



AGENDA - Revised Final

City Council/Public Financing Authority Regular Meeting

Monday, July 20, 2020 at 5:00 PM

MAYOR AND CITY COUNCIL

LYN SEMETA, Mayor
JILL HARDY, Mayor Pro Tem
PATRICK BRENDEN, Councilmember
KIM CARR, Councilmember
BARBARA DELGLEIZE, Councilmember
ERIK PETERSON, Councilmember
MIKE POSEY, Councilmember

Recorded live from the
City Council Chambers
2000 Main Street
Huntington Beach, CA 92648

STAFF

OLIVER CHI, City Manager
MICHAEL E. GATES, City Attorney
ROBIN ESTANISLAU, City Clerk
ALISA BACKSTROM, City Treasurer

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 which allows a local legislative body to hold public meetings via teleconferencing, and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some members of the Huntington Beach City Council and/or City staff may participate in this meeting telephonically or electronically.

PUBLIC PARTICIPATION/AUDIO/VIDEO ACCESS TO BROADCASTED MEETINGS: Pursuant to Executive N-29-20 and given the current health concerns, members of the public are encouraged to access the meeting live on-line at <https://huntingtonbeach.legistar.com>, or can elect to view the meeting via cable television channel HBTB-3.

To ensure the public's right to fully participate in providing meaningful public comments at the July 20, 2020, City Council meeting:

1. The Council Chambers will be open for public attendance to provide public comments. Social distancing measures will be in place, and once a participant has made a public comment, the participant will be asked to exit the Council Chambers. The City will provide an area for viewing the Council meeting on television to a limited number of participants. During Public Comments, members of the public may provide a comment, on an agendized or non-agendized item, **in person** with a 3-minute time limit; **or**,

2. The public may submit a comment telephonically. At 6:00 PM, individuals wishing to provide a comment on agendized or non-agendized items may call **(669) 900-6833** and enter **Webinar ID 989 1737 1594**. Once a caller has entered the meeting, they will be placed in a holding queue. Callers will be prompted to speak in the order received, and after the Clerk confirms the last three digits of their phone number, are encouraged, but not required to identify themselves by name. Each caller will be provided 3 minutes to speak. Individuals wishing to provide comments on items scheduled for Closed Session should enter the call queue at 5:00 PM.

Members of the public may submit **SUPPLEMENTAL COMMUNICATION** (information received by the City Clerk's Office following distribution of the Council agenda packet): Members of the public wishing to submit written (supplemental) communication on agenda items for distribution to the City Council and placed into the administrative record can email SupplementalComm@Surfcity-hb.org. Supplemental Communications received by 2:00 PM the day of the meeting will be distributed to City Council prior to consideration of agenda-related items, and will be announced, but not read, and placed into the administrative record during the Supplemental Communications portion of the Meeting. In addition, any communications sent to city.council@surfcity-hb.org on Council agenda items will be treated as Supplemental Communications and announced, but not read, during the meeting.

MEETING ASSISTANCE NOTICE: In accordance with the Americans with Disabilities Act, services are available to members of our community who require special assistance to participate in public meetings. If you require special assistance, 48-hour prior notification will enable the City to make reasonable arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting and/or large print agendas. Please contact the City Clerk's Office at (714) 536-5227 for more information.

5:00 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit) - At 5:00 PM, individuals wishing to provide a comment on a Closed Session item may call (669) 900-6833 and enter Webinar ID: 989 1737 1594. Once a caller has entered the meeting, their call will be placed in a holding queue and will be answered in the order received. When invited to speak, callers are encouraged to identify themselves by name, and can speak for no more than 3 minutes.

RECESS TO CLOSED SESSION

CLOSED SESSION ANNOUNCEMENT(S)

1. [20-1782](#) Mayor Semeta to announce: Pursuant to Government Code §54956.8, the City Council takes this opportunity to publicly introduce and identify designated property negotiator, City Manager Oliver Chi, who will be participating in today's Closed Session discussions regarding negotiations with Shigeru Yamada Living Trust and Mitsuru Yamada Living Trust concerning price and terms of payment for the disposition of real property located at 17642 Beach Blvd., Huntington Beach, California

New

CLOSED SESSION

2. [20-1759](#) Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Cruz (Martin & Ana) and N.B.C. v. City of Huntington Beach, et al.; USDC Case No. 8:19-cv-1449-DOC (ADSx)
3. [20-1767](#) Pursuant to Government Code § 54956.9(d)(4), the City Council shall recess into Closed Session to confer with the City Attorney regarding whether to authorize the City Attorney to provide Amicus Support in the Appeal to the Ninth Circuit Court of Appeals in the

case Kathy Craig/Gary Witt v. County of Orange, et al., Case Nos. 19-55324, 19-56188

4. [20-1781](#) Pursuant to Government Code § 54956.8, the City Council shall recess to Closed Session to give instructions to the City's Negotiator, Oliver Chi, City Manager, regarding negotiations with Shigeru Yamada Living Trust and Mitsuru Yamada Living Trust, concerning price and terms of payment for the disposition of real property located on a portion of 17642 Beach Boulevard, Huntington Beach, California

New

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

PLEDGE OF ALLEGIANCE

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.

