

Minutes

City Council/Public Financing Authority City of Huntington Beach

Monday, February 3, 2020
4:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

4:00 PM — COUNCIL CHAMBERS

CALL TO ORDER — 4:00 PM

ROLL CALL

Present: Posey, Delgleize (arrived at 4:10 PM), Hardy, Semeta, Peterson, Carr, and Brenden
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)
— None

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

A motion was made by Brenden, second by Carr to recess to Closed Session for Items 3 – 7. With no objections, the motion passed.

RECESSED TO CLOSED SESSION — 4:01 PM

CLOSED SESSION ANNOUNCEMENT(S)

1. 20-1385 Mayor Semeta announced: Pursuant to Government Code § 54957.6, the City Council shall recess into Closed Session to meet with its designated labor negotiator: Oliver Chi, City Manager and Peter Brown; also in attendance: Travis Hopkins, Assistant City Manager and Robert Handy, Chief of Police, regarding the following: Huntington Beach Municipal Teamsters (HBMT); Management Employees' Organization (MEO); and Police Officer's Association (POA).
2. 20-1386 Mayor Semeta announced: 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 discussion regarding negotiations with Mitsuru Yamada Living Trust concerning price and terms of payment for the disposition of real property located on a portion of 17631 Cameron Lane, Huntington Beach, California.

CLOSED SESSION

3. **20-1376** 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, two (2).
4. **20-1382** 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: Rosier (Maliek) v. City of Huntington Beach, et al.; USDC Case No.: SACV 18-2175 DOC (DFMx).
5. **20-1383** Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiator: Oliver Chi, City Manager and Peter Brown; also in attendance: Travis Hopkins, Assistant City Manager and Robert Handy, Chief of Police, regarding the following: Huntington Beach Municipal Teamsters (HBMT); Management Employees' Organization (MEO); and Police Officer's Association (POA).
6. **20-1384** Pursuant to Government Code § 54956.8, the City Council recessed to Closed Session to give instructions to the City's Negotiator, Oliver Chi, City Manager, regarding negotiations with Mitsuru Yamada Living Trust concerning price and terms of payment for the disposition of real property located on a portion of 17631 Cameron Lane, Huntington Beach, California.
7. **20-1387** 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: Californians for Homeownership, Inc. v. City of Huntington Beach; OCSC Case No. 30-2019-01107760.

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:00 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by City Attorney Michael Gates

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.

8. **20-1378** Rev. James Pike of Lutheran Church of the Resurrection and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY — City Attorney Gates reported that by a vote of 4 – 3 (Hardy, Semeta, Peterson — No), the City Council directed that City Attorney and associated staff leave the room during discussions on Closed Session Item No. 5 — Labor Negotiations.

AWARDS AND PRESENTATIONS

9. 20-1377 Mayor Semeta announced February as National African American History Month

Mayor Semeta recognized the contributions that African-Americans have made to American history in their struggles for freedom and equality. The theme of this year's observance, *African-Americans and the Vote*, coincides with the 150th Anniversary of the Fifteenth Amendment which gave African-American men the right to vote.

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:

Administrative Items

#21 (20-1375)

City Council Interoffice Communication and Executive Summary entitled "Community Choice Energy Feasibility Study and Technical Assessment" submitted by Travis Hopkins, Assistant City Manager.

Letters and petition for Community Choice Energy (CCE) submitted by Jose Trinidad Castaneda III, Orange County Climate & Energy Advocate & Organizer.

Seventy-six (76) email communications received.

PUBLIC COMMENTS (3 Minute Time Limit)

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>.

Ross Dohrmann, representing American Legion Huntington Beach Post #133, was called to speak and provided a brief history of Post #133's service to Huntington Beach for over 100 years, and announced that on Saturday, February 15, the community is invited to their First Annual Pancake Breakfast Fundraiser at Rodgers' Center, 9 a.m. to noon, for a cost of \$5. (00:08:46)

Jack Carlino, a 35-year resident of Huntington Beach, was called to speak and announced that on February 15, a new dance studio is opening up on Graham near McFadden to provide an alternative to the plethora of sports activities available in the City. (00:10:53)

Vanessa Martinez, a resident of Huntington Beach, was called to speak and stated her opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:12:30)

Kathy Carrick, a 45-year resident of Huntington Beach, was called to speak and stated her opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:14:54)

Tim Geddes, a resident of Huntington Beach for over 30 years, was called to speak and stated his support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:17:39)

