

## Minutes

### City Council/Public Financing Authority and Special Meetings of the Housing Authority, Parking Authority and Successor Agency City of Huntington Beach

Monday, December 17, 2018  
3:30 PM - Council Chambers  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

A video recording of the 3:30 PM and 6:00 PM portions of this meeting is on file in the Office of the City Clerk, and archived at [www.huntingtonbeachca.gov/government/agendas/](http://www.huntingtonbeachca.gov/government/agendas/)

#### 3:30 PM – COUNCIL CHAMBERS

Based on time needed to cover items scheduled for Study Session and Closed Session, the meeting was called to order at 3:30 PM.

#### CALLED TO ORDER — 3:30 PM

#### ROLL CALL

Present: Brenden, Carr, Semeta, Peterson, Posey, Delgleize (arrived at 3:32 PM), and Hardy (arrived at 3:32 PM)  
Absent: None

#### ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

#### Study Session:

**Item #1 (18-573)** - A PowerPoint communication entitled *PCTA Exit and Transition Plan to "Surf City 3"*, submitted by Assistant City Manager Lori Ann Farrell Harrison.

**Item #2 (18-258)** - A PowerPoint communication entitled *Master Fee and Charges Schedule and Other Revenue Adjustments*, submitted by Assistant City Manager Lori Ann Farrell Harrison.

#### PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS

(3 Minute Time Limit) — None

#### STUDY SESSION

1. 18-573 PCTA Transition and Exit Plan to "Surf City 3"

A PowerPoint communication, was presented jointly by Assistant to the City Manager Antonia Graham and Public Information Officer Julie Toledo, entitled *PCTA Exit and Transition Plan to "Surf City 3,"* with slides titled: *History and Background, History of PCTA, Governance, Franchise and PEG Fees, Summary of 18/19 PCTA Budget (Administrative and PEG), HB Production, Current Trends in TV, Samples of "Newer" Programming, What are other Orange County cities doing?, Comparison Chart - Per Capita Spending, Business Plan for Operating "Surf City 3", Proposed Staffing Model, Programming, Programming Ideas, Proposed 1st Year Budget, What can PEG be spent on?, Revenue/Partnership Opportunities, Next Steps - Two Options, and Questions?*

Mayor Pro Tem Semeta expressed her opinion that prudent fiscal analysis shows her it is time for the City to begin the transition to exit from Public Cable Television Authority (PCTA) and supports many of the suggestions presented.

Councilmember Hardy and Assistant to the City Manager Graham discussed restrictions and use of Public, Educational and Government (PEG) funds, and Councilmember Hardy also expressed support for working with school districts and their talented teams for programming purposes.

Councilmember Brenden expressed his support for exiting PCTA and believes it would be the prudent way to move ahead for both the citizens and the City. Councilmember Brenden stated his support for meeting with the PCTA Board as part of the process to ensure the City Council has complete knowledge of all the issues involved.

Councilmember Delgleize and staff discussed that leaving PCTA could provide opportunities for better and more relevant content which is one hundred percent Huntington Beach, rather than some of the current content which comes from out-of-area sources. Staff stated that if Council approves a resolution to move ahead, they would then begin implementing the Transition Plan.

Councilmember Hardy and staff discussed if programming could be vulnerable to budget cuts, and staff explained that PEG and Franchise fees used to fund a City program would decrease if residents eliminated their cable service.

Councilmember Carr and staff discussed programming content, and whether the City can actually provide 8 hours each day. Councilmember Carr expressed her concern about maintaining the City's brand and the need to be very selective if there is any underwriting.

City Manager Wilson stated that this item will return in January for Council action.

## **2. 18-258 Update on Master Fee and Charges Schedule on Other Revenue Adjustments**

City Manager Wilson introduced Chief Financial Officer Gilbert Garcia who presented a PowerPoint communication jointly with Acting Director of Community Services Chris Slama entitled: *City of Huntington Beach, Master Fee and Charges Schedule and Other Revenue Adjustments,* with slides titled: *Budget Balancing Review, Summary of Proposed Fee Changes, Proposed Fee Changes Comparison, Community Services History of Parking Meter Rates, Proposed Fee Changes Comparison by Department, Proposed MFS Changes by Department, Proposed Master Fee Changes Community Services Summary, Community Services Special Events Fees (2), Community Services Parking Meter Rates, Proposed MFS Changes Finance Department Summary, Finance Department Entertainment Permits, Finance Department Massage Fees, Finance Department Entertainment & Massage Fee*

*Survey, Proposed MFS Changes Fire Department Summary, Fire Department Inspection and Plan Review Fees, Fire Department Marine Safety Fees, Police Department Parking Citations, Police Department Parking Citations Survey, Community Development Environmental Review (2), and Recommended Actions.*

Councilmember Delgeize and staff discussed that currently overall fees cover about 74% (seventy-four percent) of costs and the new fees will cover about 75% (seventy-five percent) of actual costs. Staff confirmed the Master Fee Schedule is posted on the City's website.

