (00:01:23)

STUDY SESSION

1. 22-628 Presentation on the Brown "Open Meetings" Act by the City Attorney's Office

City Attorney Michael Gates introduced Chief Assistant City Attorney Michael Vigliotta, who has 20 years of Brown Act training experience.

Assistant Chief City Attorney Vigliotta provided a brief overview of Brown Act, and addressed four basic areas: 1) Overview; 2) Types of Meetings the City Has; 3) How to Address Non-Agendized Items; and 4) What Value Do Ad Hoc Committees Have? He stated the laws that guide how government does business, also known as "sunshine" laws, provide light and transparency for the public on how decisions are made. Chief Assistant City Attorney Vigliotta stated he has a full one-hour presentation that goes into greater detail, and noted that the League of California Cities provides an invaluable resource on the Brown Act.

He continued by explaining all meetings of a legislative body of a local agency have to be open to the public, and notice of regular meetings must be provided to the public at least 72 hours before by posting the agenda with a brief general description of all items of business. A meeting is a congregation of a majority of legislative body members to discuss or deliberate any item. Any gathering of four or more City Councilmembers will trigger the Brown Act, whether an in-person meeting or electronic communications discussing issues.

The City Council has three types of meetings. Regular meetings require an agenda to be publicly posted 72 hours in advance; special meetings require an agenda to be publicly posted 24 hours in advance; and emergency meetings, which don't normally require advance notice, possibly called because of a natural disaster, or similar true emergency situation.

Non-Agendized issues may be discussed during Public Comments, however the Brown Act meeting rules do not allow for Councilmember response to non-agendized issues. There are exceptions that allow for non-substantive Councilmember comment.

Ad Hoc committees are created by formal action of the City Council, composed of less than a quorum, to address a specific item where Councilmembers need more information. Ad Hoc committees cannot take any formal action, but report back to the City Council, and once the Ad hoc committee has completed their task the committee should be dissolved.

Councilmember Kalmick thanked Chief Assistant City Attorney Vigliotta for his presentation, and clarified his understanding that Council can ask staff a question, or make a factual statement, in response to a Public Comment.

City Attorney Gates described how easy it is to commit a Brown Act violation and advised that when a Councilmember disagrees with a public speaker, the Councilmember should address the Mayor and request that the City Manager bring the item back to another meeting.

Councilmember Carr quoted Government Code Section 54954.2 which states, in part, that "... members of a legislative body or its staff may briefly respond to statements made or questions posed ..." and expressed her concern that sometimes the type of public comments that are received in her opinion cannot be left unaddressed for two weeks.

City Attorney Gates responded that in reality it is so easy for a Councilmember to suddenly find themselves in a two-way communication with a public speaker, which would be a violation of the Brown Act, and noted there is a balancing act which can easily go the wrong way.

Councilmember Bolton confirmed with Chief Assistant City Attorney Vigliotta that Ad Hoc committees are not prohibited by the Brown Act.

Councilmember Posey stated the League of California Cities is a great resource for Brown Act information, including a 10-page document titled *The Essential Hour, Your First Public Meeting Brown Act Basics* which he especially recommended for all City Council candidates.

Councilmember Moser and Chief Assistant City Attorney Vigliotta discussed certain circumstances where Councilmembers can be at the same event at the same time, and not violate the Brown Act, but must remember to not discuss any City business.

2. 22-622 Review of the Budget including the Revenues and Expenditures Report

City Manager Zelinka introduced Chief Financial Officer Dahle Bulosan who presented a PowerPoint communication entitled *FY 2022/23 Adopted Budget Review including the Revenues and Expenditures Report* with slides titled *Presentation Overview, FY 2022/23 Budget Highlights, General Fund Budget Review, HB Recovery Projects \$29.6M (2), All Funds Review and Expenditure Summary, City of Huntington Beach Adopted Budget - FY 2022/23, All Funds Revenues & Expenditure Summary, Overview of the Capital Improvement Program & Capital Equipment Budgets, FY 2021/22 CIP & Equipment Budget, FY 2022/23 CIP & Equipment Budget, Summary, and Questions?*

Mayor Pro Tem Posey thanked CFO Bulosan for the presentation and stated his opinion that the budget meeting is the single most important meeting of the year. He noted that Calcities.org has a training academy tool that explains budget information for new councilmembers and mayors.