5. [20-1684](#) Marsha Rechsteiner of Saints Simon and Jude Catholic Church, and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY

AWARDS AND PRESENTATIONS

6. [20-1742](#) Mayor Semeta to call on John Etheridge to invite the Huntington Beach City Council to the Rededication Ceremony of the Surfing Walk of Fame on August 1
7. [20-1749](#) Mayor Semeta to present the Making A Difference Award to President and Founder Justine Mackoff of the Free Rein Foundation

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3 Minute Time Limit) - At 6:00 PM, individuals wishing to provide a comment on an agendized or non-agendized item may call (669) 900-6833 and enter Webinar ID: 989 1737 1594. Once a caller has entered the meeting, their call will be placed in a holding queue and will be answered in the order received. When invited to speak, callers are encouraged to identify themselves by name, and can speak for no more than 3 minutes.

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

CITY MANAGER'S REPORT

8. [20-1492](#) **Ascon Landfill Site Update**

9. [20-1739](#) **Update of the City COVID-19 Response Plan and Actions for Review and Discussion**

CONSENT CALENDAR

10. [20-1738](#) **Approve and Adopt Minutes**

Recommended Action:

- A) Approve and adopt the City Council/Public Financing Authority special meeting minutes of June 29, 2020, as written and on file in the office of the City Clerk; and,

- B) Approve and adopt the City Council emergency meeting minutes of July 1, 2020, as written and on file in the office of the City Clerk; and,

- C) Approve and adopt the City Council/Public Financing Authority regular meeting minutes dated July 6, 2020, as written and on file in the office of the City Clerk.

11. [20-1743](#) **Adopt Resolution No. 2020-47 establishing Permit Parking District "Z" affecting residents along the Heil Avenue frontage road between Goldenwest Street and Gothard Street, and Sabot Lane between Heil Avenue and Sunlight Drive**

Recommended Action:

Adopt Resolution No. 2020-47, "A Resolution of the City Council of the City of Huntington Beach Establishing Permit Parking District 'Z' Within the City of Huntington Beach."

12. [20-1753](#) **Approve and authorize execution of a Professional Services Contract between the City of Huntington Beach and Hinderliter, De Llamas and Associates, for Sales and Use Tax Auditing Services**

Authority

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute a "Professional Services Contract Between the City of Huntington Beach and Hinderliter, De Llamas and Associates, for Sales and Use Tax Auditing Services."

13. [20-1754](#) **Approve and authorize execution of the Professional Services Contract between the City of Huntington Beach and Noll & Tam Architects to Complete a Library Facilities Master Plan Utilizing Restricted Library Development Impact Fee Funds; and, approve appropriation of funds**

Recommended Action:

Approve and authorize the City Manager to execute "Professional Services Contract Between the City of Huntington Beach and Noll & Tam Architects for a Library Facilities Master Plan" and appropriate \$289,697 in the Library Development Impact Fund (Business Unit 22950001).

14. [20-1766](#) **Approve Appointments and Reappointments to the Huntington Beach Youth Board with Terms to Expire May 31, 2021**

Recommended Action:

A) As recommended by City Council Member liaisons Jill Hardy and Kim Carr, approve the appointment of the following students to a one-year term on the Huntington Beach Youth Board with terms to expire May 31, 2021:

Vivian Bui - Huntington Beach High School, At-Large Member
Luke Blankenbaker - Huntington Beach High School, At-Large Member
Kenady Osborne - Marina High School, At-Large Member
Emma Weston - Edison High School, At-Large Member

B) As recommended by City Council Member liaisons Jill Hardy and Kim Carr, approve the reappointment of the following students to a one-year term on the Huntington Beach Youth Board with terms to expire May 31, 2021:

Jenna Ali - Huntington Beach High School, Representative
Bella Brannon - Ocean View High School, Representative
Samuel Dater - Edison High School, Representative
Kathryn Robinson - Marina High School, Representative
Caitlin Sheetz - Edison High School, At-Large Member

15. [20-1778](#) **City Council Position on Legislation Pending Before Congress and the State Legislature as Recommended by the City Council Intergovernmental Relations Committee (IRC)**

Recommended Action:

Authority

- A) Approve a City position of Support on Senate Bill 1386 (Moorlach) "Local Government: Assessments, fees, and charges on water hydrants"; and,
- B) Approve a City position of Watch on Assembly Bill 1063 (Petrie-Norris) - "Planning and zoning law on housing elements, accessory dwelling units, and adequate site substitutes"; and,
- C) Approve a City position of Oppose on Senate Bill 1120 (Atkins) - "Subdivisions: tentative maps"; and,
- D) Approve a City position of Oppose on Senate Bill 1385 (Caballero) - "Local planning: housing, commercial zones"; and,
- E) Approve a City position of Watch on Senate Constitutional Amendment 1 (Allen) - "Public housing projects"; and,
- F) Approve a City position of Oppose on Senate Bill 1299 (Portantino) - "Housing development: incentives, rezoning of idle retail sites"; and,
- G) Approve a City position of Watch on Assembly Bill 2345 (Gonzalez) - "Planning and zoning: density bonuses, annual report, affordable housing"; and,
- H) Approve a City position of Watch on the Library Stabilization Fund Act (Reed and Levin) .

16. [20-1744](#) **Adopt Ordinance Nos. 4214, 4212, 4215, 4216, and 4213, approving Zoning Text Amendment (ZTA) No. 19-005 and Municipal Code Amendment adding Chapter 5.110 (Group Homes) Approved for introduction July 7, 2020, Vote: 7-0**

Recommended Action:

- A) Find that the project will not have any significant effect on the environment and is categorically exempt from the California Environmental Quality Act pursuant to Section 15061 (b)(3) (General Rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the amendment to the HBZSO will have a significant effect on the environment (Attachment No. 1); and,
- B) Approve Zoning Text Amendment No. 19-005 with findings (Attachment No. 1), approve amendment to Huntington Beach Municipal Code adding Chapter 5.110 (Group Homes), and adopt:

Ordinance No. 4214, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions (Zoning Text Amendment No. 19-005);" and,

Ordinance No. 4212, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance

Titled Use Classifications (Zoning Text Amendment No. 19-005);” and,

Ordinance No. 4215, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled R Residential Districts (Zoning Text Amendment No. 19-005);” and,

Ordinance No. 4216, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards (Zoning Text Amendment No. 19-005);” and,

Ordinance No. 4213, “An Ordinance of the City Council of the City of Huntington Beach Amending Title 5 of the Huntington Beach Municipal Code Titled Business Licenses and Regulations;” (Attachment Nos. 2 - 6).

ADMINISTRATIVE ITEMS

17. [20-1746](#) **Approve the Revised Master Plan for the Redevelopment of the Rodgers Seniors’ Center Site and direct staff to complete the design process and issue a bid package for construction**

Recommended Action:

Approve the revised Rodgers Seniors’ Center Site Master Plan, as included in Attachment 3, and direct staff to complete the design process and issue a bid package for construction.

18. [20-1763](#) **Adopt Resolution No. 2020-52 authorizing the execution and delivery by the City of a Master Site Lease, Master Lease Agreement, Master Indenture, Bond Purchase Agreement, Continuing Disclosure Certificate, Second Amendment to Site Lease and a Second Amendment to Lease Agreement in connection with the issuance of Huntington Beach Public Financing Authority Lease Revenue Refunding Bonds, in one or more series, approving the issuance of such bonds in an aggregate principal amount of not to exceed \$21,000,000, authorizing the distribution of an official statement and authorizing the execution of necessary documents and certificates and related actions in connection therewith**

Recommended Action:

A) Adopt Resolution No. 2020-52, “A Resolution of the City Council of the City of Huntington Beach Authorizing the Execution and Delivery by the City of a Master Site Lease, A Master Lease Agreement, A Master Indenture, A Bond Purchase Agreement, A Continuing Disclosure Certificate, A Second Amendment to Site Lease and a Second

Amendment to Lease Agreement in Connection with the Issuance of Huntington Beach Public Financing Authority Lease Revenue Refunding Bonds, in One or More Series, Approving the Issuance of Such Bonds in an Aggregate Principal Amount of not to Exceed \$21,000,000, Authorizing the Distribution of an Official Statement and Authorizing the Execution of Necessary Documents and Certificates and Related Actions in Connection Therewith;" and,

B) Authorize the City Manager and City Clerk to take all administrative and budgetary actions necessary to perform the bond refunding.