Councilmember Hardy stated that in her opinion massage establishment fees should recover 100% of associated costs, without needing the increase to be phased in.

Mayor Pro Tem Semeta expressed her desire to see no increase in fees for Huntington Beach non-profits, and staff confirmed that set-up fees for room rentals are not changing.

Councilmember Brenden expressed his opinion, especially regarding massage establishment fees, that it is not fair to penalize one particular type of business, and his belief that the long-range goal is to reach 100% recovery for all costs.

Councilmember Carr and staff discussed set-up and take-down special event fees, and confirmed increases would affect vendors of large events who are not currently under contract. Staff confirmed that transparency and clarity are provided throughout the vetting process.

Mayor Peterson expressed his support for the set-up and take-down fee, and stated he would like to see a simplified fee schedule available on the website.

#### **RECESSED TO CLOSED SESSION — 4:38 PM**

A motion was made by Brenden, second Semeta to recess to Closed Session for Items 4 — 9. With no objections, the motion carried.

#### **CLOSED SESSION ANNOUNCEMENT(S)**

- 3. 18-606 Mayor Peterson Announced: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator: Peter Brown, outside counsel, regarding labor negotiations with: Assistant City Manager, Chief Assistant City Attorney, Chief Financial Officer, Chief Information Officer, City Manager, Community Development Director, Community Services Director, Deputy Director of Community Development, Fire Chief, Human Resources Director, Library Services Director, Deputy Community Prosecutor, Police Chief, Public Works Director, as well as the elected City Attorney, City Clerk and City Treasurer; and,**

**Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators: Fred A. Wilson, City Manager, Peter Brown, outside counsel and Chief Negotiator, Lori Ann Farrell-Harrison, Assistant City Manager; also in attendance: Robert Handy, Chief of Police, Gilbert Garcia, Chief Financial Officer, and Michele Warren, Director of Human**

**Resources regarding the following: Huntington Beach Police Officers' Association (POA) and Marine Safety Management Association (MSMA).**

**CLOSED SESSION**

4. **18-579 Pursuant to Government Code § 54956.9(d)(2), the City Council recessed into Closed Session to confer with the City Attorney regarding potential litigation. Number of cases, five (5).**
5. **18-580 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Kennedy Commission, et al. v. City of Huntington Beach; OCSC Case No. 30-2015-00801675; Court of Appeal Case No. E070935 (4th Dist., Div. 2).**
6. **18-599 Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiator, Peter Brown, regarding labor negotiations with: Assistant City Manager, Chief Assistant City Attorney, Chief Financial Officer, Chief Information Officer, City Manager, Community Development Director, Community Services Director, Deputy Director of Community Development, Fire Chief, Human Resources Director, Library Services Director, Deputy Community Prosecutor, Police Chief, Public Works Director, as well as the elected City Attorney, City Clerk and City Treasurer.**
7. **18-600 Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators: Fred A. Wilson, City Manager, Peter Brown, outside counsel and Chief Negotiator, Lori Ann Farrell-Harrison, Assistant City Manager; also in attendance: Robert Handy, Chief of Police, Gilbert Garcia, Chief Financial Officer, Michele Warren, Director of Human Resources regarding the following: Huntington Beach Police Officers' Association (POA) and Marine Safety Management Association (MSMA).**
8. **18-604 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Harrison-Swaim (Jaime) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2018-01014886.**
9. **18-605 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Decock (Eugene and Sandra) v. City of Huntington Beach; OCSC Case No. 30-2017-00956312.**

**6:00 PM - COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING, AND CALLED TO ORDER SPECIAL MEETINGS OF THE HOUSING AUTHORITY, PARKING AUTHORITY AND SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF HUNTINGTON BEACH — 6:08 PM**

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE** — Led by Councilmember Hardy

## **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.

**10. 18-424 Deacon Tom Concitis of Saint Mary's by the Sea Roman Catholic Church and member of the Greater Huntington Beach Interfaith Council**

**CLOSED SESSION REPORT BY CITY ATTORNEY** — None

## **AWARDS AND PRESENTATIONS**

**11. 18-601 Mayor Peterson called on Victoria Albery who presented the Adoptable Pet of the Month.**

Domino, currently being fostered by Karen of Top Dog Barkery at Pacific City, is a 4-year old Shitsu, well trained, loves other dogs and people. Further details can be found at [www.waggintrails.org](http://www.waggintrails.org) or Top Dog Barkery.

**12. 18-608 Mayor Peterson called on Zac Wright, Secretary of the Huntington Beach Fire Authority (HBFA) and Great Balls of Fire Charity Golf Tournament Chairman, to present a check from their charity golf tournament to Waymakers Huntington Beach Youth Shelter**

Fire Captain Wright provided a few details on the Annual Tournament and presented a check of \$36,300 to Waymakers Huntington Beach Youth Shelter. Huntington Beach Youth Shelter Program Director Elsa Greenfield expressed appreciation for those who went beyond the call of duty to support the Youth Shelter. She also thanked Advisory Council Members, and presented a "Thank You" poster to Huntington Beach Fire Authority (HBFA) which was created by Youth Shelter residents.