Regarding Park Development Impact Fee Fund Balance, Mayor Pro Tem Posey explained that the balance will be zero in 2023, and shows how accumulated funds are being spent. He noted that the next Council will have to address what to do about funds for continued park maintenance. Mayor Pro Tem Posey also referenced a California League of Cities PowerPoint presentation (slide #4) regarding department head procurement procedures and policies, and requested that City Manager Zelinka review Huntington Beach best practices to make sure that Huntington Beach is in line and transparent.

City Manager Zelinka responded that he had that in his plan for the first 30 days to review that with Finance and that he will be able to return with a path forward about mid-August.

Councilmember Posey also noted the specific spreadsheet in question that had been posted publicly, shown in the PowerPoint presentation with red boxed numbers, and confirmed with CFO Bulosan the "Personnel Costs" of approximately \$363M reflects the proceeds from the Pension Obligation Bonds. The bigger amount in that column reflects the payment made to California Public Employees Retirement System (CalPERS) to reduce the Unfunded Accrued Liability (UAL). He noted that these are one-time anomalies which are not likely to be repeated.

CFO Bulosan also noted that the bonds were refinanced at a lower rate which saved the City money. Mayor Pro Tem Posey commended his fellow Councilmembers, and CFO Bulosan for delivering a balanced budget with a modest surplus.

Councilmember Moser thanked CFO Bulosan for this presentation and responding to the residents' concerns in a timely manner.

CFO Bulosan clarified that the spreadsheet annotations were added after seeing public remarks and confirmed the annotations were not part of the original document.

Councilmember Kalmick clarified that what was shown on the PowerPoint slide tonight, compared to what had been shared via social media, specifically the negative numbers for all categories just shows the decrease from the previous year.

CFO Bulosan stated there is a separate report that precedes this specific worksheet which shows each fund balance, how much it was drawn down and how much was added during the year. Councilmember Kalmick confirmed those big negative numbers do not represent a deficit. He thanked CFO Bulosan and commended him on all of his hard work on preparing the budget documents, and suggested when residents have questions or concerns, they communicate directly with Councilmembers and/or staff to get timely answers.

A motion by Posey, second Carr to recess to Closed Session. With no objections the motion passed.

RECESSED TO CLOSED SESSION – 5:02 PM

CLOSED SESSION

- 3. 22-621 CONFERENCE WITH LEGAL COUNSEL – LITIGATION (Gov. Code section 54956.9(d)(4).): Number of Matters: One (1) – City of Long Beach et. al v. Monsanto Company et. al. Case No. 2:16-cv-03493-FMO-AS.**

6:00 PM - COUNCIL CHAMBERS

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

ROLL CALL

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

City Clerk Robin Estanislau requested, and was granted, permission to be absent pursuant to City Charter Section 310 (a).

PLEDGE OF ALLEGIANCE — Led by Councilmember Bolton

INVOCATION

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

- 4. 22-515 Deacon Matt Calabrese with St. Simon & Jude Catholic Church and member of the Greater Huntington Beach Interfaith Council**

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

5. 22-594 ~~Mayor Delgleize to call on the Huntington Beach Marine Safety Division to honor Junior Lifeguard Elizabeth Felten for her heroic act of saving the life of a six-year-old boy~~
6. 22-523 Mayor Delgleize presented the June Mayor's HB Excellence Award to Milan Vukoje, Supervisor of Parking / Camping Facility in the Community and Library Services Department

Community and Library Services Director Chris Cole introduced Mr. Vukoje noting he joined the City in 2010 as a Parking/Camping Assistant, and quickly rose to Part-Time Supervisor. In 2015 he became a full-time Parking Assistant, and in 2020 became the Parking/Camping Facility Supervisor. An interesting fact is that Milan worked alongside Jim Carey in the movie *Yes Man*. Milan's best attribute as an employee is his collaboration with other departments to get things done, such as adding new innovative technologies for verifying paid parking fees, reconfiguring parking striping to maximize efficiencies, helped to launch a new website (hbrv.org) to reserve beach camping spots, developing a new on-line system for getting annual parking passes, adding WiFi to the Parking Booth to support a new point-of-sale scanning system, and providing analytics.