Diana Zimmer, a resident and business owner in Huntington Beach, was called to speak and stated her opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:20:35)

Yvonne Mauro, a long-time resident of Huntington Beach, was called to speak and stated her opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:23:55)

Cari Swan, a resident of Huntington Beach, was called to speak and stated her opposition to Agenda Item 20 (20-1357) regarding the Beach Edinger Corridors Specific Plan amendment, and her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option B. (00:26:33)

Michael Gioan, a 30-year resident of Huntington Beach, was called to speak and stated his opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:29:39)

Rob Pool, a resident of Huntington Beach, was called to speak and stated his opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option C, and provided support for Option B. (00:32:52)

Sharon Messick, a resident of Huntington Beach, was called to speak and stated her opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, and her support for Option B. (00:35:58)

Nancy Buchoz, a 40-year resident of Huntington Beach, was called to speak and stated her opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option C, and provided support for Option B. (00:39:14)

Claudia Perez Figueroa, Senior Field Representative for Assemblywoman Petrie Norris, was called to speak and announced that nominations for the Annual 74th Assembly District Woman of the Year and Woman of Distinction Celebration are now open, and encouraged the community to nominate a woman who has made a positive impact on the community. Further information can be found on Assemblywoman Petrie Norris's website. (00:42:54)

Linda Moon, a Huntington Beach resident and homeowner since 1974, and representing Orange County League of Conservation Voters, was called to speak and stated support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:44:06)

Dr. Kathleen Treseder, resident of Irvine and Co-Chair of Irvine's Community Choice Energy Stakeholders Committee, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:47:25)

Jose Castaneda was called to speak and stated his support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:49:46)

Don Forrester, a Huntington Beach homeowner since 1977, was called to speak and asked for Police Department assistance to address the issue of increased vehicle street noise, especially on the weekends, in the area of Palm and Goldenwest, between Yorktown and Pacific Coast Highway (PCH). (00:53:04)

Ayn Craciun, resident of Irvine and member of Irvine's Community Choice Energy Stakeholders Committee, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:54:47)

Dan Kalmick was called to speak and stated his support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (00:57:59)

Dave Sullivan, 51-year resident of Huntington Beach who has served as Mayor several times, was called to speak and stated his opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (01:01:15)

Craig Sheets was called to speak and shared his opinions on various local and world situations. (01:04:29)

Michael Hoskinson, former member of the Huntington Beach Planning Commission, was called to speak and stated his opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (01:07:50)

Steve Shepherd, resident of Huntington Beach and an Orange County Community Choice Aggregation (CCA) Activist, was called to speak and stated his support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option C. (01:10:39)

Ann Parker was called to speak and shared her opinions about sober living homes and homeless issues. (01:14:25)

Thomas Gould, resident of Huntington Beach, was called to speak and stated his opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (01:17:31)

Hildy Meyers, a 23-year resident of Huntington Beach, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option C. (01:19:53)

Kimberly Adams was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option C. (01:21:02)

Beverly Sansone, a resident of Huntington Beach, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option C. (01:23:38)

Jerry Barry, a resident of Huntington Beach for over 50 years, was called to speak and stated his support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option B, and opposition to Item 20 (20-1357) regarding the Beach and Edinger Corridors Specific Plan amendment and the 2019 Housing Element Progress Report. (01:25:26)

Debbie Liu, resident of Newport Coast, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility, Study Option C. (01:27:19)

Eva Weisz, a resident of Huntington Beach, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study, Option B. (01:28:11)

Ray Raines, a 55-year resident of Huntington Beach, was called to speak and stated his opposition to Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (01:30:46)

Paul Berry, a resident of Santa Ana, was called to speak and stated his support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (01:34:05)

Audrey Prosser, who lives and works in Huntington Beach, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (01:37:30)

Lorelei Lachman, a resident of Huntington Beach for over 30 years, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility. (01:40:50)

Bethany Webb, HB Huddle member and 40-year resident of Huntington Beach, was called to speak and stated her support for Agenda Item 21 (20-1375) regarding a Community Choice Energy (CCE) Feasibility Study. (01:44:03)

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

Councilmember Posey, announced his appointment of Jaclyn Ferlita to the Public Works Commission, and thanked outgoing Public Works Commissioner Steve Katz for his service during the last five years. Councilmember Posey reported that as Chair of the Association of California Cities – Orange County (ACC–OC) Housing Committee he hosted a meeting to explore solutions to Orange County's housing crisis, and a California League of Cities General Membership meeting about amendments to Proposition 47 and the Keep California Safe movement, the deleterious effects of AB109, and the resulting financial impact on municipalities. He also reported speaking to the Huntington Beach Police Officers' Association (POA).