**13. 18-612 Mayor Peterson called on Chief Rob Handy to recognize eight Huntington Beach Police Department (HBPD) officers for their participation in the Employer Support of the Guard and Reserve (ESGR) Patriotic Employer program**

Chief Handy introduced Police Officers Ian MacLeith and Eric Esparza, who along with Officer Scott Marsh, nominated eight Police Department supervisors for Patriotic Awards to acknowledge their support for active duty employees of the Huntington Beach Police Department. Officer Esparza provided some background details on the ESGR program and how the supervisors were selected for this award. Mr. Thomas Bell of ESGR presented the Patriotic Award, which was produced in Washington, DC and consists of a certificate and pin, to Police Sergeants Shawn White, Shawn Randell, Brian Smith, Ryan Reilly, John Van Holt, John Baggs, and Police Lieutenant David Dereszynski.

**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:

**Council Committee - Appointments - Liaison Reports, AB 1234 Reporting, and Openness in Negotiations Disclosures**

**Item #14 (18-613)** Email communication in support of Councilmember Posey for reappointment to the RHNA Subcommittee received from Yorba Linda Council Member Peggy Huang.

**City Manager's Report**

**Item #15 (18-598)** PowerPoint communication entitled *Coyote Management Plan Update* submitted by Police Chief Robert Handy.

**Consent Calendar**

**Item #20 (18-482)** Email communication regarding a Professional Services Contract for Workers' Compensation Third-Party Claims Administration with AIMS received from Pat Quintana.

**Item #21 (18-483)** Email communication regarding a Professional Services Contract for Workers' Compensation Program Medical Bill Review Services with Lien On Me received from Pat Quintana.

**Item #22 (18-484)** Email communication regarding a Professional Services Contract for Workers' Compensation Program Utilization Review Services with ARISSA received from Pat Quintana.

**Administrative Items**

**Item #34 (18-595)** Email communication regarding Resolution No. 2018-55 amending Fees and Charges received from KC Fockler.

**Ordinances for Introduction**

**Item #35 (18-617)** Email communications (3) regarding introduction of Ordinance No. 4169 received from Mark Bixby, Julie Bixby, and Dan Jamieson.

**PUBLIC COMMENTS (3 Minute Time Limit) — 19 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>.*

Dianna Orr, 11th Street resident, was called to speak and stated her support for The Corner Market at 11th Street and Acacia. (01:33:34)

Suzanne Iacono, Owner/Operator of The Corner Market, was called to speak and stated her opinions and facts related to the Public Speaker complaints made at a previous City Council meeting. Ms. Iacono asked that the City Council assist with resolving the issues of intimidation and threats to their business and family members. Mayor Peterson asked Ms. Iacono to complete a blue card for staff follow-up. (01:35:52)

MaryAnn Divona, an 11th Street resident and realtor, was called to speak and stated her support for The Corner Market at 11th Street and Acacia. (01:38:19)

Heather Allen was called to speak and shared personal experiences and opinions related to the community coyote issues. (01:41:30)

Traci Larson, resident of Huntington Beach, was called to speak and shared personal experiences and opinions related to the community coyote issues. (01:42:56)

Peggy Huang, Yorba Linda Councilmember, and Regional Housing Needs Assessment (RHNA) Subcommittee Chair for Southern California Association of Government (SCAG), was called to speak and stated her support for re-appointing Councilmember Posey to the RHNA Subcommittee. (01:45:43)

Kathryn Levassieur, 20-year resident of Huntington Beach, was called to speak and spoke in support of the City adopting rules and regulations related to Short-Term Vacation Rentals. (01:49:04)

Dave Shenkman, a 45-year resident of Huntington Beach and Downtown business owner, was called to speak and stated his support for Consent Calendar Item No. 19 (18-616) regarding the appointment of Kelly Rodriguez to the position of Assistant Chief of Police. (01:51:20)

John Christiana, former Huntington Beach and current Laguna Beach resident, was called to speak and stated his opinions on his current litigation with the City. (01:52:08)

Janis White, resident on 11th at Acacia, across the street from The Corner Market, was called to speak and stated her support for The Corner Market. (01:56:01)

Jim White, resident on 111th at Acacia, across the street from The Corner Market, was called to speak and stated his support for The Corner Market. (01:58:57)

Bruce Sechler, a resident of Huntington Beach, was called to speak and shared negative impacts and personal experiences related to a short-term rental business next door to his residence, and asked that the Council support City Attorney Gate's recent proposal to enforce the existing municipal code. (02:02:20)

Aaron Smith was called to speak and thanked Council members for their service and leadership, and he encouraged continued transparency in all City Council matters. (02:05:34)

