Minutes

City Council/Public Financing Authority Regular Meeting;
Special Meetings of the Housing Authority and Successor Agency
City of Huntington Beach

Tuesday, January 19, 2021
6:00 PM – Virtual Meeting
Huntington Beach, California 92648

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

6:00 PM — VIRTUALLY HOSTED VIA ZOOM WEBINAR ID 971 5413 0528.

CALLED TO ORDER THE CITY COUNCIL/PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND SPECIAL MEETINGS OF THE HUNTINGTON BEACH HOUSING AUTHORITY AND THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF HUNTINGTON BEACH — 6:00 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Councilmember Moser

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.

1. 21-055 Deacon Matt Calabrese of Saints Simon and Jude Catholic Church and member of the Greater Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

2. 21-045 Mayor Carr presented a video describing the operations of the Huntington Beach Navigation Center by Mercy House

Mayor Carr encouraged people to go to www.HBHomelessSolutions.com which includes resources for homeless individuals as well as residents and property owners. This site has all of the information pertaining to the Navigation Center whether your interest is accessing services or offering assistance. Mayor Carr thanked everyone who is involved in the effort to provide shelter and services for those in greatest need within the community.

3. 21-046 Mayor Carr accepted the Best Public-Private Partnership Award for the OneHB Small Business Program from the Orange County Business Council

Mayor Carr recognized the OneHB Business Support campaign and a culmination of the City's effort to assist small businesses impacted by COVID-19. Through a partnership between philanthropy and community support, funds are raised to provide $5,000 micro grants to help small businesses keep their doors open and local residents employed. Conner Medina, Government Affairs Manager, Orange County Business Council (OCBC), stated that this award recognizes visionary leaders and dedicated staff for their accomplishments in providing small business support.

4. 21-043 Mayor Carr presented the Mayor's HB Excellence Award to Heather Dodd, Office Assistant II, Community and Library Services Department

Mayor Carr explained that HB Mayor's Excellence Award recipients are selected by their peers, and introduced Randy Pesqueira, Senior Supervisor, to congratulate Heather Dodd for receiving this recognition. Mr. Pesqueira shared that Ms. Dodd is someone who speaks in kindness and compassion, and was instrumental in coming up with creative ways to maintain contact with the community's senior citizens when the Senior Center had to be closed last March. Her efforts resulted in the "Senior Center in a Box" program that provides items for assorted activities that can be done at home. When the program started there were approximately 200 people driving through to pick up a box, and by December, they needed 400 boxes to meet the demand for this very popular program. Heather was described as exceptionally organized, and instrumental in leading the program that helps so many of the seniors living alone in isolation during this time of COVID-19.

Heather expressed her appreciation for the acknowledgement, and thanked her team of co-workers for their support for a project idea that required a lot of "above and beyond" extra effort from everyone.

Mayor Carr thanked Heather for being a shining example of what makes the Senior Center outstanding and finding unique ways to provide services in safe and comforting ways.

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

#6. (21-049) PowerPoint communication entitled *COVID-19 Update* submitted by City Manager, Oliver Chi.

#6. (21-049) My HB Comment, including the "Mask Use in the Context of COVID-19" Interim guidance guide authored by the World Health Organization, received from Burton Tarvin.

Consent Calendar

#8. (20-2115) Memo submitted by City Clerk, Robin Estanislau amending the December 21, 2020 minutes.

#18. (20-2116) Thirty-three (33) emails regarding the adoption of Ordinance No. 4224 amending the HBMC by adding Chapter 5.120 (Short-Term Rentals) from:

Albert Levassiur Kathryn Levassiur Bianca Ung

Mirta Seitz
Diann Davisson
Richard Rule
Scott B.
Tony Diaz
Waltraud Mattern
Lauren T.
Linda Kalicki
Doran Solis
Pat & Shelley Love
Steve Carlson
Kevin Plummer
Maegan Rule
Jacob Canter
Judy Jew
Joseph Anello
Jay C.
Julie Kimmel
Mike Hermanns
Donald Dupuy
Sail Inc. (2)
Dru Kitchen
Manny Moreno
Andre Valdez
Rookie K.
Danielle W.
Anonymous (2)
Jesse Rocco

Councilmember Items

#22. (21-060) A letter regarding the proposed change to the City Council Meeting days received from Amory Hanson.

#23. (21-059) An email regarding the reaffirming of the City's commitment to the Declaration of Policy About Human Dignity received from Mary Adams Urashima.

#24 (21-057) Letter from State Senator, California District 34, Thomas J. Umberg regarding the proposed condemnation of violence at the U.S. Capitol, and of the affirmation of the City's commitment to American Democratic Principles and Practices.

#24. (21-057) Seventeen (17) emails regarding the proposed condemnation of violence at the U.S. Capitol, and of the affirmation of the City's commitment to American Democratic Principles and Practices received from:

Alison Tovar
Sean Patrick Small
Rebecca Spongberg
Mary Adams Urashima
Bonnie Gruttadauria
Janice Janssen Orecchia
Connie Garver & Mark Hutchinson
Connie Boardman
Natalie Elder
Regina Magee
Janet Michels
Linda K. Law
Megan Blash
Kathleen Brown
Craig Framptom
Zeta Heiter
Cindy Perz

PUBLIC COMMENTS (3-Minute Time Limit) — 27 Speakers via Zoom
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.

Galen Pickett was called to speak and commended Council for Councilmember Items No. 23 (21-059) regarding reaffirming the City's commitment to the Declaration of Policy About Human Dignity, and No. 24 (21-057) condemning the seditious acts of violence at the U. S. Capitol on January 6, 2021. (00:24:39)

Dale Martinez, a long-time resident of Huntington Beach, was called to speak and stated her support for Councilmember Item No. 23 (21-059) regarding reaffirming the City's commitment to the Declaration of Policy About Human Dignity, suggested that some of the words could be updated, and requested that the Council consider no longer allowing Civil War re-enactments in public parks or places. Ms. Martinez also thanked Mr. Chris Epting for his local historical videos. (00:26:43)

Oscar Rodriguez, a life-long resident of Huntington Beach and Co-Founder of Oak View ComUNIDAD, was called to speak and shared some of ComUNIDAD's recent activities to improve the quality of life in Oak View as well as surrounding residents in need. He requested Council's assistance in meeting some of the Oak View COVID-19 challenges including testing and vaccine resource information in Spanish, as well as technological assistance for downloading apps. (00:31:06)

Debbi Parrott was called to speak and stated her support for Councilmember Item No. 24 (21-057) condemning the seditious acts of violence at the U. S. Capitol on January 6, 2021, and shared her opinions on the recent public actions of Mayor Pro Tem Ortiz. (00:34:23)

Caller #999, Christopher Lundgren, a 45-year resident of Huntington Beach, was called to speak and stated his support for Consent Calendar Item No. 18 (20-2116) to adopt Ordinance No. 4224 regarding Short-Term Rentals, and asked for modification of Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm by not approving the luxury hotel and requiring more affordable housing. (00:35:35)

Libby Frolichman was called to speak and stated her support for Councilmember Items No. 23 (21-059) regarding reaffirming the City's commitment to the Declaration of Policy About Human Dignity, and No. 24 (21-057) condemning the seditious acts of violence at the U. S. Capitol on January 6, 2021. For Councilmember Item No. 22 (21-060), Libby suggested that if Council meeting dates are changed, they be moved to the second and fourth, rather than first and third, Tuesday of each month. (00:37:21)

Oscar Carrillo, a resident on Newland Street, was called to speak and shared his dismay at suddenly finding the curb painted red, without any notice, at the front of his home and shared some of the issues this has created. Mayor Carr asked that he send her an email for follow-up. (00:38:33)

Louise Burke was called to speak and stated her support for Consent Calendar Item No. 18 (20-2116) regarding adopting Ordinance No. 4224 and Short-Term Rentals. (00:42:03)