Councilmember Brenden reported speaking to the Huntington Beach Police Officers' Association (POA) two times.

Councilmember Carr reported attending a California League of California Cities meeting, and having a conversation with the Huntington Beach Police Officers' Association (POA).

Councilmember Delgleize reported attending an Association of California Cities–Orange County (ACC–OC) meeting in Sacramento, a meeting of the Jet Noise Commission, a symposium at UCI, and on behalf of the City met with Southern California Edison Emergency Response Center staff to learn how they are preparing to handle local area emergency situations.

CITY MANAGER'S REPORT — Assistant City Manager Travis Hopkins provided a PowerPoint communication entitled *Ascon Landfill Site Update* that provided updates on the following: continued stoppage of remediation efforts; citizen-reported maintenance on the southeast area detention

(stormwater) basin (checked by DTSC and City officials); reported damage to the air monitoring trailer at Eader Elementary, and continued air monitoring efforts at other sites; Ascon's efforts to address stormwater prevention issues; and, efforts to address tenting issues with the Department of Toxic Substance Control (DTSC) and the Air Quality Manager District (AQMD).

Mayor Semeta inquired, and Manager Hopkins responded that the air monitoring system at Eader Elementary is expected to be back online within a few weeks.

Councilmember Brenden requested that more clarity and specific detail on dust and odor control, planning in tenting areas, air monitoring, etc., be provided in future updates.

CITY TREASURER'S REPORT

10. 20-1309 Received and filed the City Treasurer's December 2019 Quarterly Investment Summary Report

City Treasurer Alisa Backstrom and Intern Colin Stevens, instructor at Irvine Valley College, jointly presented a PowerPoint communication entitled *City of Huntington Beach Quarterly Investment Report* with slides titled: *Economy, Markets, Interest Rates, Portfolio Summary, Investments by Type, Monthly Activity, Quarterly Activity, Portfolio Earnings, Selected Compliance Requirements, and In Summary.*

With no objections, the City Council unanimously received and filed the City Treasurer's Quarterly Investment Report for December 19, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

11. 20-1363 Joint meeting held of the Investment Advisory Board (IAB) and City Council - Investment Advisory Board Annual Report

IAB Roll Call:

Present: Attardo, Sternberg, Handy, and McKeon

Absent: Urling, Dowds, and Ellett

The IAB presented a PowerPoint communication entitled *Investment Advisory Board Annual Report 2019* with slides titled: *Investment Advisory Board, 2019 Members, Investment Advisory Board Duties, 2019 Meetings, Activities, Activities Continued, and Conclusion.*

A motion was made by Brenden, second Delgleize to receive and file the Investment Advisory Board's Annual Report.

The motion carried by the following vote:

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

NOES: None

CONSENT CALENDAR

12. 20-1362 Approved Fiscal Year 2019/20 mid-year budget adjustments, and authorized additional Professional Services authority

A motion was made by Posey, second Brenden to approve mid-year budget adjustments to the FY 2019/20 Revised Budget in the Funds and by the amounts contained in Attachment 1; and, authorize additional Professional Services authority in the Fiscal Year 2019/20 Revised Budget in the departments and by the amounts contained in Attachment 2.

The motion carried by the following vote:

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

13. 19-1192 Approved Sole Source Procurement Request with Murcal for hardware and software upgrades at the City's Flood Control and Water Pump Stations

A motion was made by Posey, second Brenden to approve Sole Source Procurement Request with Murcal for hardware and software upgrades at the City's Flood Control and Water Pump Stations.

The motion carried by the following vote:

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

14. 20-1326 Approved the Escheatment of Unclaimed Funds Pursuant to Government Code Sections 50050-50057

A motion was made by Posey, second Brenden to review and approve the transfer of \$28,320.64 of unclaimed funds from the City's Unclaimed Funds Liability Account to the City's Miscellaneous Revenue Account #10000100.48550.10035209 in compliance with Government Code Sections 50050-50057.

The motion carried by the following vote:

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

15. 20-1335 Adopted Resolution No. 2020-05 ordering the Summary Vacation of a Public Water Line Easement at 14900 Bolsa Chica Street

A motion was made by Posey, second Brenden to adopt Resolution No. 2020-05, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of a Public Water Line Easement on Property Located at 14900 Bolsa Chica Street;" and, instruct the City Clerk to record Resolution No. 2020-05 (and attachments) with the Orange County Recorder.