Scott Graham, long-time homeowner and resident, was called to speak and stated his opinions and negative experiences related to the short-term rentals in his neighborhood and what he perceives as the lack of proper code enforcement. (02:08:06)

Diana Abruscato, USA Pickleball Association (USAPA) Ambassador for Huntington Beach, and Contracted Pickleball Instructor for Huntington Beach, was called to speak and shared the good news that youth pickleball classes are being added to the program. Ms. Abruscato also announced that there are already 125 participants signed up for the Pickleball Tournament to be held in ten months, and asked that the City Council approve dedicated use of Worthy Park courts for pickleball events. (02:10:58)

Allan & Yvonne Ansdell were called to speak and stated support for The Corner Market at 11<sup>th</sup> Street and Acacia. (02:13:58)

Dimetri Gardikas was called to speak and stated his support for The Corner Market at 11<sup>th</sup> Street and Acacia. (02:16:22)

Wendi Tochihara, resident of Huntington Beach, was called to speak and shared experiences and opinions related to the community coyote issues. (02:17:20)

Frank Singer, a long-time resident of Huntington Harbor, was called to speak and offered to serve on the recently established Harbor Commission. (02:19:53)

### **COUNCIL COMMITTEE – APPOINTMENTS – LIAISON REPORTS, AB 1234 REPORTING, AND OPENNESS IN NEGOTIATIONS DISCLOSURES**

Councilmember Hardy announced the appointment of Ken Small to the Public Works Commission, and Jake Hudson to the Finance Commission.

Councilmember Posey reported on recent meetings of the Southern California Association of Government (SCAG) Regional Housing Needs Assessment (RHNA) Sub Committee, and the West Orange County Water Board (WOCWB) where Huntington Beach was presented an award for hydrogen sulfide odor reduction in Well #9.

Councilmember Brenden reported having a conversation with the President of the Huntington Beach Police Officers' Association (HBPOA).

Councilmember Carr reported having a conversation with the President of the Huntington Beach Police Officers' Association (HBPOA). Councilmember Carr also announced the appointment of Brendon Perkins to the Planning Commission, Karla Tucker to the Public Works Commission, Shayna Lathus to the Citizens Participation Advisory Board, Lisa Kemmerer to the Community Services Commission, and Syndia Attardo to the Investment Advisory Board.

Councilmember Delgleize reported on recent meetings of the Orange County Transit Authority (OCTA), the Orange County Housing Trust Finance Board, and Orange County Homeless Point in Time Count.

#### **14. 18-613 Approved Mayor Peterson's 2019 Council Liaison List**

A motion was made by Peterson, second Hardy to as recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: Approve the 2019 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Peterson. (The City Clerk certifies that FPPC Form 806 "Agency Report of Public Official Appointments" which is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district and joint powers agency or authority was posted to the City's website according to law prior to this vote.)

A substitute motion was made by Posey, second Delgleize to revise the Liaison List to keep Councilmember Posey as Primary Liaison for Southern California Association of Government (SCAG), Orange County Council of Governments (OCCOG), and to remain on the Intergovernmental Relations Committee (IRC).

Councilmember Posey provided justification for his request to remain on SCAG, remain primary member of the OCCOG, and on the Intergovernmental Relations Committee (IRC). He described the importance of continued participation on Regional Housing Needs Assessment (RHNA) Subcommittee, and discussed some of the topics he brought before the IRC.

Councilmembers Carr and Posey discussed anticipated board terms/cycles and how they affect study and project movement

Councilmember Hardy shared her thoughts on the process, and provided support for the appointments recommended by Mayor Peterson.

Councilmember Brenden stated support for Councilmember's Posey request to remain as the primary liaison for SCAG and OCCOG, but recommended that he withdraw his request to remain on the IRC. Councilmembers Posey and Delgleize agreed remove IRC from the substitute motion.

Councilmember Delgleize shared her thoughts on allowing Councilmembers to continue their work on other boards, and City Attorney Gates and City Clerk Estanislau clarified the process necessary in order to make changes to the current posted Council Liaison List.

Councilmember Posey's substitute motion seconded by Delgleize was clarified as, return to Council on January 22, 2019 with the appointment of Councilmember Posey as Primary Liaison for Southern California Association of Government (SCAG) and Orange County Council of Governments (OCCOG).

The substitute motion failed by the following vote:

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

The original motion made by Peterson, second Hardy was reconsidered to, as recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: Approve the 2019 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Peterson. (The City Clerk certifies that FPPC Form 806 "Agency Report of Public Official Appointments" which is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district and joint powers agency or authority was posted to the City's website according to law prior to this vote.)