Ian Fletcher was called to speak and stated his support for Consent Calendar Item No. 18 (20-2116) regarding adopting Ordinance No. 4224 and Short-Term Rentals. (00:43:29)

Nancy Buchoz, a long-time resident of Southeast Huntington Beach, was called to speak and shared her opposition and opinions on Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm. (00:44:54)

Danielle Wilson, Unite Here Local 11 Hotel Workers Union, was called to speak and stated support for Consent Calendar Item No. 18 (20-2116) regarding adopting Ordinance No. 4224 and Short-Term Rentals. (00:48:06)

Senorina Estrada, Unite Here Local 11 Hotel Workers Union, was called to speak and stated her support for Consent Calendar Item No. 18 (20-2116) regarding adopting Ordinance No. 4224 and Short-Term Rentals. (00:48:57)

Caller #056, Kelly Kelly, a resident of Huntington Beach, was called to speak and stated her support for Councilmember Item No. 24 (21-057) condemning the seditious acts of violence at the U. S. Capitol on January 6, 2021, and shared her opinions on recent public actions of Mayor Pro Tem Ortiz. (00:49:25)

Kathryn Levassiur, long-time Huntington Beach resident and Founder of Huntington Beach Short-Term Rental (STR) Alliance, was called to speak, and stated the Alliance's request that no action be taken on Consent Calendar Item No. 18 (20-2116) regarding adoption of Ordinance No. 4224 and Short-Term Rentals to allow time for additional considerations. (00:52:01)

Caller #951, a short-term, whole-home, un-hosted rental owner in Huntington Beach, was called to speak and asked Council to delay action on Consent Calendar Item No. 18 (20-2116) until all existing hosts are provided an opportunity to obtain an Short-Term Rental permit. (00:55:33)

Eric Silkenson was called to speak and shared his opinions on allowing Federal Agents to arrest people in Huntington Beach; as a teacher at Edison High School in the Magnolia Tank Farm neighborhood, stated his opposition to Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm re-zoning effort; and stated support for Councilmember Item No. 22 (21-060) to consider changing City Council meeting days to Tuesday. Mr. Silkenson also shared his opinions on the recent actions of Mayor Pro Tem Ortiz. (00:58:05)

Amory Hanson, a Candidate for City Council in 2022 and member of the Huntington Beach Historic Resources Board, was called to speak and stated his opposition to Councilmember Item No. 22 (21-060) to consider changing City Council meeting days to Tuesday. Mr. Hanson also requested that this meeting be adjourned in memory of recently deceased W. Russell Paxson who served two non-consecutive terms as Scout Master for Huntington Beach Troop 1, was a WWII Veteran, and Former Member of the Huntington Beach Independence Day Board and positively impacted many people. (01:00:03)

Bill Erickson, a resident of Huntington Beach since 1982, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm. (01:02:09)

Jaime Gomez, a resident of Costa Mesa, was called to speak and stated his support for Consent Calendar Item No. 18 (20-2116) regarding Short-Term Rentals, and opposition to the luxury hotel component for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm. (01:04:32)

Kevin, a life-long resident of Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm. (01:05:46)

David Girty, an 8-year resident of Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm. (01:07:39)

Caller #024, Project Director for Orange County Environmental Justice, was called to speak and recommended that the City Council not move forward with Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because in their opinion, the Environmental Impact Report is not complete. (01:10:25)

Victor Valladares, life-long resident of Huntington Beach and Co-Founder of Oak View ComuNIDAD, was called to speak and shared projects the community has provided since the COVID-19 pandemic started to assist residents. Mr. Valladares requested the City's cooperation to get more resources for the Oak View community especially related to vaccines. Mr. Valladares also shared his opinions related to recent public actions of Mayor Pro Tem. (01:11:28)

Jonah Breslau, Los Angeles Alliance for a New Economy (LAANE), was called to speak and stated support for Consent Calendar Item No. 18 (20-2116) regarding Short-Term Rentals. (01:14:16)

Dennis Lorton, a life-long resident of Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm. (01:15:23)

Nicholas Stemper, a Huntington Beach homeowner, was called to speak and stated his support for Consent Calendar Item No. 18 (20-2116) regarding Short-Term Rentals. (01:18:56)

Tony Bisson, a resident in Southeast Huntington Beach, adjacent to LaBard Park, was called to speak and stated that removal of the parking area and court fence with the recent park renovations has negatively impacted the noise level in his home. He requested that at least minimum hours of operation should be posted to prevent use of the facilities before 7 a.m. or after 9 p.m., and that the lights go off at 9 p.m. rather than 10 p.m. (01:22:08)

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

Councilmember Peterson reported that he is releasing Nancy Buchoz from the Citizen's Infrastructure Advisory Board (CIAB).

Councilmember Posey reported attending an Orange County Power Authority Board meeting where Chief Executive Officer Brian Probolsky and Chief Operating Officer Antonia Castro-Graham were hired. Councilmember Posey thanked his fellow Councilmembers for agreeing to extend his representative position with the Southern California Association of Governments (SCAG).

Councilmember Kalmick reported that the Orange County Power Authority Board meeting also addressed organizational issues, as well as possible policies for adding new cities in the future. Councilmember Kalmick also reported a meeting with the Huntington Beach Police Managers' Association, and stated he was sworn in as the Alternate for both the Orange County Transportation Authority (OCTA) and Orange County Sanitation District (OCSD).

Councilmember Moser reported meeting with the Huntington Beach Police Managers' Association, attending a Youth Board meeting, participating in a Downtown Business Improvement District (DBID) meeting, and a meeting of the Human Relations Task Force which currently has two openings for which applications are being accepted from interested residents. Councilmember Moser also announced that COVID-19 meetings will be provided in Spanish, with the next Spanish Townhall meeting scheduled for January 28th.

Councilmember Delgleize reported attending an Orange County Transportation Authority (OCTA) Board meeting where the new Board members were seated, and an update on the 405 Freeway Improvement project was provided.

Mayor Carr reported attending a Downtown Business Improvement District (DBID) meeting, a Human Relations Task Force meeting, a City Selection meeting of Mayors to elect representatives to serve on regional boards. Mayor Carr also attended a meeting with State representatives to gain knowledge of current issues related to the COVID-19 vaccine, and a Virtual Townhall COVID-19 meeting is scheduled for January 20 which will be taped and available for viewing afterwards.

CITY MANAGER'S REPORT

5. 21-048 Ascon Landfill Site Update

City Manager Chi introduced Assistant City Manager Travis Hopkins who presented a PowerPoint communication entitled: *Ascon Landfill Site Update* with slides titled: *Odor Assessment Field Investigation, Technical Advisor, How to Stay Informed,* and *Questions or Concerns*

Councilmember Delgleize and Manager Hopkins discussed that currently there is no date set for continued remediation on the site as Ascon continues working with the Department of Toxic Substances Control (DTSC) and Air Quality Management District (AQMD) for the necessary permits.

6. 21-049 Update of the City COVID-19 Response Plan and Vaccination Update

City Manager Chi and Fire Chief Haberle jointly presented a PowerPoint communication entitled *City of Huntington Beach COVID-19 Update* with slides titled: *COVID-19 Situational Overview, COVID-19 US Totals, Nationwide COVID-19 Metrics 7-day Average Lines, COVID-19 - US Cases by Day, COVID-19 California Totals, Currently Hospitalized with COVID-19, Change in Currently Hospitalized: Today vs. Previous Week, COVID-19 Orange County Trends, COVID-19 Orange County Hospital Capacity, COVID-19 Huntington Beach Numbers, Situation Summary, Current COVID-19 Situation for Orange County, Orange County ICU Status, HBFD EMS Response Impacts, Vaccine Protocols Changing Daily!, Operation Independence, Current Vaccine Eligibility, Vaccine Registration, Virtual Vaccine Town Hall Series,* and *Questions*

Mayor Carr, City Manager Chi and Councilmember Moser shared that the January 20th Virtual Townhall Vaccine meeting can be accessed at bit.ly/hbcovid_jan20, and people can subscribe to the Huntington Beach YouTube channel and then be automatically notified when something new is posted.