The motion carried by the following vote:

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

16. 20-1353 Adopted Resolution No. 2020-09 approving the 2020 Investment Policy

A motion was made by Posey, second Brenden to adopt Resolution No. 2020-09, "A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy 2020."

The motion carried by the following vote:

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

**17. 20-1373 Adopted Ordinance Nos. 4193, 4194, 4195, 4196, 4197, 4198 and 4199 — Zoning Text Amendment No. 19-002 (Huntington Beach Zoning and Subdivision Ordinance Update)
Approved for introduction 1/21/2020 – Vote: 7-0**

A motion was made by Posey, second Brenden to approve Zoning Text Amendment No. 19-002 with findings (Attachment No. 1) and adopt: Ordinance No. 4193, "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. 19-002);" Ordinance No. 4194, "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. 19-002);" Ordinance No. 4195, "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. 19-002);" Ordinance No. 4196, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance Titled Off-Street Parking and Loading Provisions (Zoning Text Amendment No. 19-002);" Ordinance No. 4197, "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. 19-002);" Ordinance No. 4198, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance Titled I Industrial Districts (Zoning Text Amendment No. 19-002);" and, Ordinance No. 4199, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance Titled C Commercial Districts (Zoning Text Amendment No. 19-002);" (Attachment Nos. 3 - 9).

The motion carried by the following vote:

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

**18. 19-1289 Adopted Ordinance No. 4202, which amends Chapter 13.54 of the Huntington Beach Municipal Code regarding specific events to prohibit weapons at parades and protests
Approved for introduction 1/21/2020 — Vote: 7-0**

A motion was made by Posey, second Brenden to adopt Ordinance No. 4202, "An Ordinance of the City of Huntington Beach Amending Chapter 13.54 Regarding Specific Events to Prohibit Weapons at Parades and Protests."

The motion carried by the following vote:

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

PUBLIC HEARING

19. 19-1186 Approved Zoning Map Amendment (ZMA) No. 18-002 by approving for introduction Ordinance No. 4191 to amend the zoning designation from CG (Commercial General) to RM (Residential Medium Density)

Associate Planner Jessica Bui presented a PowerPoint communication entitled *Zoning Map Amendment No. 18-002* with slides titled *Project Request, Subject Site, Zoning Map Amendment, PC Meeting - November 12, 2019, General Plan & Zoning Compliance, and Recommendation*.

Mayor Pro Tem Hardy and Community Development Director Ursula Luna-Reynosa discussed that when changing from a commercial to a residential zone there is credit for Regional Housing Needs Allocation (RHNA) numbers if the project includes low or very low income units.

Councilmember Delgleize and Associate Planner Bui discussed the exemption from CEQA for residential projects.

Mayor Semeta opened the Public Hearing.

Public Hearing Speakers — None

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced Supplemental Communication received after distribution of the Agenda Packet:

PowerPoint communication submitted by Associate Planner Jessica Bui entitled *Zoning Map Amendment No. 18-002, Utica Townhomes*.

There being no public hearing speakers for this item, Mayor Semeta closed the Public Hearing.

A motion was made by Hardy, second Carr to adopt Planning Commission and Staff Recommendation: find the Proposed Project Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183 — Projects Consistent With a Community Plan or Zoning; and, approve Zoning Map Amendment No. 18-002 with findings (Attachment No. 1) and after the City Clerk reads by title, approve for introduction Ordinance No. 4191, "An Ordinance of the City of Huntington Beach Amending District Map 2 (Section Map 2-6-11) of the Huntington Beach Zoning and Subdivision to Rezone the Real Property Located at 712 Utica Avenue from Commercial General (CG) to Residential Medium Density (RM) (Zoning Map Amendment No. 2018-002)."

The motion carried by the following vote:

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

20. 20-1357 Adopted Resolution Nos. 2020-06 and 2020-07 approving General Plan Amendment (GPA) No. 19-003 (Housing Element amendment) and Zoning Text Amendment

(ZTA) No. 19-006 (Beach and Edinger Corridors Specific Plan amendment) and approved the 2019 Housing Element Progress Report

Citing a conflict of interest, City Attorney Gates recused himself from participating in the item and introduced former Huntington Beach Assistant City Attorney Paul D'Allesandro to preside over the hearing due to his past experience and knowledge of the City's General Plan and Housing Element.