The motion carried by the following vote:

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

## **CITY MANAGER'S REPORT**

### **15. 18-598 Police Department Update on Coyote Management Plan**

City Manager Wilson introduced Police Chief Robert Handy who provided a brief description of how the Coyote Management Plan was determined, and introduced Police Administrative Division Services

Manager Kristin Miller who presented a PowerPoint communication entitled: *Coyote Management Plan Update* with slides titled: *Current Management Plan, Statistics, High Density Map, How to Report From the HB Webpage, How to Report from the MyHB App, What Do We Do With The Data?, Wildlife Watch-Town Halls-Clean Up, Removal, Resident Actions, and Questions.*

Councilmember Delgleize thanked Manager Miller for the presentation and stated her opinion that more publicity is needed for the Coyote Management Plan in an effort to educate residents on their options.

Councilmember Brenden and Manager Miller discussed statistics from previous years and a possible correlation to trapping activity. Chief Handy stated that wildlife biologists, who were consulted when setting up the City's Coyote Management Plan, find that removing coyotes can often actually increase the coyote population over time. Chief Handy also noted that the County has become much more involved in the last year, and State Fish and Wildlife staff don't normally get involved in removal procedures unless there has been coyote human contact.

Councilmember Semeta and Chief Handy discussed in further detail the role of State Fish and Wildlife Department in coyote management.

## **CONSENT CALENDAR**

Councilmember Carr stated she will abstain from Item No. 16 (18-556) regarding approving and adopting Minutes.

Councilmember Brenden pulled Item No. 17 (18-563) related to the City Clerk's quarterly listing of Professional Service contracts, and Item No. 26 (18-501) related to the City's Strategic Plan Update, for further discussion and clarification.

### **16. 18-556 Approved and Adopted Minutes**

A motion was made by Semeta, second Peterson to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated November 19, 2018, and December 3, 2018, as written and on file in the Office of the City Clerk.

The motion carried by the following vote:

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

### **17. 18-563 Received and filed City Clerk's quarterly listing of professional services contracts filed in the City Clerk's office between July 1, 2018, and September 30, 2018**

Councilmember Brenden pulled this item to confirm with the City Clerk that this list is to inform Council of Professional Service contracts which do not require Council approval.

A motion was made by Brenden, second Semeta to receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk During the Period of July 1, 2018, through September 30, 2018."

The motion carried by the following vote:

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

**18. 18-493 Received and filed the Maddy Act Local Appointments List - 2019 (terms on City boards, commissions, and committees which expire in 2019) informing the public of openings and vacancies based on 2019 expiration of current members' terms**

A motion was made by Semeta, second Peterson to receive and file the Maddy Act Local Appointments List - 2019 showing vacancies which will occur on City boards, commissions, and committees in the year 2019, and direct the City Clerk to post the list at official posting locations (Civic Center, Huntington Central Library, and Main Street Library). Copies of the Maddy Act Local Appointments List - 2019 will also be posted at all branch libraries and on the City's website.

The motion carried by the following vote:

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

**19. 18-616 Approved the appointment of Kelly Rodriguez to the position of Assistant Chief of Police and authorized the City Manager to execute the Employment Agreement**

A motion was made by Semeta, second Peterson to approve the appointment and authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and Kelly Rodriguez" for the position of Assistant Chief of Police.

The motion carried by the following vote:

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

**20. 18-482 Approved and authorized execution of a Professional Services Contract for Workers' Compensation Third-Party Claims Administration with AIMS (Acclamation Insurance Management Services) in the amount of \$1,340,073 as contained in the Workers' Compensation Internal Services Fund (55131001-69410)**

A motion was made by Semeta, second Peterson to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and Acclamation Insurance Management Services (AIMS) for Workers' Compensation Third Party Administration" for a period of three (3) contract years; and, authorize the City Manager to execute the Contract and Related Documents.

The motion carried by the following vote:

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

**21. 18-483 Approved and authorized execution of a Professional Services Contract for Workers' Compensation Program Medical Bill Review Services with Lien On Me in the amount of \$525,000, as contained in Workers' Compensation Internal Services Fund (55131001-69410)**

A motion was made by Semeta, second Peterson to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and Lien On Me for Workers' Compensation Medical Bill Review Services" for a period of three (3) contract years; and, authorize the City Manager to execute the contract and related documents.

The motion carried by the following vote:

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

**22. 18-484 Approved and authorized execution of a Professional Services Contract for Workers' Compensation Program Utilization Review Services with ARISSA Cost Strategies in the amount of \$459,000, as contained in the Workers' Compensation Internal Services Fund (55131001-69410)**

A motion was made by Semeta, second Peterson to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and ARISSA Cost Strategies for Utilization Review Services" for a period of three (3) contract years and authorize the City Manager to execute the contract and related documents.

The motion carried by the following vote:

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

**23. 18-542 Approved and authorized execution of a three-year Professional Services Contract with Sierra Analytic Laboratories, Inc., for Water Quality Sampling and Analyses in the amount of \$360,000**

A motion was made by Semeta, second Peterson to approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and Sierra Analytic Laboratories, Inc. for Water Quality Sampling and Analyses" not to exceed a total of \$360,000 for up to three years. If it is mutually agreeable, the contract may be extended for up to one (1) additional year.