Mr. Vukoje thanked Mayor Delgleize for the acknowledgement and noted all of those things he was just credited for were really accomplished through an exceptional team of co-workers.

7. 22-607 ~~Mayor Delgleize to present the July Mayor's HB Excellence Award to Jimmy Hoang, Code Enforcement Supervisor in the Community Development Department~~

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Consent Calendar

- #8 (22-615) Inter-department communication memo received from Robin Estanislau, City Clerk, regarding the submission of draft meeting minutes of the City Council/Public Financing Authority regular meeting of July 5, 2022.
- #10 (22-597) PowerPoint presentation entitled *Warner Fire Station Fuel Dispensary* submitted by Director of Public Works, Sean Crumby.

Administrative Items

- #12 (22-601) Inter-Office memo including a PowerPoint presentation entitled *Adoption of Resolutions to Place Cannabis Business Regulation & Taxation Measures* and Resolution Nos. 2022-50, 2022-51, and 2022-52 pertaining to "Option 4" of the Charter amendment submitted by Travis Hopkins, Assistant City Manager.
- Inter-department Communication from Assistant City Manager, Travis Hopkins submitting alternative Resolution Nos. 2022-46, 2022-48 and 2022-49 in the event Council votes to only place the cannabis business taxation measure on the November 8, 2022 General Municipal Election ballot.
- Letter received from the Ocean View School District Superintendent Michael Conroy, Ed.D. and Gina Clayton-Tarvin, Board President regarding the placement of Cannabis

Business Regulation and Taxation Measures on the November 8, 2022 General Municipal Election Ballot.

Letter received from Jonatan Cvetko, Executive Director for United Cannabis Business Association (UCBA) regarding the placement of Cannabis Business Regulation and Taxation Measures on the November 8, 2022 General Municipal Election Ballot.

Eighteen (18) email communications received regarding the proposed adoption of resolutions to place Cannabis Business Regulation and Taxation Measures on the November 8, 2022 General Municipal Election Ballot.

PUBLIC COMMENTS (3 Minute Time Limit) — 14 In-Person and 6 Call-In Public Speakers

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

Luanne Nichols was called to speak and shared examples of her experiences as a public speaker over the last couple of years and shared her disappointment with some councilmembers. (01:17:33)

Gina Alexander, Skandia Mobile Home Park Home Owner Association Vice President, was called to speak and asked what is being done regarding the proposed Rental Assistance Program. She also announced that the Mobile Home Advisory Board quarterly meeting is next Monday, July 25, 2022, and asked that some Councilmembers attend to demonstrate their concern about the situation. (01:19:56)

Dan Panatano, Skandia Mobile Home Park homeowner, was called to speak and stated he feels he is being robbed of the efforts for raising his family and being productive members of Huntington Beach through the big conglomerate investors buying up all the real estate and making middle-income families become renters. He asked that Councilmembers not remain silent about their efforts to provide assistance, and suggested they could respond through the Mobile Home Advisory Board. (01:23:10)

Cari Swan was called to speak and stated her opposition to Administrative Items #12 regarding adoption of resolutions to place cannabis business regulation and taxation measures on the November 8, 2022, General Municipal Election ballot. Ms. Swan also shared some details regarding a letter she received from the attorney for Melahat Rafiei accusing her of making a false and defamatory statement during her public comments at the last City Council meeting, and noted the accusation is not correct. (01:25:46)

R. Allen Baylis, a resident of Huntington Beach for 60 years, was called to speak and stated his support for Administrative Items #12 regarding adoption of resolutions to place cannabis business regulation and taxation measures on the November 8, 2022, General Municipal Election ballot. Mr. Baylis also stated his support for allowing City Council to appoint the City Attorney. (01:28:57)