7. 21-050 Regional Housing Needs Assessment (RHNA) Appeal Update

City Manager Chi thanked City Attorney Gates and Community Development staff members, particularly Community Development Associate Planner Nicolle Aube, for their efforts with this appeal before the Southern California Association of Governments (SCAG), and reported that the City's current Regional Housing Needs Assessment (RHNA) is approximately 13,300 new units. Manager Chi stated that SCAG approved the request of City Attorney Gates for a continuance to January 25, 2021.

Councilmember Posey and City Manager Chi discussed the potential technical error that SCAG used to determine the RHNA number for Huntington Beach by defining Beach Boulevard is a high-quality transit area. If it is determined that Beach Boulevard is not a high-quality transit area, then the Huntington Beach RHNA number could potentially be reduced by about 3,600 units.

City Attorney Gates explained that the City is actually challenging the methodology used to determine RHNA numbers, and presenting facts such as Huntington Beach does not have a job center, or magnet of attraction, like many other cities do, and that Huntington Beach has 8 miles of coastline with wetlands and preserves that are protected from development.

Community Development Director Ursula Luna-Reynosa stated that most cities have appealed their RHNA numbers on the issue of methodology which is not the purpose of the current regional process, but Huntington Beach's appeal focused on a number of City-specific situations for SCAG to consider.

Councilmember Kalmick and Director Luna-Reynosa discussed that if the RHNA number for Huntington Beach is reduced, SCAG could be expected to provide a re-count for the region.

CONSENT CALENDAR

8. 20-2115 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 December 21, 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: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize
NOES: None

9. 21-008 Conducted Annual Review of the City Code of Ethics

A motion was made by Posey, second Delgleize to direct the City Clerk to record in the official minutes that the City Code of Ethics was presented to the City Council, City Manager, Chairpersons, and City Department Directors for their review and distribution as required by Resolution No. 2016-73.

The motion carried by the following vote:

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

10. 20-2091 Received and filed the updated Huntington Beach City Council Manual 2021 digitally compiled to incorporate policy information previously adopted by resolution

A motion was made by Posey, second Delgleize to receive and file the updated Huntington Beach City Council Manual 2021.

The motion carried by the following vote:

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

11. 21-027 Received and filed a status update on the 6th Cycle Regional Housing Needs Assessment (RHNA) process

A motion was made by Posey, second Delgleize to receive and file the Regional Housing Needs Assessment process status update.

The motion carried by the following vote:

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

12. 21-064 Approved recommendations by Council Liaisons Mayor Carr and Councilmember Posey to appoint Katherine Elford, Patricia Quintana, and Cindy Vellucci to the Personnel Commission

A motion was made by Posey, second Delgleize to approve the appointment of Katherine Elford and Patricia Quintana for the remainder of the term of July 1, 2020, through June 30, 2022, and Cindy Vellucci for the remainder of the term of July 1, 2019, through June 30, 2021, as recommended by the Council Liaisons to the Personnel Commission.

The motion carried by the following vote:

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

13. 21-029 Adopted Resolution 2021-06 Identifying the Terms and Conditions for Fire Department Response Away from their Official Duty Station and Assigned to an Emergency Incident

A motion was made by Posey, second Delgleize to adopt Resolution 2021-06, "A Resolution of the City Council of the City of Huntington Beach Identifying the Terms and Conditions for Fire Department Response Away from their Official Duty Station and Assigned to an Emergency Incident."

The motion carried by the following vote:

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

14. 21-031 Adopted Successor Agency Resolution Nos. 2021-01 and 2021-02 approving the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Huntington Beach Successor Agency for the period of July 1, 2021, through June 30, 2022, in accordance with Health and Safety Code Section 34177 and related actions

A motion was made by Posey, second Delgleize to adopt Resolution No. 2021-01, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Successor Agency Administrative Budget for the Period July 1, 2021, through June 30, 2022;" and, adopt Resolution No. 2021-02, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Recognized Obligation Payment Schedule for the Period July 1, 2021 - June 30, 2022 ('ROPS 21-22')."

The motion carried by the following vote:

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

15. 21-028 Approved and authorized execution of Vote Center Entry Permit (License) Agreements with the County of Orange for use of the Huntington Beach Civic Center, Huntington Beach Central Library, and Murdy Community Center as Vote Centers for the March 9, 2021, Special Municipal Election

A motion was made by Posey, second Delgleize to approve and authorize the City Manager to execute "Vote Center Entry Permit (License) Agreements" with the County of Orange approved as to form by the City Attorney on the following sites: Huntington Beach Civic Center, Meeting Room B-7, 2000 Main Street, Huntington Beach from Thursday, February 25, 2021 through Wednesday, March 10, 2021 (11-day Vote Center); and, Huntington Beach Central Library, Rooms C/D, 7111 Talbert Avenue, Huntington Beach from Thursday, February 25, 2021 through Wednesday, March 10, 2021 (11-day Vote Center); and, Murdy Community Center, Studio, 7000 Norma Drive, Huntington Beach from Thursday, March 4, 2021 through Wednesday, March 10, 2021 (4-day Vote Center); and, Authorize the City Manager to execute future Vote Center Entry Permit (License) Agreements with the County of Orange in a form approved by the City Attorney.

The motion carried by the following vote:

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

16. 20-2077 Approved a three-year contract with Waymakers in the amount of $109,790, for management of Victim and Witness Assistance Services

A motion was made by Posey, second Delgleize to approve and authorize the "Professional Services Contract between the City of Huntington Beach and Waymakers for Victim and Witness Assistance Services."

The motion carried by the following vote:

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

17. 21-033 Approved and authorized execution of an Affordable Housing Agreement between the City, the Housing Authority and Beach Housing Partners, LP (Jamboree Housing Corporation) for a 43-unit senior affordable housing project located at 18431 Beach Blvd.

A motion was made by Posey, second Delgleize to approve the Agreement by and between the City and Developer; and, authorize and direct the City Manager to finalize and execute the "Affordable Housing Agreement By and Among the City of Huntington Beach, California, The Huntington Beach Housing Authority, and Beach Housing Partners LP, A California Limited Partnership" attached hereto, in a form approved by the City Attorney; and, authorize and direct the City Manager to execute any other documents and budgetary actions necessary to implement said Agreement.

The motion carried by the following vote:

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

18. 20-2116 Adopted Ordinance No. 4224 amending the Huntington Beach Municipal Code by adding Chapter 5.120 (Short-Term Rentals)
Approved for introduction 12/21/2020 — Vote: 7-0

A motion was made by Posey, second Delgleize to adopt Ordinance No. 4224, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 5.120, Regulating Short-Term Rentals" (Attachment 1).

The motion carried by the following vote:

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

PUBLIC HEARING

19. 19-1172 Certified Environmental Impact Report No. 17-001 by adopting Resolution No. 2021-01; Approved CEQA Findings of Fact with a Statement of Overriding Considerations; Approved with modifications General Plan Amendment No. 17-001 by adopting Resolution No. 2021-02, Zoning Map Amendment No. 17-001 by approving for introduction Ordinance No. 4225, Zoning Text Amendment No. 17-005 by adopting Resolution No. 2021-03, Local Coastal Program Amendment No. 17-001 by adopting Resolution No. 2021-04, and Development Agreement No. 19-001 by approving for introduction Ordinance No. 4226; and, Executed an Indemnification Agreement (Magnolia Tank Farm)

City Manager Chi introduced Community Development Director Ursula Luna-Reynosa who introduced Senior Planner Ricky Ramos who presented a PowerPoint communication entitled *Magnolia Tank Farm*, with slides entitled: *Project Site, Request (7),* and *Planning Commission.*

Councilmember Posey, Director Luna-Reynosa and Planner Ramos discussed the PS (public/semi-public) zoning definition, what is currently permitted per Municipal Code, the requirements for Zoning Administrator and Planning Commission, and an alternate proposal that focuses on Senior Care, which would require a Conditional Use Permit. Councilmember Posey confirmed with Planner Ramos that the current zoning allows the highest intense use of the space, and the proposed zoning change in this item would reduce the intensity of the space. Councilmember Posey further confirmed that if this zoning change is not adopted, there could be expected a higher intensity of use which would translate into more car trips with the least economic benefit to the City.