The motion carried by the following vote:

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

**24. 18-575 Approved and authorized execution of Cooperative Agreement (No. C-8-2015) with the Orange County Transportation Authority (OCTA) and the Cities within Orange County for the Orange County Taxi Administration Program (OCTAP)**

A motion was made by Semeta, second Peterson to authorize the City Clerk and City Manager to execute "Cooperative Agreement No. C-8-2015 Between Orange County Transportation Authority and the Cities of Aliso Viejo, Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Dana Point, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Irvine, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, La Habra, Lake Forest, Mission Viejo, La Palma, Los Alamitos, Newport Beach, Orange, Placentia, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, Yorba Linda, and the County of Orange" for the administration of the Orange County Taxi Administration Program, effective January 1, 2019, through December 31, 2020.

The motion carried by the following vote:

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

**25. 18-577 Approved Fiscal Year 2017-18 Annual Compliance Reports for Public Works (Planned Local Drainage, Sanitary Sewer Facilities, and Fair Share Traffic Impact Mitigation Fee Program), Parkland Acquisition and Park, Police Facilities, and Fire Facilities and Library Development Impact Fees (DIF)**

A motion was made by Semeta, second Peterson to approve the Annual Compliance Report, Development Impact Fee Report for Fiscal Year Ended June 30, 2018 for Public Works (Planned Local Drainage, Sanitary Sewer Facilities, and Fair Share Traffic Impact Mitigation Fee Program), Parkland Acquisition and Park, Police Facilities, and Fire Facilities and Library Development Impact Fees.

The motion carried by the following vote:

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

**26. 18-501 Approved the November 2018 City of Huntington Beach Strategic Plan Update**

Councilmember Brenden pulled this item to clarify proper dates and time frame for updates on several items.

A motion was made by Brenden, second Delgleize to approve the November 2018 Strategic Objectives Update as contained in Attachment 1.

The motion carried by the following vote:

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

**27. 18-602 Approved authorization to appropriate, transfer and deposit one-time FY 2017/18 year-end revenue and budgetary savings of \$1.0 million into the Internal Revenue Code Section 115 Trust administered by the Public Agency Retirement Systems (PARS) to Pre-Fund Pension Liabilities**

A motion was made by Semeta, second Peterson to approve the appropriation, transfer and deposit of \$1.0 million into the Section 115 Trust from one-time FY 2017/18 year-end savings and revenue to reduce the City's unfunded pension liabilities.

The motion carried by the following vote:

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

**28. 18-589 Adopted Resolution No. 2018-86 amending the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA), by adopting the Side Letter of Agreement related to 2018 Holiday Closure**

A motion was made by Semeta, second Peterson to adopt Resolution No. 2018-86, "A Resolution of the City Council of the City of Huntington Beach, Amending the Memorandum of Understanding Between the City and the Municipal Employees' Association (MEA), by Adopting the Side Letter Agreement Related to 2018 Holiday Closure;" and, authorize the City Manager to execute the Side Letter Agreement.

The motion carried by the following vote:

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

**29. 18-593 Adopted Resolution No. 2018-87 amending the Memorandum of Understanding (MOU) between the City and the Management Employees' Organization (MEO), by adopting the Side Letter of Agreement related to 2018 Holiday Closure**

A motion was made by Semeta, second Peterson to adopt Resolution No. 2018-87, "A Resolution of the City Council of the City of Huntington Beach, Amending the Memorandum of Understanding Between the City and the Management Employees' Organization (MEO), by Adopting the Side Letter Agreement Related to 2018 Holiday Closure" and, authorize the City Manager to execute the Side Letter Agreement.

The motion carried by the following vote:

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

**30. 18-594 Adopted Resolution Nos. 2018-71, 2018-72, 2018-73, 2018-74, 2018-75, 2018-77 and 2018-78 requesting authorization by the City of Huntington Beach and approval from the California Department of Transportation for the temporary closure of streets for certain special events in 2019**

A motion was made by Semeta, second Peterson to adopt Resolution No. 2018-71, "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July;" and, adopt Resolution No. 2018-72, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade and Fireworks;" and, adopt Resolution No. 2018-73, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway and Certain Ingress and Egress Within the City of Huntington Beach for the Annual Surf City 10 Run;" and, adopt Resolution No. 2018-74, "A Resolution of the City Council of the City of Huntington Beach Approving the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Huntington Street, Twin Dolphin Drive, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, Main Street, Walnut Avenue, and Central Park Drive for the Surf City USA Marathon Run;" and, adopt Resolution No. 2018-75, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway and Certain Ingress and Egress for the Surf City USA Marathon Run;" and, adopt Resolution No. 2018-77, "A Resolution of the City Council of the City of Huntington Beach Approving the Temporary Closure of 12th Street in Sunset Beach for the Annual Sunset Beach Art Festival and Halloween Party;" and, adopt Resolution No. 2018-78, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street and 5th Street to Vehicular Traffic for Certain Special Events."