Damian Martin, Attorney and Co-Founder, Catalyst Cannabis Co., with 13 retail stores in California, was called to speak and offered to assist and support the City Council cannabis efforts. Mr. Martin recommended deferring to State operating hours; keeping the majority of buffer zones to 600 feet; and measuring from the front door of the dispensary building to the parcel line of the sensitive use. (01:31:50)

Cristian Martinez, a researcher, political and community organizer with United Food and Commercial Workers (UFCW) Local 324 representing cannabis workers in Long Beach and throughout Orange County, was called to speak and stated his opinion that it is important for city councils to work closely with their local union to ensure input from those working in the cannabis industry. Mr. Martinez stated his

support for Administrative Item #12 regarding adoption of resolutions to place cannabis business regulation and taxation measures on the November 8, 2022, General Municipal Election ballot. (01:35:06)

Jenny Phan, cannabis industry worker and UFCW Local 324 member, was called to speak and as a person with experience in illicit and legal cannabis operations stated her support for protecting employee rights, benefits, and setting standards. Ms. Phan encouraged Councilmembers to partner with Labor to support the ability of workers to thrive and sustain themselves in a growing cannabis industry. (01:36:43)

Jason Piazza, a life-long resident of Costa Mesa and cannabis real estate specialist, was called to speak and stated his support for Administrative Item #12 regarding adoption of resolutions to place cannabis business regulation and taxation measures on the November 8, 2022, General Municipal Election ballot. Mr. Piazza made recommendations based on his experience for creating green zones which spread out the dispensaries. (01:38:24)

Michael Moussalli, a 5-year resident of Huntington Beach and owner of a Costa Mesa cannabis business, was called to speak and commended City Council for engaging the community in the process of determining the best governance policies. Mr. Moussalli recommended following State guidelines for 600-foot buffers, and allowing operation hours from 6 AM to 10 PM. (01:41:41)

Russell Neal, a resident of Huntington Beach, was called to speak and stated his opposition to Administrative Items #12 regarding adoption of resolutions to place cannabis business regulation and taxation measures on the November 8, 2022, General Municipal Election ballot. He further suggested that Councilmember efforts should lead the fight against legalization on behalf of the residents, rather than supporting legalization. (01:44:55)

Kathy Neal, a resident of Huntington Beach, was called to speak and stated her opposition to Administrative Items #12 regarding adoption of resolutions to place cannabis business regulation and taxation measures on the November 8, 2022, General Municipal Election ballot. Ms. Neal quoted from a 2017 *Daily Pilot* article that Huntington Beach City Council unanimously approved a zoning amendment to prohibit the sale and distribution of non-medical marijuana and cultivation of recreational marijuana, and asked what has changed since then. (01:47:46)

Maureen was called to speak and stated that the City is spending approximately \$250,000 for bike lanes, and shared a picture of a long-time hazardous sidewalk in her neighborhood. Maureen asked how funds can be moved to address unsafe and hazardous sidewalk situations from special interest projects like bike lanes, and shared her opinion that some councilmembers appear disinterested during public comments. (01:51:02)

Matthew Nathaniel, Director of Retail Expansion, Shryne Group, was called to speak and shared his concerns related to Administrative Item #12 regarding adoption of resolutions to place cannabis business regulation and taxation measures on the November 8, 2022, General Municipal Election ballot. Mr. Nathaniel recommended following State guidelines for 600-foot buffers, and 6 AM to 10 PM hours of operation. He noted that Council appears to be setting very high barriers which will make it difficult for smaller "social equity" applicants. (01:53:50)

Caller Ada Hand, a resident of Del Mar Mobile Home Park, was invited to speak and noted that the City has not completed a comprehensive study of Huntington Beach mobile home parks since 2002 to educate Councilmembers on the resources and needs of mobile home residents. Ms. Hand noted that the Huntington Beach Mobile Home Advisory Board (MHAB) passed a motion to request a 2022 Mobile