Councilmember Moser, Planner Ramos, and Director Luna-Reynosa discussed the types of open space designated within the City, and confirmed that while this parcel may appear to be open space, it is not currently zoned as such but rather as public/semi-public, and therefore approving this item would not be reducing the City's open space, but in fact would require a portion of the project to be designated for public space.

Mayor Carr discussed with Planner Ramos that the Planning Commission saw several significant and unavoidable impacts, including noise from pile driving. The project applicants indicated they will not be using this technique, and the project specifications state that pile driving will not be allowed. Planner Ramos added that a noise study will be required once the project is further along, and must implement noise mitigation methods such as perimeter block wall, or specific area glass enclosures, if necessary.

Mayor Pro Tem Ortiz, Director Luna-Reynosa and Planner Ramos discussed this project's proximity to the neighboring Ascon cleanup area. Staff confirmed that the project developer is in communications with the Department of Toxic Substances Control (DTSC), and that Ascon in the midst of searching for alternative ways to mitigate the odor issue, and has retained consultants to assist with proper Southeast area community communication.

Councilmember Kalmick and Planner Ramos discussed the latest reports on noise levels related to the AES plant, where noise readings are actually lower than what was projected in the Environmental Impact Report (EIR). There was further discussion on the nexus for putting a pause on this project because of contamination issues on a neighboring property, and Director Luna-Reynosa confirmed that there has not been any evidence that supports the suggestion that the soil contamination on Ascon land has migrated to the current project site. Director Luna-Reynosa also confirmed that the contamination previously found on the Magnolia Tank Farm parcel has been remediated, and in July 2020 DTCS provided a letter stating that the Magnolia Tank Farm has been cleaned up and is now safe for residential development.

Director Luna-Reynosa explained that tonight's legislative actions on this item change land use designation, and the appropriate time to condition a project is when the subdivision plan is ready for review, first by the Planning Commission, and then by the City Council. Councilmember Kalmick confirmed with staff that the Coastal Commission will be involved in the process, a public hearing will be required, and the issues of noise and contamination at Ascon will continue to be addressed throughout this years-long process.

Councilmember Moser and Director Luna-Reynosa discussed that any required environmental standards would be discussed appropriately in the future, rather than at this time.

Councilmember Posey, Director Luna-Reynosa and Planner Ramos discussed that if Council put the land use change on pause, it would not prevent potential use under the current PS zone; however, if the land use change is approved it would actually provide more time for better analyzing what the development will look like, and eliminate the possibility of a higher-intensity use.

Mayor Carr opened the Public Hearing for Item No. 19 (19-1172) regarding the Magnolia Tank Farm.

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:

Public Hearing

#19 (19-1172) PowerPoint presentation entitled *Magnolia Tank Farm* (Staff) submitted by Community Development Director, Ursula Luna-Reynosa.

#19 (19-1172) PowerPoint presentation entitled Magnolia Tank Farm (Developer) submitted by Community Development Director, Ursula Luna-Reynosa.

#19 (19-1172) Late Communications regarding Magnolia Tank Farm submitted by Senior Planner, Ricky Ramos.

#19.(19-1172) Four Hundred Twenty-eight (428) emails regarding the proposed Magnolia Tank Farm project received from:

Marlo Mole (3)
Lee Ann Poe
Lisa Kichline
Les Card
Jennifer Ward
Steve PonTell (2)
Tim Harris
Jeff Stevens
T. Teichmann
David I.
Ryan Deuel
John Skulavik
Jackie Harry
John Van Holt
Kimberly Engh
Dasha Samarin
Jamie Gambo
Roger Parker
Kim E. (2)
Paul Cressler (2)
Tim Kearns
Kim Burns
Sean McDonough
Cathy Martin
John Mcree
Doreen Abegg
Aaron Arellano
Jean Gerstner
Carol Vohs
Chad Gravina
Ayperi Demircioglu
Jacquie Bethel
Jennifer Lambert
Connie Kim
John Leehey
Ernesto Medrano (2)
Michael Tryon
Nancy Buchoz
Robyn Sladek
Dina Rochford
Mark Burdette
David Girty
Steve LaMotte
Michelle Weedon
Susan Fulbright Van Uffelen
David Swartz
Vance Bennett
Casey Thomas
Scott McKean
Juan Munoz
Manya Nikitin
Mike Finn
Kari Moreno
Stephen Edwards
Jessamyn Garner
Lance Huante
Manya Mucha
Christina Sakamoto
Larry McNeely (3)
Brian Schrieber
Miguel Prieto
Dane Aleksic
Ed Laird
Ron Smith
Monica White
Rebecca Carmack
Suanne White
Andrew Montana
David Swartz
Silvana Sarkis
Peter Bedford
Jenny Teo
Nora Ammon
Katherine Janish
HBPOA
John Hanna
Brad Bailey
Mostafa Nagaty
Teresa Kennedy
LeeAnn Poe
Josh Mallory
Bob Patterson
Elizabeth Hansburg
Jacqueline Brodt
Dave Garofalo
Steven Geier
CJ Remington
Cassy Murrey
Hersel Zahab
Austin Deuel
Ed & Nancy Deuel
David Wetzel
Marty Donahue
Fred Nikitin
Geno Mulachy
John Bobie
Dave & Manya Mucha
Roland Weedon
Connie Hynes (2)
Craig Frampton
B. Benton
Robin Titcher
Thoby
Megan Greene
Marlene Tewis
Kathleen Dougherty
Phil Santia
Susan Fulbright
Gail Shultes
Gary Tarkington
Beverly Barkley
Charla Kabana
Sheila Zhao
Janet Jackson
Donna Dillon
Lisa Reincke
Kelly McCarty
Greg Dillon
Jakki Tonkovich
Casey McKeon

Kari Moreno
Dean Maher
Mickey Capuano
Juan Munoz
Kenneth & Judith Emanuel
Mark Sisco
Louis Carrier
Cathy Martin
Adam Deermount
Nancy Wager
Luciana Bar
Kristi Hampshire
Chris Bustos
Aaron Arellano
Philip Widetick
Danae Lucas
Raul Montes
Jamene Utt
Steven Geier
Dan Boldt
Maria Young
Steve Farnsworth
Sklyer Smith
Christopher Lundgren
Jaclyn Van De Wetering
Jose Gasca
Joe Schiavone
Nicole Helm
Mina Thompson
Juan Rojas
Zeki Dal
Sue Claycomb
Brandon Hupka
Kelan Long
Thomas Miller
Brian Gorelick
Liz Richardson
Deborah Smith
Janet Day
Erin Rands
Joslin de Diego
Susan Aton
Amanda Galath
Maria Waldron
Donna Miller
Cooper Carrasco
Annilise Flanagan-Frankl
Mary Jane Malek

Jake Knox
John Villa (2)
Marc Domingo
Tony Diaz
Jason Melschau
Ronald Neal
Bobbie Jean Blair
Meagan Blades
Shannon Powell
Dan Gillen
Peter Alpine
William Seibert
Cherry Matinas
Steven Ballard
Ngoc Hoang
Norman Whitford
Alan Caouette
Sean Doyle
Kati Moore
Mary Jo Baretich
Jennifer Greenlief
Laurie Ellen Park
Rusi Alamshaw
Mike Gatlin
Jack Delulio
Frank Ferrara
Autumn Hise
Sandra Crabb
Denise Rockwell
Ann Phan
Lisa Gmerek
Ella Ruffino
Dami Shepard
Andy Trinh
Lauren Perez
Victoria Cernok
Margarita Vasquez
Elisabeth James
David Comfort
Ernest Aguilar
Sydelle Ibarra
Diana Dodson
Kayla Landeros
Mary C. Gonzales
Tony Arnado
Alexander Cox
Ginger Leibfreid
James Furtsch