The motion carried by the following vote:

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

**31. 18-576 Adopted Ordinance No. 4170 amending the Huntington Beach Municipal Code (HBMC) by adding Chapter 2.65 creating the Harbor Commission  
Approved for introduction as amended 11-19-2018 – Vote: 7-0**

A motion was made by Semeta, second Peterson to adopt Ordinance No. 4170, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding New Chapter 2.65 Harbor Commission."

The motion carried by the following vote:

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

Mayor Peterson acknowledged newly elected Assistant Chief of Police Kelly Rodriguez. Assistant Chief Rodriguez expressed her gratitude for the opportunity to serve as Assistant Chief, her pride at working beside superbly trained men and women, and excitement to continue keeping the community safe.

**PUBLIC HEARING**

**32. 18-591 Public Hearing held - adopted Resolution No. 2018-84 declaring results of majority protest proceedings and renewing the Huntington Beach Tourism Business Improvement District (HBTBID); and, authorized appropriation of funds**

City Manager Wilson introduced Deputy Director of Business Development Kellee Fritzal who presented a PowerPoint communication entitled *HBTBID Public Hearing* with slides titled: *History of Huntington Beach TBID, HBTBID Assessment Modification, California TID Terms, HBTBID Assessment Modification (2), Visit Huntington Beach, and Questions.*

Mayor Peterson opened the Public Hearing.

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**

Item #32 (18-591) a PowerPoint communication entitled *Huntington Beach Tourism Business Improvement District (HBTBID) Public Hearing* submitted by Deputy Director of Business Development Kellee Fritzal.

**Public Hearing Speakers — 1**

Kelly Miller, President and CEO of Visit Huntington Beach, was called to speak and shared some key points which he described as positive changes in the HBTBID modifications, and stated the unanimous support of Visit Huntington Beach. (03:22:50)

There being no more speakers, Mayor Peterson closed the Public Hearing.

Councilmembers Delgleize and Semeta expressed appreciation to Mr. Miller and his team for their professionalism and enthusiasm, and cooperation in returning more of the fees to the City.

A motion was made by Posey, second Delgleize to conduct a Public Hearing and adopt Resolution No. 2018-84, "A Resolution of the City Council of the City of Huntington Beach Declaring Results of Majority Protest Proceedings and Renewing the Huntington Beach Tourism Business Improvement District (HBTBID);" and, approve a Budget Appropriation of \$500,000 in FY 2018/19 for the increased 1% pass-through in Fund 709.

The motion carried by the following vote:

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

**33. 18-609 Public Hearing held - adopted Resolution No. 2018-85 amending the existing Development Impact Fee schedule to include Accessory Dwelling Units and removing references to Development Impact Fees from the Master Fee Schedule**

City Manager Wilson introduced Community Development Director Ursula Luna-Reynosa who presented a PowerPoint communication entitled *New Development Impact Fee for Accessory Dwelling Units (ADUs)*, with slides entitled: *What is an Impact Fee?, What is an ADU?, and Proposed ADU DIF.*

Mayor Peterson opened the Public Hearing.

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**

**Item #33 (18-609)** a PowerPoint communication entitled *Master Fee and Charges Schedule and other Revenue Adjustments* submitted by Chief Financial Officer Gilbert Garcia.

Public Hearing Speakers — None

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

A motion was made by Delgleize, second Hardy to conduct a public hearing regarding the ADU Development Impact Fees; and, adopt Resolution No. 2018-85, "A Resolution of the City Council of the City of Huntington Beach Amending the Existing Development Impact Fee Schedule to Include Accessory Dwelling Units and Removing References to Development Impact Fees from the Master Fee Schedule."

The motion carried by the following vote:

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

**ADMINISTRATIVE ITEMS**

**34. 18-595 Adopted Resolution No. 2018-55 amending the Fees and Charges for entrance to or use of City Property, Fee and Charges collected by the Community Services, Finance, Fire, Information Services, and Public Works Departments, and the Fees for Environmental Review, all as established pursuant to Resolution Nos. 2016-59, 2017-46, 2018-01, 2018-29 and 2018-48 which established a Consolidated Comprehensive Citywide Master Fee and Charges Schedule (Supplemental Fee Resolution No. 7); and, adopt Resolution No. 2018-83, an amended Uniform Bail Schedule for Parking Violations; and, approve for introduction Ordinance No. 4148 adding Chapter 10.50 to the Code, both relating to On-Street Parking Meter Zones and Off-Street City Parking Lots**

City Manager Wilson introduced this item by stating there was extensive presentation and discussion during the previous Study Session.