Home Market Study for the City's consideration, and requested that staff present a report of actions taken for this Market Study for the upcoming MHAB meeting on July 25th. (01:57:14)

Caller Ally Plum, owner of a Del Mar Mobile Home Park manufactured home, was invited to speak and stated she expected an update tonight on the proposed Tenant Based Rental Assistance (TBRA) program, and noted that her requests to City Council for information have gone unanswered. Ms. Plum encouraged everyone to attend, via Zoom or in person, the next Mobile Home Advisory Board (MHAB) meeting on Monday, July 25, 2022, at 5 PM. (02:00:34)

Caller Brayan Ariaza, Culture Cannabis Club, with approximately 25 licenses throughout California, was called to speak and stated support for the City Council efforts to adopt cannabis business regulations, and added the Club looks forward to the opportunity to do business in Huntington Beach. (02:02:45)

Caller Bobbi King, a resident of Huntington Beach for nearly 30 years, currently living in Del Mar Mobile Home Park, was invited to speak and asked that Councilmembers support a Section 803 Rent Stabilization Ordinance (RSO) for mobile home parks in Huntington Beach. (02:03:27)

Caller Mary Jo Baretich, a 40-year homeowner in Cabrillo Mobile Home Park, was invited to speak and requested City Council support for a carve out to City Charter Section 803 for a Rent Stabilization Ordinance (RSO) to be voted on in November 2022. Ms. Baretich noted that a majority of mobile home owners in Huntington Beach are seniors, veterans, disabled and low-income, and shared her opinion that the proposed Rental Assistance program will only help a very small portion of Huntington Beach mobile home owners. (02:06:47)

Caller Ben, a 10-year resident of Huntington Beach, was invited to speak and asked what the distance requirement is between a marijuana smoker and the neighbor's common wall. (02:08:49)

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

Councilmember Carr announced she was appointed as Vice Chair of the Legislative Committee for OC Sanitation, and reported she attended a Downtown Business Improvement District (DBID) meeting.

Councilmember Bolton reported attending a Human Relations Committee meeting.

Mayor Pro Tem Posey announced that Southern California Association of Government (SCAG) President and Palm Desert Mayor Jan Harnock appointed him to the SCAG Legislative, Communications and Membership Committee.

Councilmember Moser reported attending the Human Relations Committee meeting, and a Downtown Business Improvement District (DBID) meeting.

Mayor Delgleize reported attending meetings of the Orange County Transit Authority (OCTA) Board, Orange County Council of Governments (OCCOG) State Commission, and the town hall meeting in Huntington Harbour held by Police Chief Parra.

CITY MANAGER'S REPORT — City Manager Zelinka reported that last week he attended new firefighter water safety training at the Warner Fire station with Fire Chief Haberle, and he also took a tour of the Huntington Beach Police Department facilities with Chief Parra.

Chief Parra reported that Huntington Beach Police Officers apprehended two suspects from an out-of-state smash and grab after engaging in a 90-minute pursuit.

CONSENT CALENDAR

Councilmember Kalmick pulled Item # 10, and noted that Item #8 has amendments.

8. 22-615 Approved and Adopted Minutes

A motion was made by Posey, second Moser to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated July 5, 2022, **as amended by supplemental communication.**

The motion, **as amended by supplemental communication**, carried by the following vote:

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

9. 22-236 Reaffirmed adoption of Resolution No. 2021-62 finding a proclaimed state of emergency continues to impact the ability to meet safely in person, and allows meetings of the City Council and all City boards, commissions and committees to be conducted remotely as needed in compliance with new Brown Act provisions identified in Assembly Bill 361

A motion was made by Posey, second Moser to reaffirm Resolution No. 2021-62, "A Resolution of the City Council of the City of Huntington Beach, California, finding that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person."

The motion carried by the following vote:

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

10. 22-597 Appropriated funds for emergency maintenance repairs at Warner Fire Fuel Station located at 3831 Warner Avenue

Councilmember Kalmick pulled this item to discuss further with staff and asked for a presentation.

