Minutes

City Council/Public Financing Authority
City of Huntington Beach

Monday, July 2, 2018
4:30 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A video recording of the 4:30 PM and 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/

4:30 PM - COUNCIL CHAMBERS

Based on the amount of time needed to cover Study Session and Closed Session items, the meeting was called to order at 4:30 PM.

CALLED TO ORDER — 4:30 PM

ROLL CALL

Present: O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Study Session
PowerPoint communication submitted by Travis Hopkins, Director of Public Works, entitled *AB1826 - Commercial Mandatory Organics Recycling (MORe)*.

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

STUDY SESSION

1. **18-106 — Representatives from Rainbow Environmental/Republic Services presented information regarding AB 1826, the State's mandatory commercial organics recycling law, including an updated proposal for providing City of Huntington Beach businesses with an AB 1826 compliant recycling program.**

City Manager Wilson introduced General Manager Chris Kentopp and Community Relations Manager Debbie Killey from Republic Services who presented a PowerPoint communication entitled *AB 1826 - Commercial Mandatory Organics Recycling (MORe)* with slides titled: *What are Organics? California*

Legislative Actions, Organics Legislation, Organics Diversion - Why? AB 1826 Key Program Highlights, Food Waste Diversion Approach, Food Waste Diversion through Recovery, How is Food Recovered? Food Waste Diversion Approach, Organics Processing Infrastructure (2), Commercial Costs, Educational Outreach, Summary AB 1826 Compliance (2), and *Rainbow Environmental Campus.*

Mayor Pro Tem Peterson and Republic Services Manager Kentopp discussed the 2.18% Commercial Sector Wide increase generating approximately $424,000, interest expense and taxes, and the process of how the amount of generated waste determines who is impacted.

Mayor Pro Tem Peterson and City Attorney Gates discussed the issue of challenging unconstitutional State unfunded mandates.

Councilmember Delgleize and Manager Kentopp discussed the number of customers impacted by AB 1826, and how the processing of organics will take place in Anaheim.

Councilmember O'Connell and Manager Kentopp discussed that there would not be a rate reduction once the specialized equipment is paid off because the equipment will most likely need to be replaced within 10 years. Manager Kentopp also stated that each City will bear the cost in equal percentage to the number of impacted customers they have.

Councilmember Semeta and Manager Kentopp discussed the actual dollar cost increase for a business. As an example, a business utilizing a 1-yard container, which is emptied once a week at a current cost of $80, could expect an approximate $4 increase. Manager Kentopp confirmed that at the present time there are no State funded incentives for this mandate.

Mayor Posey and Manager Kentopp discussed that currently organic waste is processed through a Los Angeles Sanitation District digester that produces methane that is used to run their equipment.

RECESS TO CLOSED SESSION —4:53 PM

A motion was made by O'Connell, second Semeta to recess to Closed Session for Items 3 – 4. With no objections, the motion carried.

CLOSED SESSION ANNOUNCEMENT(S)

2. **18-157 — Mayor Posey Announced: Pursuant to Government Code § 54957.6, the City Council shall recess into Closed Session to meet with its designated labor negotiators: Peter Brown, outside counsel and Chief Negotiator, Lori Ann Farrell-Harrison, Assistant City Manager; also in attendance: Fred Wilson, City Manager; David Segura, Fire Chief; Robert Handy, Chief of Police; Gilbert Garcia, Chief Financial Officer regarding the following: Huntington Beach Firefighters' Association (HBFA), Municipal Employees' Organization (MEO), Municipal Employees' Association (MEA) and Huntington Beach Police Officers' Association (POA).**

CLOSED SESSION

3. **18-158 — Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators: Peter Brown, outside counsel and Chief Negotiator, Lori Ann Farrell-Harrison, Assistant City Manager; also in attendance:**

Fred Wilson, City Manager, David Segura, Fire Chief, Robert Handy, Chief of Police, Gilbert Garcia, Chief Financial Officer regarding the following: Huntington Beach Firefighters' Association (HBFA), Management Employees' Organization (MEO), Municipal Employees' Association (MEA), and Huntington Beach Police Officers' Association (POA).

4. **18-159 — 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, one (1).**

6:00 PM - COUNCIL CHAMBERS

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

Mayor Posey commented on the recent passing of Scott O'Hanlon, Marketing Director at the Hilton Waterfront Beach Resort who was in many ways a great ambassador for Huntington Beach, and requested that the Council meeting be adjourned in his memory.

ROLL CALL

Present: O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
Absent: None

PLEDGE OF ALLEGIANCE — Led by Councilmember O'Connell

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. **18-112 — Janet Ewell, Church of Jesus Christ of Latter Day Saints - North Stake and member of the Greater Huntington Beach Interfaith Council**

CLOSED SESSION REPORT BY CITY ATTORNEY — None

AWARDS AND PRESENTATIONS

6. **18-103 — Mayor Posey presented a commendation to Huntington Beach High School student Kylie Cochran for her perfect attendance from kindergarten through her senior year.**

Ms. Cochran stated she has seldom (never on a school day) been sick and thanked her parents for instilling a good soap and water hand washing habit.

~~7. 18-113 — Mayor Posey to present commendation to 100-year-old Huntington Beach resident Rita Simonton for her incredible swimming feats~~

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Consent Calendar
Item #10. Late communication submitted by Marie Knight, Director of Community Services to correct term dates for the Recommended Action of Item #10-C.