A motion was made by Hardy, second Delgleize to, adopt Resolution No. 2018-55, "A Resolution of the City Council of the City of Huntington Beach Amending the Fees and Charges for Entrance to or Use of City Property, Fees and Charges Collected by the Community Services, Finance, Fire, Information Services, and Public Works Departments, and the Fees for Environmental Review, All as Established Pursuant to Resolution Nos. 2016-59, 2017-46, 2018-01, 2018-29 and 2018-48 Which Established A Consolidated Comprehensive Citywide Master Fee and Charges Schedule (Supplemental Fee Resolution No. 7);" and, adopt Resolution No. 2018-83, "A Resolution of the City Council of the City of Huntington Beach Adopting An Amended Uniform Bail Schedule for Parking Violations;" and, after the City Clerk reads by title, approve for Introduction Ordinance No. 4148, "An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapters 10.04, 10.52, 10.56, 10.60 and

10.68, and Adding Chapter 10.50 to the Code, Both Relating to On-Street Parking Meter Zones and Off-Street City Parking Lots."

The motion carried by the following vote:

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

## **ORDINANCES FOR INTRODUCTION**

### **35. 18-617 Approved for Introduction Ordinance No. 4169 Amending Huntington Beach Municipal Code Chapter 3.03 Relating to Professional Services Contracts**

City Attorney Gates introduced this item and reviewed the proposed changes.

Councilmember Semeta stated her support for this item and the ability to keep appropriate confidentiality.

Councilmember Carr stated her support for confidentiality until a case is settled and concluded, and discussed with City Attorney Gates her concerns about continued confidentiality after settlement. Attorney Gates stated the issue of continued confidentiality after settlement is directed by existing government code, and that issue is not addressed in this item.

Assistant City Manager Lori Ann Farrell clarified the three major changes suggested by this Ordinance that will apply to the City Attorney's Office, with checks and balances provided by Finance and the City Manager's Office.

Councilmember Posey and Assistant City Manager Farrell discussed checks and balances for non-competitive services.

City Attorney Gates added that this Ordinance will increase accountability of the City Attorney's Office to the City Council.

Councilmember Hardy stated her support for this item because she believes the Council's original concerns have been adequately addressed.

A motion was made by Semeta, second Peterson to, after the City Clerk reads by title, approve for introduction Ordinance No. 4169, "An Ordinance of the City of Huntington Beach Amending Sections 3.03.020, 3.03.060, and 3.03.080 of Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services Contracts."

The motion carried by the following vote:

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

## **COUNCILMEMBER COMMENTS (Not Agendized)**

Councilmember Brenden shared a slide that listed all of his recent activities, and reported that he and Councilmember Semeta met with Costa Mesa staff to discuss public cable TV options. He also reported attending the Veteran's Resource Center Ribbon Cutting and Reception at Central Library, the HB Police Department Promotion and Swearing-In Ceremony, helped the Elks Club pack Christmas Food and Toy Drive boxes, and the Lions Club event at Murdy Community Center cooking green pancakes in the snow with Santa Claus.

Councilmember Carr reported she had the opportunity to speak at a recent Sunset Beach Community Association meeting where Outgoing President Mike Van Voorhis was honored, took a tour of the Secret Garden at Central Library, and announced that on Saturday, January 12, 2019, 5-8 PM, the Central Library garden fundraising event, "Keep the Garden Growing," will be held.

Councilmember Semeta reported attending the Veteran's Resource Center Ribbon Cutting and Reception at Central Library, Grand Opening of the Huntington Beach Jeep Dealership, Huntington Harbor Holiday Boat Parade, Fr. Mondor and Pastor Sumo Plaque Unveiling at Tower Zero, Allied Arts Board Holiday Party, HB Police Department Promotion and Swearing-In Ceremony, and congratulated Officer Rodriguez on becoming the Assistant Chief of Police.

Councilmember Delgleize reported attending the Fr. Mondor and Pastor Sumo Plaque Unveiling at Tower Zero, HB Police Department Promotion and Swearing-In Ceremony, and reminded everyone of the Magnolia Street bridge closure for the 405 Freeway expansion and stated that further information is available on the Orange County Transportation Authority (OCTA) website.

Mayor Peterson reported attending the Veteran's Resource Center Ribbon Cutting and Reception at Central Library, Grand Opening of the Huntington Beach Jeep Dealership, Fr. Mondor and Pastor Sumo Plaque Unveiling at Tower Zero, ASCON Landfill community meeting, the International Celebration of Christmas Live Nativity Play – *One Night When All Nations Come Together* at Old World Village, and helping to control boat traffic for the Huntington Harbor Holiday Boat Parade.

Recessed at 9:07 PM to Closed Session for continued discussion on Items 4 and 5.

- 4. 18-579 Pursuant to Government Code § 54956.9(d)(2), the City Council recessed into Closed Session to confer with the City Attorney regarding potential litigation. Number of cases, five (5).**
- 5. 18-580 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Kennedy Commission, et al. v. City of Huntington Beach; OCSC Case No. 30-2015-00801675; Court of Appeal Case No. E070935 (4th Dist., Div. 2).**

**ADJOURNMENT — 9:46 PM**

The Huntington Beach City Council/Public Financing Authority regular meeting of January 7, 2019, has been cancelled. The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, January 22, 2019, 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>

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

**ATTEST:**

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City Clerk-Secretary

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Mayor-Chair