Scott Gump
Cheryl Knox
Arthur Villa Jr.
Nick Vella
Karen Malatesta
Judy Fike
Adam Mohamed
Christine Pyle
Donald Hawkins
Jimmy Elrod
Shirley Costello
Ruth Massie
George Davis
Peggy Mcintosh
Sharon Toland
Stephen Halcum
Milton Dardis
Caitlin Turner
Roger Schiefelbein
Alle Madrid
Maria Howarth
Leslie Golson
Peter Jencks
Allie Paige
David Purtell
Skylar Sextro
Anna Child
Anthony Dibb
Mari Vierra
Anthony Soos
Rodney Haggstrom
Danielle Riley
William Anselmo
Nick Ross
Brandin Bull
Jamie Slade
Stacy Kirk
Honnavalli Vydyanath
Belinda Pereira
Corinn van der Lugt
Brandon Petersen
Carlee Darr
La Brooks
Alex McKay
Teresa Vu
Arin Kenyon
Rebecca Holland
Robyn Rosenberg

Joelle & Todd Palombo
Jon Atkinson
Makenna Redden
Stephen Gregory
Denise Marble
Joe De La Torre
Bonnie Carroll
Tracy Harpel
CJ Stites
Sam Halterman
Jenea Olson
Claude van Plato
Samantha Delapa
Sandra Silverman
Cheryl Johnston
Tricia Lindquist
Ellen Brenan
April Williams
Michael Kral
Sven Sianez
Melissa Hill
Whitney VanRuyven
Thomas Cavalieri (2)
Adam Weiner
Roger Quital
Cindy Hayden
John Kroepil
Lee Rockway
Lisa Gonzalez
Mary Cumella
Sophia Merrill
Michelle Andreasen
Barry Kuhnke
Teresa Weissman
Mary Jo Pompura
Andrea Rolf
Jeff Turner
Deborah Goldstick
Mechaelle-Ann Allen
Geoff Smith
Joan Griggs
Debbi Randall
Mitchell Wilson
Steven LaMotte
Ian Harvey
Carol & Thomas Pilgrim (2)
Rob Pool
Greg Thomas

Teag Turner
George Baker
Lisa Ayres-Smith
Carla Flower
Melody Price
Kyle Farinella
Carolyn Teresa
Tori Maricich
Diane Tran
Emma Clark
Jennifer Tilzer
Lori Jones
Barbara Williams
Maddie Pierson
Tiffany Feliciano
Maria De La Cruz
Rich Martucci
Sonya Sandoval
Cherie Smith
Autumn Digiovanni
Amy Gebhard
Sherri Taylor
Rhonda King
Kathryn Levassiur
Donna Little
Suzanne Boesing
Michael Crose
Rochelle Gartner (2)
Blake Nuttall
Dallas Weaver
Cheryl Stankovich
Danielle Wilson
Rebecca Saraf
Holly Hanes
Mindy Freeland
Suzanne Hart
Judy Fleenor (2)
Nicole Burmaster
Lisa Swanson
Yvonne Mauro
Debi Luther
Michael Burmaster
Damian Giatti
John Bossinakis
William R. Erickson
Wendy Bucknum
Stephanie Stichka
Rich Backstrom

Drew Vandalia
Lisa Gottschalk
Megan McElroy
Michael Polsky
Joel Bernstein
Jessica Perez
Paige Clenney
Benjamin Will
Victor Evangelista
Amy Aceves
Kenneth Claycomb
Terry Hoffman
Lucas Beato
Sofia Astwood
Lucas Woodfin
Casey Howell
Aria Ferreyra
Lucas Blankenhorn
Elizabeth Kitchens
Renee Aherne
Rod Robey
Melanie Borton
Rudy Morgan
Dolores Cruz
Jamie Grey
Cynthia Preston
Scott LeMay
Whitney O'Callaghan
Daniel Niemiec
Bruce Jacobs
Francine Karuntzos
Bonnie Panlasigui
Jacqueline Barrios
Paula Ringen
Skylar Boulton
Mary & Raul Carlos
Litta Cecchi
Laura Burmaster
Ron Ferber
Loretta Smith
Chris Hall
Mary Franklin-Young
Bob Stubbs
Kelsey Irvin
Doran Solis
Mike Hermanns
Ella Thomas
Joshua Canter

Randal R. Sanders	Christina Christensen	Julie Rose
Brian Allen	Kristin Steinbach	Rich Gomez

James O'Malley, Vice President, Shopoff Realty Investments and project applicant, shared a PowerPoint communication entitled *Magnolia Tank Farm* with slides entitled *Review and Approval, Tank Farm Property/This Land Use, Tank Farm Property/To This Land Use, Community Benefits (9), Development Agreement Benefits (6), Environmental Clearance Confirmation, DTSC Clearance, Tank Farm Outreach, Outreach Timeline,* and *Magnolia Tank Farm Thanks You.* (02:56:50)

Public Hearing Speakers — 40 via Zoom

Due to the number of public speakers in que, Mayor Carr announced each speaker would have two (2) minutes of time to speak. (03:04:07)

Danielle Wilson, Unite Here Local 11, was called to speak and stated opposition to Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm due to the expected negative impacts on air quality from a luxury hotel. (03:04:16)

Adam Wood, nearly 40-year resident of Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because of the expected revenue generation, acres of coastal conservation, new parks and trails, and job generation with the hotel component of the project. (03:05:57)

Senorina Estrada, Unite Here Local 11 and employee in the hotel industry, was called to speak and shared her opinions in opposition to Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because of the plan for a luxury hotel. (03:07:46)

Eric Nelson, Executive Board Member, Orange County Building Industry Association, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because it is compatible with the existing community, it offers great amenities, and will help to ease statewide housing availability and affordability. 03:09:12)

Ernesto Medrano, Council Representative, Los Angeles and Orange Counties Building and Construction Trades Council, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because it will transform what is now an eyesore, with a vibrant hotel and mixed-use community which will dramatically improve the value and aesthetics of the area, as well as provide a mutually beneficial agreement with the Building and Construction Trades Council for local hiring and creation of local middle-class careers in the construction trade. (03:11:20)

Les Card, a 45-year resident of Orange County, member of the Building Industry Association, Orange County Business Council, and leader of a local environmental consulting firm, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm based on the housing component and local area improvements. (03:13:48)

DB, Representative of the Huntington Beach Police Officers' Association (HBPOA), was called to speak and played a recorded message from HBPOA President Yasha Nikitin who could not be available to speak at this time. President Nikitin stated the full support and endorsement of the HBPOA for Public

Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm which will bring jobs, revenue and housing to a crime-ridden and inactive site. (03:15:55)

John Hanna, 55-year resident of Orange County, representing the Southwest Regional Council of Carpenters, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm as a quality project that will serve the City well through increased revenue, retail and housing. (03:17:44)

Kelly McCarty, a 29-year resident of Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm as an excellent example of adaptive re-use of the site, transforming it into a vibrant, mixed-use community that blends well with the Surf City lifestyle. (03:20:08)

Jennifer Ward, Senior Vice President, Advocacy in Government Affairs, Orange County Business Council, was called to speak and stated enthusiastic support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm for the additional housing it will provide to spur economic growth. (03:21:24)

Elizabeth Hansburg, Co-Founder and Director, People for Housing Orange County, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm based on the additional housing this project will provide. (03:23:27)

Nicole, a 20-year resident of Huntington Beach, was called to speak and stated her and her husband's support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because of the additional housing this project will provide. (03:25:32)

Jordan Sisson, Unite Here Local 11, was called to speak and stated opposition to Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm due to fatal EIR flaws, and efficiency thresholds expected to exceed benchmarks proposed by the South Coast Air Quality Management District (SCAQMD), and Southern California Association of Governments (SCAG), and recommended any action be delayed to re-circulate the EIR, or approve without the luxury hotel component. (03:26:48)