Public Works Director Sean Crumby presented a PowerPoint communication titled *Warner Fire Station Fuel Dispensary*, with slides entitled *Warner Fire Station Fuel Dispensary (3)*, *Fleet Management Plan*, and *Questions?*

Mayor Delgleize and Director Crumby discussed repair cost vs the cost of replacement. Director Crumby confirmed there are new Air Quality Management District (AQMD) mandates that will be included in the project.

Mayor Pro Tem Posey thanked Councilmember Kalmick for pulling the item for discussion, and helping to provide transparency for this expenditure. Mayor Pro Tem Posey asked if \$550,000 is sufficient to complete the project. Director Crumby confirmed his department has been performing due diligence since April to present accurate numbers, which are based on actual bids, and include a contingency.

Mayor Pro Tem Posey and Director Crumby discussed that Sunwest, the vendor providing project maintenance and who will provide the repairs, was secured through a competitive bid process, and staff is cross-comparing to ensure continued value.

Mayor Pro Tem Posey asked that the staff report after project completion would include information on the competitive bidding process.

Councilmember Carr confirmed that this is the only site that the City dispenses fuel for Lifeguard boats and inquired how long the project is expected to take. Director Crumby replied that the longest part of the project is procurement, during which time everything continues to be operational, and he noted temporary options are available. He also stated the construction will be coordinated to minimize impact on Marine Safety, while addressing the County's concerns in a timely manner.

Director Crumby stated there are about 5,000 gallons of gas, and 4,000 gallons of diesel in the ground at this location, and confirmed there are a series of portable generators available if the power goes out which could be available in about 20 minutes.

There was further discussion regarding possible use of a nearby public gas station. Public Works Operations Manager Denny Bacon noted he has started dialogue with owners and managers of area public gas stations but there are no numbers or any information to share at this time. It was noted that the station adjacent to the Warner fuel dispensary does not have diesel.

A motion was made by Posey, second Carr to appropriate \$550,000 in Transfers Out from FY2021/22 General Fund year-end surplus to the Infrastructure Fund; and, appropriate \$550,000 from the Infrastructure Fund to account 31440006.82800.

The motion carried by the following vote:

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

11. 22-568 Approved reappointments of Jet Noise Commissioners Keith Bohr, Phil Burtis, Jeff Morin, Chris Kunze, Michael Bourgeault, David Porter, and Mario Tabernig, as recommended by City Council Liaisons Delgleize and Bolton

A motion was made by Posey, second Moser to approve the reappointment of Keith Bohr, Phil Burtis, and Mario Tabernig to the Jet Noise Commission as approved by Council Liaisons, Delgleize and Bolton, with terms set to expire on December 31, 2024; and, approve the reappointment of Jeff Morin, Chris Kunze, Michael Bourgeault, and David Porter to the Jet Noise Commission as approved by Council Liaisons, Delgleize and Bolton, with terms set to expire on December 31, 2026.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

12. 22-601 Adoption of Amended Resolution Nos. 2022-48, 2022-49, 2022-46, and 2022-47 to place Cannabis Business Tax Measure on the November 8, 2022 General Municipal Election Ballot for Voter Approval

City Manager Zelinka introduced Senior Administrative Analyst Grace Yoon-Taylor who presented a PowerPoint communication titled *Adoption of Resolutions to Place Cannabis Business Regulation and Taxation Measures* with slides entitled *Background - City of Huntington Beach (2)*, *Next Steps, Cannabis Business Tax Ballot Measure (2)*, *City of Huntington Beach - Cannabis Business Tax Ballot Measure - General Tax, Number of Available Parcels/Properties, Availability of Parcels - Storefront Retailers, Availability of Parcels: Non-Retail & Type 9 Retail, Cannabis Business Regulation Measure Ballot Language Options 1-4 - Continued (3)*, *Cannabis Business Regulation Measure Ballot Language Options 1-4, Timeline & Next Steps, Recommended Actions, and Questions?*

Mayor Delgleize asked if the buffer distances and measurement lines, whether front door to property line or property line to property line, has already been determined, and Senior Planner Hayden Beckman confirmed that it has not.