Deputy Director of Community Development Jennifer Villasenor presented a PowerPoint communication entitled *Housing Element Amendment & Beach and Edinger Corridors Specific Plan Amendment* with slides titled *Request, Housing Element & RHNA, Current RHNA Status, Accommodating the Lower Income RHNA Shortfall, BECSP Amendment - Affordable Housing Overlay, Affordable Housing Overlay Sites, HCD Review, Other Housing Element Program Changes & Housing Element Progress Report, Housing Element Progress Report, and Recommendation.*

Mayor Pro Tem Hardy confirmed with Deputy Director Villasenor that the seventh previously listed property on the Affordable Housing Overlay Sites, which is land that belongs to the State of California, was removed by the California Department of Housing and Community Development (HCD).

Councilmember Carr and Director Villasenor discussed that SB2 funding comes up annually. Director Villasenor and Director Luna-Reynosa described other possible Certified Housing Element funding sources.

Councilmember Posey confirmed with staff that the City lost access to about \$625,000 in 2019 for Navigation Center funding because the City did not have a Certified Housing Element; however this year, with a Certified Housing Element, there is the opportunity to acquire approximately \$480,000 for Navigation Center operational expenses.

Mayor Semeta opened the Public Hearing.

Pursuant to the Brown "Open Meetings" Act, City Clerk Estanislau announced Supplemental Communications to the City Council which were received after distribution of the Agenda Packet:

Email communication from Cesar Covarrubias, Executive Director, Kennedy Commission;

PowerPoint communication submitted by Deputy Director of Community Development, Jennifer Villasenor, entitled *Housing Element Amendment & Beach and Edinger Corridors Specific Plan Amendment*; and

Seven (7) email communications

Public Hearing Speakers — 12

Linda Rose, a Huntington Beach homeowner for 39 years and a member of Homeless United Huntington Beach, was called to speak and shared some of the services provided by the St. Peter's by the Sea Presbyterian Church volunteers who serve people in need. Ms. Rose stated that from her perspective the biggest need is for transitional housing, and therefore she and Homeless United Huntington Beach members support Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. (02:35:04)

Gigi Jackson was called to speak and stated the need to continue advocacy for the homeless in Huntington Beach, and support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Ms. Jackson further stated support for the City's efforts to have a Certified Housing Element and effort to move forward with a Navigation Center as well as planning for and building affordable housing. (02:37:48)

Karen Carroll, a 45-year resident of Huntington Beach and member of Homeless United Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Ms. Carroll stated her opinion that in spite of the many perceived differences coming from various community members and groups on homeless issues, she would suggest everyone keep their eyes on the common concerns. (02:41:09)

Jenny Braithwaite, a member of Homeless United Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Ms. Braithwaite further expressed her opinion that regardless of individual views toward the State and its regulations, current laws need to be followed. (02:44:24)

Natalie Moser, a Huntington Beach homeowner since 2001 and a member of Homeless United Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Ms. Moser described her expected potential outcomes if the item is or is not approved. (02:47:37)

Galen Pickett, a homeowner in Huntington Beach for 10 years, and member of Homeless United Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Mr. Pickett stated his opinion that this addresses homelessness, affordability, and quality of life issues. (02:50:25)

Ralph Bauer, long-time resident of Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Mr. Bauer stated three reasons for his support: 1) compliance with the law; 2) saving money and access to funds; and 3) providing a Navigation Center through which to offer needed services. (02:52:15)

Shirley Dettloff, a 55-year resident of Huntington Beach, and a member of Homeless United of Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Ms. Dettloff stated her support for a plan that is in compliance with State law, with expectations that approval will open the way to address the homelessness crisis through providing shelter and services, and her opinion that this is just one small step the City can take in the right direction. (02:53:53)

Howard Herdman, a long-time resident of Huntington Beach and member of Homeless United Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Mr. Herdman stated his opinion that approval will address the lawsuits, place the City in compliance with State law, and make it possible to acquire funding for the homelessness crisis. (02:57:06)

Michelle Kern, a homeowner in Huntington Beach and member of Homeless United of Huntington Beach, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Ms. Kern stated that as an individual who

has regular contact with the homeless, she believes this item is the right thing to do for the individuals desiring to change their circumstances, and that this item will benefit not only the homeless, but also residents and homeowners. (02:58:47)

Eva Weisz was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Ms. Weisz stated her opinion that this is the first step to address the homelessness crisis for those who will accept help to change their situation, and that more services are needed for those with mental illness. (03:01:25)

Adam Wood, a resident of Huntington Beach and Director of Government Affairs with Orange County Building Industry Associates, was called to speak and stated support for Agenda Item #20 (20-1357) regarding the Housing Element and Beach and Edinger Corridors Specific Plan amendments. Mr. Wood stated he supports many of the comments already made, and he sees this item as opening the door for the opportunity to secure funding from Sacramento. (03:02:56)

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

Councilmember Carr stated her support for this item, and thanked staff for their diligence in reaching this point.