Caller #008, Steve LaMont, a resident living near Beach Boulevard and Atlanta Avenue, and was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because of the housing element which in his opinion is movement in the right direction. (03:28:59)

Chad Cunningham (& Kelly Berg), 8-year resident of Huntington Beach, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because it will provide economic benefits including both short-term and long-term jobs across various industries, area beautification through additional trails, parks and viewpoints, and added housing. (03:30:39)

Michelle (& Bill) Halligan, long-time Huntington Beach residents, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because the project will recycle the land for new housing, parks, retail and a hotel to serve the tourist industry. (03:32:08)

Mike (& Jayne) Ruane, Vice President, National Core, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because the transition to

the new land designation is appropriate, it creates affordable housing to meet a critical need, as well as housing for all economic levels. (03:33:13)

Dina Rochford, a life-long resident of Huntington Beach, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because this land is long overdue for improvement. (03:34:39)

Tara Barton, a long-time resident of Huntington Beach, was called to speak and shared her opinions about the current zoning, use of developer funds, little to no affordable or low-income housing options, in supporting her opposition to Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm. (03:35:09)

Steve Greyshock, who grew up in Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because he sees this as an opportunity for a legacy project that will improve the City's future. (03:37:25)

Tom Grable, Immediate Past Chair, Building Industry Association of Southern California, and a builder of 200 homes in Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because of the statewide housing shortage and the project's incredible balance of housing, commercial, retail, parks, trails and environmental open space. (03:38:23)

Caller #999 Christopher Lundgren, a 45-year resident of Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm, except for the hotel option, because as a member of Unite Here Local 11, he believes the existing hotels need to significantly recover from COVID-19 before additional hotel rooms are developed, and asked for a community definition of affordable housing. (03:40:22)

Charla, a 20-year homeowner in Huntington Beach located on reclaimed Chevron land, was called to speak and stated her support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because in her opinion it is a great way to showcase the marshland, and replace an eyesore and dump with a project that will revitalize the area. (03:42:32)

Rick Wood, long-time resident of Huntington Beach, Immediate Past President, Orange County Building Industry Association, and involved in the recent re-development project at what had been Franklin School, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because housing is very much in demand in Huntington Beach, the current zoning should be corrected, and the Shopoff project is well designed with appropriate uses. (03:44:15)

Ted Grove, a 25-year resident of Huntington Beach, a Land Development Engineer and member of the Orange County Building Industry Association, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because he sees this plan as appropriate for the location, including the substantial public amenities, which will result in a revitalization of the area. (03:46:10)

Peter Vanek, 30-year resident of Orange County, and former City of Huntington Beach Planner, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia

Tank Farm and shared his delight at finally seeing a viable plan for turning what was a contaminated site into a vibrant part of the community. (03:47:27)

Jaime Gomez, a resident of Costa Mesa, was called to speak and stated his opposition to the luxury hotel option for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because of the significant increase it could have on greenhouse gas emissions, and lack of proper analysis on the project's potential impact on climate change and air quality. (03:48:52)

John Villa, a resident of southeast Huntington Beach for 17 years, and Executive Director, Huntington Beach Wetlands Conservancy (HBWC), was called to speak and stated HBWC's support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because Shopoff Realty Investments has been very open with their plan to provide increased access to the wetlands adjacent to their site, are using materials for safe habitats for residents, and have addressed every concern that was raised by HBWC during the Environmental Impact Report (EIR) process. (03:50:42)

Dan was called to speak and stated he would like to hear more from people opposed to Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm, and related some questions he had for Consent Calendar Item No. 18 (20-2116) regarding Short-Term Rentals. (03:52:58)

Nasser Mustafa, a 26-year resident of Huntington Beach, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because this plan is better than the potential for industrial development, and in his opinion Shopoff has done a good job of reaching out to the community and responding to concerns. (03:54:47)

Michelle Weedon, a resident of southeast Huntington Beach, was called to speak and stated her support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because the contamination has been remediated per the Department of Toxic Substances Control, and in her opinion the Shopoff plan for new homes and amenities will increase existing neighborhood home values. (03:56:50)

Dane Aleksic, a resident of Huntington Beach and building industry worker, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) as he believes the proposed homes would provide housing opportunities for some people currently living in apartments as well as for empty nesters, plus the proposed hotel and access to the wetlands will all provide a positive transformation. (03:58:30)

Bill Watt, a 50-year Orange County home builder, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm as a high-quality project, and stated his opinion that the hotel component alone will be a unique asset for Huntington Beach. (04:00:09)

Joshua Ruiz, a 17-year resident and member of the Building Industry Association, was called to speak and stated his support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm as he believes it would be a major improvement comparable to the improvements from the Brightwood development near the Warner Avenue wetlands. (04:01:48)

Sunti Kumjim, President, Orange County Chapter, Building Industry Association, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because Shopoff has addressed the broader needs of the community with benefits for existing area

residents, visitors, and for the City's finances, and the project will also help with the extreme housing shortage. (04:03:07)

Wendy Bucknum, Mission Viejo Councilmember, Southern California Association of Governments (SCAG) Regional Board Member and SCAG Regional Housing Needs Assessment (RHNA) Committee Member, was called to speak and stated her support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm as she sees this as a project that will help maintain, if not increase, area property values in addition to the other benefits already described. (04:04:31)

Rich Gomez, a 46-year resident of Huntington Beach, South West Regional Council of Local Carpenters member, and representing 700 Union Carpenters who reside in Huntington Beach, was called to speak and stated support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm as it is expected to provide good-paying construction jobs for the local skilled and trained workforce which will help keep additional monies in Huntington Beach, as well as follow the example of a number of prominent Huntington Beach projects he named which have successfully reclaimed land previously considered eyesores. (04:06:51)

Caller #867, Austin Lynch, Organizing Director, Unite Here Local 11 representing hotel workers, was called to speak and stated opposition for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm, because in his opinion this project will not be affordable for most hotel workers, and it will decrease their coastal access, and negatively impact environmental health. (04:09:00)

Mr. Mottles was called to speak and stated his opposition to Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because it will be adjacent to the Ascon site which the Department of Toxic Substances Control (DTSC) had previously stated was fine until the area residents demanded mitigation action, and asked that City Council focus their time and energy on cleaning up the Ascon site and actually improving the neighborhood before any more development is approved. (04:10:29)

Gretchen Fuog, a resident of Huntington Beach, was called to speak and stated her support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm, because in her opinion Shopoff has done a good job of presenting the project which meets the balanced needs of the neighborhood, and is expected to provide a much needed economic and housing boost to the community. (04:13:00)

Caller #383, Deborah Shales, a 36-year resident of Huntington Beach, was called to speak and stated her support for Public Hearing Item No. 19 (19-1172) regarding the Magnolia Tank Farm because the site has been cleaned up, the proposed zoning change will be more beneficial to the community, and the wetland education portion of the project will benefit generations to come. (04:15:36)

City Clerk Robin Estanislau announced there were no more public speakers.

Mayor Carr closed the Public Hearing for Item No. 19 (19-1172). (04:17:24)

Councilmember Peterson stated that he doesn't think a hotel is compatible with the surrounding residential neighborhood, expressed concerns regarding the building heights the zoning change would allow, and concerns that the clean-up of the Ascon site could impact the Tank Farm site.

Councilmember Posey stated support for this project because it is only a zoning change being considered which will match and extend the existing single family neighborhood zone to the east of this

project, and this will have a positive economic and housing appreciation impact. Councilmember Posey also clarified that to the best of his knowledge the Coastal Commission requires lodging accommodations as part of this project. He further stated allowing for additional housing will provide upward mobility which will provide an opportunity for other housing changes throughout the community.