Councilmember Kalmick and Senior Planner Beckman discussed whether or not to omit Specific Plans from allowing cannabis businesses, and Senior Planner Beckman noted this is still up to the Council to decide.

Councilmember Kalmick stated his opinion there is need for further discussions on buffer distances, and noted it is important to get more community input regarding allowed hours of operation.

Councilmember Carr noted that the public has provided feedback regarding the buffers, and stated the need for more public outreach since there has only been one townhall and study session regarding this topic. She thanked Public Speakers Cristian Martinez and Jenny Phan for speaking about the industry from the business and professional perspective. She stated her support for determining a residential buffer, especially in consideration for the residents who are adjacent to non-retail sites; noted her support for only allowing retail, testing and manufacturing, but not cultivation in the Ordinance.

Councilmember Carr added there has been no discussion to date to address zoning and concerns regarding Regional Housing Needs Assessment (RHNA) State mandates, and added that housing should be the priority, and cannabis overlays should not be allowed on residential zones. She stated support for only moving forward with putting the tax measure on the ballot at this time.

Councilmember Moser asked if staff had considered property line to front door buffers, and Senior Planner Beckman replied that has not been done yet, but those metrics could be completed moving forward when preparing for presentation to the Planning Commission.

Councilmember Moser agreed that the tax measure should be presented to the voters, and stated her support for including as much detail as possible for the voters. She also stated support for eliminating all Specific Plans, as well as seeing maps showing the overlay of housing element and cannabis zones to determine whether or not there are conflicting overlays.

Mayor Delgleize confirmed with Assistant City Manager Hopkins that no cannabis businesses are allowed in residential zones.

Councilmember Peterson stated support for 1,000-foot buffers and shared his opinion that this item is moving too quickly. He expressed concerns regarding the odor from cultivation and manufacturing, and believes the residents deserve information, studies and transparency before they have the opportunity to vote.

Councilmember Bolton noted there is a need to balance legitimate resident concerns regarding the buffers while remaining aware of the goal to ensure the product end cost does not become more expensive than the 'black' market. She asked for clarification on the number of locations permitted, and asked to see how many viable locations there would be on a map with a 1,000-foot buffers.

Mayor Pro Tem Posey stated his support for the comments of Councilmembers Peterson and Carr that decisions on this topic need to slow down. He stated appreciation for the comments made by Public Speaker Mr. Moussalli and his breakdown of numbers. He added his support for looking at the impact of a residential buffer, as well as potential cannabis and residential overlays. Mayor Pro Tem Posey shared his opinion that the potential of generating revenues of \$300,000 to \$900,000, or trying to stay ahead of special interests, are not good reasons for legislation. He reiterated that he does not support new taxes and added it would be wise to re-define locations while being mindful of residents and the priority for Regional Housing Needs Assessment (RHNA) housing.

Councilmember Kalmick suggested staff work on getting more public input on buffers and hours of operation before a Council decision, and stated his support for moving forward with only putting the tax issue on the ballot.

Councilmember Carr requested that if the voters approve a tax, the actual amount should not be set before being reviewed by the Finance Commission.

Straw Vote

Councilmember Kalmick motioned to allow more time for resident feed-back regarding buffer amounts and operating hours through more town hall meetings, and returning that information along with potential residential/retail overlays for further Council discussion.