Mayor Pro Tem Hardy stated that she is supportive of taking care of the City's homeless population, but in her opinion this item does not necessarily provide affordable housing. Also, she would like for the City to qualify for eligible funding, however, in the end she cannot support an item that does not include discussion on individual projects and the impacts a specific project may have on its neighborhood.

Councilmember Posey described the situation of the State Legislature passing 40 bills since 2015 related to housing, Regional Housing Needs Assessment (RHNA), the threat of taking away local control, and fines associated with not meeting Housing Element requirements. He described previous Council actions to provide a Navigation Center and allow the Police Department to enforce anti-camping and curfew laws to be in compliance with the Martin vs Boise 9th Circuit Court ruling. The homeless community needs services, support and direction which take funding; and with a Navigation Center and Qualified Housing Element, SB2 and Orange County Housing Trust funding becomes accessible. Councilmember Posey shared statistics related to changes in the Beach and Edinger Corridors Specific Plan and stated that the action tonight is to zone for the deficiency of 413 units, and provide access to available funds.

Councilmember Peterson stated that in his opinion this is not a homelessness issue, there are issues in the lawsuit that the City should not walk away from, and the few low- and very-low income units are not going to alleviate the homeless situation, therefore he cannot support this item.

Councilmember Delgleize explained that from her perspective there are options available now to meet housing requirements that were not available five or six years ago, and she sees the Beach and Edinger Corridors as the appropriate place to locate needed housing units. She supports this item with the hope that more facilities will be provided in the future, including facilities and services for the homeless.

Councilmember Brenden thanked Homeless United, the Homeless Task Force, and other volunteers that are involved in the issue. He further stated that in his opinion this is an opportunity for the Council to act responsibly by supporting the Planning Commission and staff recommendation. Councilmember Brenden explained that even when he was a member of the Planning Commission, he believed that the Maximum

Allowed Net Development (MAND) should not be reduced to a level that could put the City in violation of the Housing Element, so there wouldn't be potential for de-certification or lawsuits.

Councilmember Posey briefly explained the history of changes to MAND, or total number of units allowed within the sphere of influence of the zoning overlay. Councilmember Posey stated his opinion that adding 413 units now is still approximately 35% less than what was approved by the Environmental Impact Report, or just a bit over half of what the Council approved in 2010. He further stated his opinion that approving this item will help in resolving the homelessness situation by providing access to funds for a Navigation Center, the City can still fight against the unconstitutional reach of some of the recent bills passed, and will become exempt from the penalties that come from the lack of a compliant Housing Element.

Mayor Semeta stated this item is not a vote about whether a homeless shelter will be built. Her concern is approving buy-right development, and she believes that discretionary control needs to be maintained. Mayor Semeta added that building the units in the Beach and Edinger Specific Plan created an affordability issue with rents increasing exponentially throughout the City. In addition, the legislative mandates from Sacramento trying to take local control of land use decisions is not okay, and asked why would the City just now roll over and accept it. Mayor Semeta stated she cannot support this item.

A motion was made by Brenden, second Delgleize to approve Planning Commission and Staff Recommendation for General Plan Amendment No. 19-003 and adopt Resolution No. 2020-06 (Attachment No. 1), "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 19-003 (Housing Element Amendment)," and finding that it is covered under Negative Declaration No. 12-007, which was adopted by the City on August 27, 2013; and approve Zoning Text Amendment No. 19-006 with findings (Attachment No. 2) and adopt Resolution No. 2020-07, "A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Beach and Edinger Corridors Specific Plan (SP 14) (Zoning Text Amendment No. 19-006)." (Attachment No. 3); and, approve the 2019 Housing Element Progress Report and forward to the California Department of Housing and Community Development and Governor's Office of Planning and Research.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

21. 20-1375 Approved Community Choice Energy (CCE) Feasibility Study Option C

City Manager Chi introduced Assistant City Manager Travis Hopkins who presented a PowerPoint communication entitled *Community Choice Energy Feasibility Study*, with slides titled *CCE Overview*, *CCE Background in HB*, *RFI Process Coordinated*, *Possible Ratepayer Savings*, *Irvine CCE JPA Option*, *Possible CCE Benefits*, *Identified CCE Risks*, *Next Steps*, and *Questions?*

Mayor Pro Tem Hardy and Assistant City Manager Hopkins discussed the Southern California Edison (SCE) proposed increase rate will most likely be for infrastructure replacement, and CCE customers will still also be responsible for infrastructure and SCE increased costs.