Councilmember Delgleize and Director Luna-Reynosa discussed California Coastal Commission (CCC) requirements such as visitor-serving uses including retail and lodging, necessitates changing the zoning. Director Luna-Reynosa explained that the Coastal Act prioritizes a hotel or lodge as open to the public vs. an entirely residential project which "privatizes" a coastal asset, and added the CCC will also have affordable lodging requirements which must be met for CCC approval. There was also discussion on building height for a hotel or lodge as well as for the residential homes, the quid pro quo for development agreements which are codified under local and/or state laws, and proposed timeline from zoning change approval, including CCC approval, design plans, public hearings, building permits, and construction which would take a number of years for project completion.

Mayor Pro Tem Ortiz stated his support for efforts to improve the Magnolia Tank Farm site, but also has concerns related to the Ascon site, and stated his expectation that Council will at the same time focus on what needs to be done with the Ascon site in protecting the health of the residents, and asked if Shopoff could be of any assistance in also addressing the Ascon issues.

Councilmember Kalmick stated he has reviewed all of the documentation and believes the Planning Commission actually addressed all of the concerns the public has expressed. He clarified with staff the content of the DTSC letter which states that the property has been deemed suitable for residential development, and Director Luna-Reynosa explained there are different standards for different purposes and residential development requires the highest standard of remediation.

Councilmembers Kalmick and Peterson discussed additional text in the DTSC letter stating that the approval does not certify that the facility does not pose any environmental or public health threat, and does not remove any liability associated with past hazardous waste. Councilmember Peterson also explained that the CCC will have a public hearing before making their final decision on whether or not to approve this project, and including a hotel in the plans is expected to improve the chances of the project receiving approval.

Councilmember Kalmick and Director Luna-Reynosa continued discussions on the DTSC letter and staff's recommendation to include a hotel in the plans because of their understanding that the CCC would be unlikely to approve a totally residential project.

Director Luna-Reynosa introduced Environmental Consultant Mr. Mauricio who has experience dealing with DTSC, and explained that the two referenced letters addressed two different projects and at the present time it is agreed that conditions on one site do not affect conditions on the other site.

Councilmember Kalmick stated that in his review of all of the background material for this site, he believes approving the zoning change will protect the area from additional heavy industry businesses, and explained his logic for supporting this item to ensure a successful project with the lowest impact to the neighborhood.

Councilmember Moser stated her support of Councilmember Kalmick's comments and stated her support for a project where the benefits outweigh the challenges. Councilmember Moser also stated

her interest in simultaneously maintaining focus on the proper remediation for Ascon, as well as to ensure that building out the Magnolia Tank Farm includes benchmarks and standards that will mitigate greenhouse gas emissions.

Councilmember Moser and Planner Ramos discussed that if Shopoff decided to sell the land, any new owner would have to repeat this whole process if they wanted to change anything that has been approved by City Council and the California Coastal Commission.

At 11:00 PM, pursuant to Resolution No. 2015-46, a motion was made by Posey, second Kalmick to continue conducting business past 11:00 PM. With no objections, the meeting continued.

Mayor Carr stated she would not be supporting this item because of her concerns with the project's plans to build homes adjacent to a power plant that operates 24/7, and is next to the Ascon site. She stated her support for cleaning up the site, and the importance of housing, jobs, and revenue, but can't support this project at this site. Mayor Carr explained that health and safety are the most important issues that must remain the top priority for all decisions.

A motion was made by Delgleize, second Posey to Certify Environmental Impact Report No. 17-001 as adequate and complete in accordance with CEQA requirements and adopt Resolution No. 2021-01, "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report (SCH#2017101041)for the Magnolia Tank Farm Project" (Attachment No. 2); and, approve CEQA Findings of Fact with a Statement of Overriding Considerations (Attachment No. 18); and, approve with modifications General Plan Amendment No. 17-001 and adopt Resolution No. 2021-02, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 17-001" (Attachment No. 3), Zoning Map Amendment No. 17-001 with findings (Attachment No. 1) and after the City Clerk reads by title approve for introduction Ordinance No. 4225, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located on the Westside of Magnolia Street at Banning Avenue from PS-O-CZ (Public-Semipublic - Oil Production Overlay - Coastal Zone Overlay) to SP-18-CZ (Specific Plan - Coastal Zone Overlay)(Zoning Map Amendment No. 17-001)" (Attachment No. 4), Zoning Text Amendment No. 17-005 with findings (Attachment No. 1) and Planning Commission and staff revisions (Attachment No. 25) and adopt Resolution No. 2021-03, "A Resolution of the City Council of the City of Huntington Beach Adopting Zoning Text Amendment No. 17-005 by Creating the Magnolia Tank Farm Specific Plan (SP-18) to Apply to Real Property on the West Side of Magnolia Street at Banning Avenue" (Attachment No. 5), Local Coastal Program Amendment No. 17-001 with findings (Attachment No. 1) and adopt Resolution No. 2021-04, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 17-001 and Requesting Certification by the California Coastal Commission" (Attachment No. 6), Development Agreement No. 19-001 with findings (Attachment No. 1) and after the City Clerk reads by title, approve for introduction Ordinance No. 4226, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach and SLF-HB Magnolia, LLC (Developer)(Development Agreement No. 19-001)" (Attachment No. 7); and execute an Indemnification Agreement Between the City of Huntington Beach and SLF-HB Magnolia, LLC (Attachment No. 21) (staff recommendation).

The motion carried by the following vote:

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

NOES: Peterson, and Carr

20. 20-2112 Adopted Resolution No. 2021-05 Increasing Residential Trash Rates Effective February 1, 2021, and Ratifying the Methodology for Future Rate Adjustments

City Manager Chi introduced Public Works Director Sean Crumby who presented a PowerPoint communication entitled: *Public Hearing to Adopt Resolution 2021-05 Proposed Residential Trash Rate Increase,* with slides titled: *Solid Waste Program - Summary of Issue, Background Information (3), AB 1594 - Cost of Compliance, Proposed Rates, Notification (Proposition 218), Proposed Rate Increase,* and *Questions*

Councilmember Posey confirmed with Director Crumby that the $.98 rate increase is required to fund an unfunded mandate from the State, and this fee is a pass-through, which means if the fee is not increased, the City will have to continue spending reserves of $560,000 annually, and the current reserves will only last for another three and-a-half months.

Councilmember Delgleize confirmed with Director Crumby that this increase in costs is a result of State laws that changed the organics and green waste processes to no longer allow green waste to be used as landfill cover, and penalties will be assessed for non-compliance.

Councilmember Kalmick and Director Crumby agreed that there should be conversations with State representatives looking for State resources or funding for this mandate, and Director Crumby confirmed the amount of this proposed increase is just a cost recovery.

Mayor Carr opened the Public Hearing for this item.

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

Public Hearing

#20. (20-2112) PowerPoint communication submitted by Public Works Director, Sean Crumby, titled *City of Huntington Beach – Public Works Department – Public Hearing to Adopt Resolution 2021-05 Proposed Residential Trash Rate Increase.*

City Clerk Estanislau announced there were no public speakers.

Mayor Carr closed the Public Hearing for this item.

A motion was made by Delgleize, second Posey to adopt Resolution No. 2021-05, "A Resolution of the City Council of the City of Huntington Beach Adjusting and Ratifying Residential Trash Rates by the Formula Established in the Revised and Restated Refuse Collection and Disposal Services Franchise Agreement," increasing the Residential Trash Rate $0.98 per household per month effective February 1, 2021, and ratifying the methodology for future rate adjustments.

The motion carried by the following vote:

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

21. 21-010 Adopted Resolution No. 2021-07 Approving Amendment No. 4 (SUBSTANTIAL) to the 2019-20 Annual Action Plan and Amendment No. 2 (SUBSTANTIAL) to the 2020-21 Annual Action Plan for the Community Development Block Grant and HOME Investment Partnerships Programs

City Manager Chi introduced Community Development Deputy Director Steve Holtz who presented a PowerPoint communication entitled *Substantial Amendments to the 2019/20 and 2020/21 Annual Action Plans for CDBG & Home Programs* with slides titled: *Background, 2019-20 Annual Action Plan Amendment, 2020-21 Annual Action Plan Amendment, Jamboree Senior Housing Project, Substantial Amendments to the 2019/20 and 2020/21 Annual Action Plans for CDBG & Home Programs.*

Councilmember Peterson and Director Holtz discussed that TBA/rental assistance funding comes from the Home Program, and the administration of that program is not an eligible Home Program expense so the proposal is to use CDBG funds, or all Federal entitlement grant funds.