Vote: 7 – 0

A motion was made by Carr, second Kalmick to consider ~~two~~ **one** proposed cannabis ballot measures (for ~~regulation and taxation~~) and ballot language for placement on the November 8, 2022 General Municipal Election ballot; and, adopt Resolution No. 2022-48, "A Resolution of the City Council of the City of Huntington Beach, California, Ordering the Submission to the Qualified Electors of the City of a General Tax Measure for the Submission to the Qualified Voters of a Proposed Ordinance Adding Chapter 3.25 to Title 3 of the Huntington Beach Municipal Code, Establishing a General Tax on Cannabis Businesses Operating within the City of Huntington Beach and an Advisory Measure Regarding the Regulation of the Commercial Cannabis Businesses at the General Election to be held on Tuesday, November 8, 2022, as Called by Resolution No. 2022-39 "; and, adopt Resolution No. 2022-49, "A Resolution of the City Council of the City of Huntington Beach, California, Adding ~~Two~~ **One** Additional Measures to the Request to the Board of Supervisors of the County of Orange to Consolidate A General Municipal Election to be held on November 8, 2022, with the Statewide General Election to be held on the Date Pursuant to Section 10403 of the Elections Code"; and, adopt Resolution No. 2022-46, "A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments and Impartial Analyses Concerning ~~Regulation and Taxation~~ of the Commercial Cannabis Businesses within the City of Huntington Beach"; and, adopt Resolution No. 2022-47, "A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Cannabis Regulation

and Taxation Measures Submitted at Municipal Elections"; and, provide any additional direction on commercial cannabis regulatory framework as the Ad Hoc Subcommittee and City staff continue to work on regulatory and land use ordinances, ***as amended by supplemental communication to remove language pertaining to regulation of cannabis business.***

The motion carried by the following vote:

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

NOES: Peterson, and Posey

City Attorney Michael Gates reminded Mayor Delgleize that the Council needed a resolution declaring who will be doing the arguments for and against the cannabis taxation measure.

Councilmembers Carr, Kalmick and Bolton agreed to provide the argument in favor.

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carr commended the Marine Safety Division and Huntington Beach Junior Lifeguards for a successful BBQ. Fire Chief Haberle noted that with over 1,400 Junior Lifeguards participating this summer, this is the biggest group ever.

Mayor Pro Tem Posey thanked the Huntington Beach Chamber of Commerce for hosting the golf tournament at the Huntington Club, and congratulated his wife Jeannie for being the women's "closest to the pin" winner.

Councilmember Peterson announced the new restaurant at the end of the Pier had their soft opening today.

Councilmember Moser reported attending the Coffee With A Cop event with many Huntington Beach Police Officers and Be Well HB staff; 1-Year Anniversary Celebration for Taste Cantina by Bonito; and Marine Safety Division and Huntington Beach Junior Lifeguards BBQ. Councilmember Moser noted that during Public Comments she writes down the speakers' names and their comments to help her learn people's names and their concerns, and has done so for every City Council meeting she has attended. Regarding concerns about Sunset Beach and some homeless issues, she noted some of the changes taking place, and stated that SurfCityBreak.com/SunsetBeachImprovementsContinue is the place to find the details.

Councilmember Moser recognized Former Mayor Ralph Bauer who recently passed away. She described him as someone truly dedicated to Huntington Beach, and noted the whole Bauer Family has made a legacy difference for the community. Dr. Bauer and Former Mayor Shirley Dettloff were instrumental in creating the City's Human Dignity policy. He was able to remove the extemporaneous and focus on base issues, and mentored her, and many others, on how to become civically engaged in productive ways. Councilmember Moser described him as a giant in the community.

Mayor Delgleize announced there is a new bakery, The Shugar Shack in Harbour Mall, operated by a young woman, her mother and sister, and encouraged a visit for a special treat. She reported making a visit to Pinnacle Petroleum with Community Development staff, and presenting the Kiwanis Bob Gibbons Award to Alex Longrong, Valedictorian of Marina High School.

Mayor Delgleize thanked Councilmember Moser for sharing her response to the passing of Dr. Ralph Bauer and noted this meeting would be adjourned in his memory. He served on the City Council for over 10 years, spent nearly 50 years involved in Surf City events, and was a true champion for many causes in Huntington Beach. The Bauers were instrumental in building the Senior Center in Central Park, and very involved in housing issues. Mayor Delgleize thanked the Bauer Family for their many, many contributions to improving Huntington Beach through the years.

ADJOURNMENT — 8:38 PM in memory of former Huntington Beach Mayor Ralph Bauer, to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, August 2, 2022, 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