There was discussion whether the large up-front costs for setting up the CCE would result in further savings for customers. City Manager Chi stated that the ultimate question is whether the potential cost savings are worth the risks. Assistant City Manager Hopkins confirmed that the Huntington Beach Finance Commission has not studied this issue. SCE Representative Mr. Peterson confirmed the current level of SCE's renewable sources, including hydro-power, is at 44.5%.

Mayor Pro Tem Hardy and City Manager Chi discussed an option of buying the load data from SCE and just plugging it into Irvine's research. It was decided, however, that it would eliminate the opportunity to independently assess the assumptions.

Councilmember Peterson, explained that in his opinion, using a CCE is adding another layer of government with responsibility for long-term contracts, and a CCE is not part of a "free" market system. If a mistake is made on the contract, or situations change during that contract, the taxpayers will be on the hook, and therefore he cannot support this item. He stated that it might make sense to re-evaluate Irvine's experience in 5 or 6 years, but he is not interested in adding another layer of government for Huntington Beach at this time.

Councilmember Carr stated that she believes the opportunity to join Irvine's CCE will eliminate a lot of the risk for the up-front costs, and Huntington Beach needs to remain competitive with other area cities that will be offering an expected two percent (2%) discount to their residential, commercial and industrial entities. Councilmember Carr is not in favor of just plugging SCE's Huntington Beach numbers into Irvine's study and assumptions, and supports using a different consultant than Irvine used.

Councilmember Brenden stated his opinion that there is not enough information to be supporting, or not, CCEs, but rather more information is needed to answer the question of whether the rewards are worth the risks. He needs research-based facts, not anecdotal information, to make an informed decision, and therefore supports Option C.

Councilmember Delgleize stated her opinion that a CCA/E is not a public utility; it allows a city to purchase a utility for its residents; the required new staffing can be employees of the company hired or managed through the Joint Powers Agreement (JPA); and, she supports Huntington Beach doing their own Feasibility Study.

Mayor Pro Tem Hardy shared her questions for a Feasibility Study, including what Irvine's timetable is as far as allowing other cities to join their CCE; shelf-life for a Study, i.e., should the City observe other CCA/Es for a couple more years before doing our own study; ensure the Finance Commission reviews the study; look at op-out thresholds; and stated that she supports Councilmember Brenden's comment that currently there are just not enough known facts.

Mayor Semeta stated from her review of the email communications received by the Councilmembers on this topic most residents are opposed and most supporters appear to be advocates. She shared her concern that residents of Huntington Beach may not save money with a CCA/E. Mayor Semeta further stated that to the best of her knowledge currently renewable energy is cheaper because of the subsidies, and that technology and options are changing so fast that in her opinion, it makes sense to wait and see if there are actual savings in other cities, and therefore she cannot support this item.

Councilmember Posey shared that politicians at any level of governance are elected to govern for the future, and in his opinion a Feasibility Study on future energy and supply options will help in governing for the future.

A motion was made by Carr, second Delgleize to consider moving forward with the proposed Community Choice Feasibility Study by approving Option "C":

~~A) Direct staff to complete a CCE Feasibility Study and authorize the City Manager approve the required agreements with MRW & Associates for completion of the study for an amount not to exceed \$66,000.~~

~~Or~~

~~B) Direct staff not to move forward with the CCE Feasibility Study.~~

~~Or~~

C) Direct staff to move forward with the CCE Feasibility Study with MRW & Associates for an amount not to exceed \$66,000, and as part of that study, assess the feasibility of joining the City of Irvine's CCE program.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Carr, and Brenden

NOES: Semeta, and Peterson

ORDINANCES FOR INTRODUCTION

22. 19-1288 Approved for introduction Ordinance No. 4204 repealing Chapter 10.40.125 of the Huntington Beach Municipal Code regarding vehicles marked for sale on streets, as it is no longer legally valid

City Manager Chi introduced Police Chief Robert Handy who provided a verbal overview of the background relating to the need to ensure Municipal Code compliance with current court rulings related to free speech rights.