19. [20-1764](#) **Adopt Public Financing Authority Resolution No. 25 authorizing the execution and delivery by the Authority of a Master Site Lease, a Master Lease Agreement, a Master Indenture, a Bond Purchase Agreement, a Second Amendment to Site Lease and a Second Amendment to Lease Agreement in connection with the issuance of Huntington Beach Public Financing Authority Lease Revenue Refunding Bonds, in one or more series, approving the issuance of such bonds in an aggregate principal amount of not to exceed \$21,000,000, authorizing the distribution of an official statement and authorizing the execution of necessary documents and certificates and related actions in connection therewith**

Recommended Action:

A) Adopt Resolution No. 25, "A Resolution of the Board of Directors of the Huntington Beach Public Financing Authority Authorizing the Execution and Delivery by the Authority of a Master Site Lease, A Master Lease Agreement, A Master Indenture, A Bond Purchase Agreement, A Second Amendment to Site Lease and a Second Amendment to Lease Agreement in Connection with the Issuance of Huntington Beach Public Financing Authority Lease Revenue Refunding Bonds, in One or More Series, Approving the Issuance of Such Bonds in an Aggregate Principal Amount of not to Exceed \$21,000,000, Authorizing the Distribution of an Official Statement and Authorizing the Execution of Necessary Documents and Certificates and Related Actions in Connection Therewith;" and,

B) Authorize the Executive Director and Authority Secretary to take all administrative and budgetary actions necessary to perform the bond refunding.

20. [20-1777](#) ~~**Authorize and direct the City Manager to execute a Ground Lease Agreement, in a form approved by the City Attorney, to lease real property located at 17642 Beach Blvd. by and between the City of Huntington Beach and Shigeru Yamada, Trustee of the Shigeru**~~

Removed

~~Yamada Living Trust, and Mitburu Yamada, Trustee of the Mitsuru Yamada Living Trust; Approve allocation of funds necessary to lease the property for a period not to exceed 8 months; and Approve allocation of funds necessary to acquire 17642 Beach Blvd~~

~~Recommended Action:~~

~~A) Authorize and direct the City Manager to execute a Ground Lease Agreement, in a form approved by the City Attorney, by and between the City of Huntington Beach and Shigeru Yamada, Trustee of the Shigeru Yamada Living Trust, and Mitburu Yamada, Trustee of the Mitsuru Yamada Living Trust to acquire the Property; and~~

~~B) Appropriate funds of \$120,000 from COVID-19 monies available to the City; and~~

~~C) Appropriate funds of \$3,250,000 from Fund 352 for acquisition of the Property.~~

ORDINANCES FOR INTRODUCTION

21. [19-1130](#) **Approve for Introduction Ordinance No. 4201 repealing Chapter 8.48 and adopting a new Chapter 8.48 of the Huntington Beach Municipal Code (HBMC) relating to Public Nuisance Abatement of Abandoned, Wrecked, Dismantled or Inoperative Vehicles**

Recommended Action:

Approve for introduction Ordinance No. 4201, "An Ordinance of the City of Huntington Beach Repealing Chapter 8.48 and Adopting New Chapter 8.48 of the Huntington Beach Municipal Code Relating to Public Nuisance Abatement of Abandoned Vehicles."
(Attachment No. 1)

COUNCILMEMBER ITEMS

22. [20-1760](#) **Submitted by Mayor Semeta - Consideration of a Prohibition on the City's use of Public Funds for any Tax Measure Advocacy**

Recommended Action:

After assessing the situation, I believe that Huntington Beach should enact safeguards to prevent the use of public funds to advocate for a tax measure under the guise of information or education. I am requesting that the City Council vote to direct the City Attorney to prepare a resolution to prohibit the City's use of public funds for informational or educational campaigns regarding any local tax measure. The resolution should be placed on a future City Council meeting agenda for consideration within 30 days.

23. [20-1761](#) **Submitted by Councilmember Peterson - Proposed establishment of**

**a 40+ Bed Temporary Emergency Shelter at the City's Public Works
Yard on Gothard Street**

Recommended Action:

Pursuant to the powers of the City to address a health and safety crisis, and pursuant to the City's Emergency Declaration, direct the City Manager bring back a proposal in 2 weeks for the establishment of a 40+ bed temporary emergency shelter in the City Public Works Yard on Gothard Street. The shelter should be considered temporary and be constructed with basic necessities.

24. [20-1762](#) **Submitted by Councilmember Posey - Consideration of a Resolution of the City Council acknowledging Hoag Memorial Hospital Presbyterian for their continued delivery of the highest quality Health Care and supporting their efforts to seek independence as a Community-Based Hospital for Orange County**

Recommended Action:

I recommend that the City Council direct the City Manager to prepare a Resolution, similar to the attached document, to support Hoag's efforts to seek independence from its current affiliation with Seattle-based Providence Health.

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, August 3, 2020, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

**INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND
STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT**

<http://www.huntingtonbeachca.gov>