Councilmember Delgleize and Director Holtz discussed the approximately $3M in available grant funds will require $169,000 from the City's Affordable Housing Trust fund to cover all costs.

Mayor Carr and Director Holtz discussed the process related to any projects being cancelled this year, and Director Holtz explained there would have to be a new application next year.

Mayor Carr opened the Public Hearing for this item.

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

Public Hearing

#21. (21-010) PowerPoint communication entitled *Substantial Amendments to the 2019-20 & 2020-21 Annual Action Plans for CDBG & Home Programs* submitted by Community Development Director, Ursula Luna-Reynosa and Community Development Deputy Director, Steve Holtz.

City Clerk Estanislau announced there were no public speakers.

Mayor Carr closed the Public Hearing for this item.

A motion was made by Delgleize, second Kalmick to adopt Resolution No. 2021-07, "A Resolution of the City Council of the City of Huntington Beach Approving Amendment No. 4 (SUBSTANTIAL) to the 2019-20 Annual Action Plan and Amendment No. 2 (SUBSTANTIAL) to the 2020-21 Annual Action Plan" for the Community Development Block Grant and HOME Investment Partnerships Programs, and authorize the City Manager to take all administrative and budgetary actions necessary to execute the Action Plan program amendments.

The motion carried by the following vote:

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

COUNCILMEMBER ITEMS

22. 21-06 Item Submitted by Mayor Carr Approved — Consider changing City Council Meeting Days to the First and Third Tuesday of each month

Mayor Carr explained her recommendation is to allow for one extra day for the public to provide agenda-related communications, and Councilmembers time to prepare for meetings, with the Agenda still released on the previous Wednesday. She also stated she does not expect this change, if approved, to happen immediately.

Councilmember Posey shared several of his initial concerns, stated support for an extra day to communicate with staff and hear from the public and suggested an effective date in May or June.

Councilmember Kalmick stated he was aware that school district meetings are usually on Tuesdays which may create a conflict for some residents, suggested if Tuesday is a holiday the Council meeting be moved ahead one day, and stated his support for making this change effective on June 1.

Councilmember Mosher stated her support for the additional preparation time, and shared her concerns related to potential conflict with school district board meetings, Surf City Nights, and possibly City Board and Commission meeting dates. She also stated support for implementing this change in June.

Mayor Carr stated that her review of school district board meeting dates shows most meet on the second and fourth Tuesday, but there could be occasional overlaps.

Councilmember Peterson stated he has never had an issue communicating with staff on Thursday or Monday to be prepared for a Monday meeting, and he cannot support changing to Tuesday as this change would be disruptive to his work week.

A motion was made by Carr, second Kalmick to recommend that the City Council direct the City Manager to develop and bring back for formal City Council review the protocols and procedures necessary to change our City Council meeting days to the first and third Tuesday of each month, **as amended to initiate the change as early as June 1st.**

The motion carried by the following vote:

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

23. 21-059 Item Submitted by Mayor Carr and Councilmember Moser Approved — Consider Reaffirming the City's Commitment to the Declaration of Policy About Human Dignity

Mayor Carr explained that each new Council should have the opportunity to reaffirm the City's Human Dignity Declaration, and that is why this item is presented now. Mayor Carr read what she feels are pertinent parts of the Declaration, and suggested that the language be brought current when it is reaffirmed by the 2022 Council.

Councilmember Moser stated this is an opportunity to look to the future where all people are welcomed in the community. She explained the history of why and how the Declaration was created in 1996, and shared that she sees the Declaration as providing a reminder that Huntington Beach is an inclusive community for its residents and visitors, and emphasized the importance of the Human Relations Task Force.

Councilmember Posey stated support for Councilmember Moser's suggestion that the Human Relations Task Force be tasked to review the Declaration for any language updates.

Councilmember Delgleize stated her support for tasking the Human Relations Task Force with updating the Declaration's language.

Mayor Pro Tem Ortiz stated his full support for this item, and apologized for not controlling his emotions at TK Burger recently, and added that comments connecting him to white supremacist ideology are false. He also mentioned visiting Iraq in support of the military, and remains focused on protecting and serving the residents of Huntington Beach.

Councilmember Peterson stated he does not support having the Human Relations Task Force re-writing the Declaration of Policy about Human Dignity.

A motion was made by Carr, second Moser to recommend that the City Council take action to reaffirm the City's commitment to its Declaration of Policy About Human Dignity, and direct the Human Relations Task Force to develop and submit for City Council consideration an outreach plan through which the City can continuously share details regarding our commitment to the Declaration of Policy About Human Dignity, ***as amended to include review of Declaration language***.

The motion carried by the following vote:

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

24. 21-057 Item Submitted by Councilmembers Moser, Delgleize and Kalmick Approved – Condemn the seditious acts of violence at the U. S. Capitol on January 6, 2021, and affirm the City's unwavering commitment to American Democratic Principles and Practices

Councilmember Moser stated that as an American, patriot and leader, she condemns the violence and conspiracy theories that fueled the violence at the U.S. Capitol on January 6, 2021. She quoted language "We support and defend the Constitution," as a portion of a statement written on January 12, 2021, from the Joint Chiefs of Staff representing every branch of the military, which inspired bringing this Councilmember Item forward.

Councilmember Delgleize thanked Councilmember Moser for spearheading this, explained her emotional reaction to the violence at the U. S. Capitol, and described acceptable methods for resolving disagreements through truth and conversations.

Councilmember Kalmick described his reactions to the violence, stated that in order to stop something it must first be declared as wrong, and he feels it is important to let the residents of Huntington Beach

know that their elected officials believe in the rule of law and support the democratic foundation of our country.

Councilmember Peterson stated his opinion that City Council time and effort should be focused on local issues, referencing other acts of civil unrest occurring across the Country. He added that he does not support violence or insurrection, but questioned why Council is using staff time to address an incident in D.C. that will be handled by law enforcement.

Councilmember Posey stated he understands Councilmember Peterson's position, but will support this item because he condemns the violence.

Mayor Pro Tem Ortiz stated he also agrees with Councilmember Peterson's comments, that he expects law enforcement will provide justice, and he also condemns the violence in D.C.

Councilmember Moser responded to Councilmember Peterson and Mayor Pro Tem Ortiz by stating her opinion that there is a huge difference between demonstrations or protests against systemic oppression or equality, versus the insurrection and violence at the U. S. Capitol, suggesting it is wrong to compare the incidents.

Mayor Carr shared that as a Councilmember she swore an oath to defend and uphold the Constitution of the State of California, and the United States, and this action is about defending American democratic principles and condemning violence.

A motion was made by Moser, second Kalmick to recommend that the City Council unequivocally condemn the act of sedition and insurrection at the U.S. Capitol on January 6, and affirm Huntington Beach's unwavering commitment to American democratic principles and practices.

The motion carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Carr reminded everyone of the Virtual Townhall COVID-19 meeting on January 20.

Councilmember Posey thanked the City for recognizing Daniel "Dano" Patton, a member of the hot rod and surfing communities, with a banner on Main Street after his recent, untimely death.

Councilmember Delgleize recognized Scout Leader W. Russell Paxson.

ADJOURNMENT at 12:22 AM on Wednesday, January 20, 2021, in memory of W. Russell Paxson, to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, February 1, 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

Robin Estanislau

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Secretary of the Public Financing Authority, Housing and Parking Authorities, and Successor Agency to the Former Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

Robin Estanislau
City Clerk-Secretary

Mayor-Chair