A motion was made by Peterson, second Hardy to, after the City Clerk reads by title, approve for introduction Ordinance No. 4204, "An Ordinance of the City of Huntington Beach Repealing Chapter 10.40.125 of the Huntington Beach Municipal Code Relating to Sale On Vehicles Upon Streets."

The motion carried by the following vote:

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

NOES: None

COUNCILMEMBER ITEMS

23. 20-1388 Submitted by Councilmember Peterson — Directed staff to reassess Bluff Top Guard Rail options

Councilmember Peterson said he would like to review the options one more time, especially since there was Council concern about the previous options presented, and utilizing anodized aluminum was not a previous consideration.

The Councilmembers thanked Councilmember Peterson for bringing this item back and expressed support for a formal proposal using anodized aluminum.

Councilmember Brenden expressed his support for a formal proposal, and asked that staff do some independent research of their own on durability and maintenance, and stated he would like to get resident opinions as well.

Councilmember Posey and City Manager Chi discussed that the process to this point was a review by the Design Review Board and Community Services Commission. City Manager Chi explained that after a design option is approved by the Council, the next step would be to draw up construction options for a bid, and confirmed that if this item is approved, the process would include another review of options, which would include anodized aluminum, and opportunity for resident input.

A motion was made by Peterson, second Hardy to direct staff to assess the possibility of utilizing an anodized aluminum safety rail as part of the Bluff Top Improvement Project, and that the full analysis be brought back for formal City Council consideration within 30 days.

The motion carried by the following vote:

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

NOES: None

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Brenden thanked Public Speaker Lorelei Lachman for her expressions of appreciation for how well the Council works together for the best of the community. He reported participating in the Association of California Cities-Orange County (ACC-OC) Sacramento Advocacy Trip to protect local land use authority; asking for recurring funding to address homelessness; regulation of sober living homes and residential treatment facilities; diversified, resilient and reliable water supplies for Southern California; and pension reforms. He also attended the Visit HB new office Open House and 30th Anniversary; several meetings of the Jet Noise Commission; the Candlelight Vigil for the Victims of the recent helicopter crash in Calabasas; and participated in the Annual Surf City Marathon.

Councilmember Posey reported participating in the Annual Surf City Marathon Finish Line festivities, and announced the February 15th Polynesian Cultural Dance and Music Festival for all ages, at 12 noon, at 15612 Graham Avenue.

Mayor Pro Tem Hardy reported attending the Ribbon Cutting and Grand Opening for the American Cancer Society/Discovery Shop; the Marina High School Viking Foundation Principal's Gala Event at the Senior Center; Assistance League & Soroptimist International of Huntington Beach "Day of Empowerment" for area single moms; singing at the Annual Surf City Marathon; and thanked the Hawes Elementary mothers who put together the memorial for the Victims from the recent helicopter crash in Calabasas.

Councilmember Carr acknowledged that she dropped out of the Marathon and only participated in the 5K run; she reported attending the Ribbon Cutting & Grand Opening for the American Cancer Society/Discovery Shop; Assistance League & Soroptimist International of Huntington Beach "Day of Empowerment" for area single moms; 13th Annual Writing & Illustration Contest Awards Ceremony at Central Library; and Visit HB New Office Open House and 30th Anniversary event.

Mayor Semeta reported attending the Assistance League & Soroptimist International of Huntington Beach "Day of Empowerment" for area single moms; acknowledged Sophia Sendro, Ocean View High

School Senior and a summer Huntington Beach lifeguard, for organizing Trauma for Teachers at Huntington Beach High School where Huntington Beach firefighters and representatives from area hospitals provided bleeding control and CPR training for all teachers; reported attending a Kiawani's luncheon where Seal Beach author Mark Thompson spoke about his book, *Sinatra's Tailor*, a biographical novel about longtime local clothier Umberto Autore; a Farewell Reception for Former Deputy Director of Economic Development Kellee Fritzal; Visit HB New Office Open House and 30th Anniversary event; and participating in the Countdown for the Annual Surf City Marathon.

Mayor Semeta adjourned the meeting in memory of the Victims of the recent helicopter crash in Calabasas.

ADJOURNMENT at 10:54 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, February 18, 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>

City Clerk and ex-officio Clerk of the City Council
of the City of Huntington Beach and Secretary of
the Public Financing Authority of the City of
Huntington Beach, California

ATTEST:

City Clerk-Secretary

Mayor-Chair