Item #10. Ten (10) email communications received regarding Recommended Action of Item #10-A from: Terri Manzo, Kevin Carlin, Mary E. Williams, Joyce Stalcup, Kristen Shearer, Denise Cianca, Katie Kent, Claudine St. Pierre, Phil Shearer and Gino J. Bruno.

Administrative Items
Item No. 13. A PowerPoint communication submitted by Marie Knight, Community Services Director, entitled *Country Harvest Festival*.

Councilmember Items
Item No. 15. Email communication submitted by Spencer Hagaman regarding Shared Mobility Devices.

PUBLIC COMMENTS (3 Minute Time Limit) — 15 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.

Gina Clayton-Tarvin, Clerk for the Ocean View School District Board of Trustees, was called to speak and stated her support for Stephanie Green for Item No. 10A regarding appointments to the Community Services Commission (CSC) as recommended by the local school districts. (00:32:53)

Vanessa Martinez was called to speak and stated her concerns regarding the Huntington Beach Public Art Alliance and the proposed art mural on the Frontier Communications building at 602 Main Street. (00:36:19)

Mark Mayes, Huntington Beach resident and volunteer with Tee It Up for the Troops, stated his support for Councilmember Item No. 14 regarding a proposal to purchase a plaque dedicated to Zach Martinez for installation at Patriot Point. (00:39:01)

John Partington, Huntington Beach Kiwanis Club Member, was called to speak and expressed condolences to the family and friends of Scott O'Hanlon. Mr. Partington also announced the HB Kiwanis Club Annual Pancake Breakfast, July 4th, 7 - 10 am, at Lake Park. (00:41:44)

Kathryn Levassiur, a longtime resident of Huntington Beach, was called to speak and thanked Police Chief Robert Handy and Community Development Interim Director Jane James for their very informative Citizen's Academy presentations. She also thanked Councilmember Brenden for the successful Central Park East cleanup. Speaking as a resident of Huntington Beach, she stated her support for permitting, taxing and regulating short-term vacation rentals and the resulting sustainable income. (00:43:44)

Al Levassiur was called to speak and stated that he has been married to the previous speaker for nearly 41 years and strongly suggested that the Council heed her suggestions because she is not going to go away. (00:46:57)
Michael Bolen, long-time resident of Huntington Beach, was called to speak and stated his support for Councilmember Item No. 14 regarding a proposal to purchase a plaque dedicated to Zach Martinez for installation at Patriot Point. Mr. Bolen announced that the Bolen Family, Huntington Beach Realty and he are committed to a $500 donation towards the purchase of the plaque. (00:47:22)

Teresa Carlisle, Chair, Huntington Beach Art Center Steering Committee, was called to speak and announced Water Works, July 14 - August 25, a juried exhibition that includes artwork submitted by Councilmember Semeta. (00:50:23)

Tiffany Tina was called to speak and stated her concerns regarding the Huntington Beach Public Art Alliance and the proposed art mural on the Frontier Communications building at 602 Main Street. (00:51:45)

Dennis Bauer, American Legion Huntington Beach Post No. 133, was called to speak and stated support for Councilmember Item No. 14 regarding a proposal to purchase a plaque dedicated to Zach Martinez for installation at Patriot Point. (00:54:32)

Jim Pilkington, resident of Huntington Beach, was called to speak stated his support for Councilmember Item No. 14 regarding a proposal to purchase a plaque dedicated to Zach Martinez for installation at Patriot Point. (00:55:39)

Bobby McDonald, Chair, Orange County Veterans Affairs Council, was called to speak and stated support for Councilmember Item No. 14 regarding a proposal to purchase a plaque dedicated to Zach Martinez for installation at Patriot Point. (00:58:36)

Stephanie Green was called to speak and stated her appreciation at being considered for an appointment to the Community Services Commission (CSC) as recommended by the local school districts, regarding Councilmember Item No. 10. She also thanked the Fourth of July Board for one of her favorite traditions. (01:00:09)

Dan Kalmick was called to speak and stated his support for Councilmember Item No. 15 regarding a moratorium on Shared Mobility Devices (Bike and Scooter Sharing Services) to allow for public policy discussions. (01:01:09)

Spencer Hagaman was called to speak and stated his support for Councilmember Item No. 15 regarding a moratorium on Shared Mobility Devices (Bike and Scooter Sharing Services) to allow for public policy discussions. (01:03:09)

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

Mayor Posey reminded everyone that AB 1234 reports are meetings related to Joint Power Authorities (JPAs), Commissions, and Committees.

Mayor Pro Tem Peterson reported that the Sanitation District has purchased property across Ellis Street and will be moving Administration and the labs there to increase space for bio waste and a second water reclamation facility on their existing property.

Councilmember Semeta reported attending a Water Board meeting where it was announced that there is a Change Order in process for the relocation of water pipes under the 405 Freeway project which is expected to reduce the cost of the project. Councilmember Semeta also announced that the Allied Arts Board is currently receiving nominations for the November award categories via their website.

Councilmember Brenden reported attending an Allied Arts Board meeting as Council Liaison, a Downtown Business Improvement District Board meeting, a Public Cable Television Authority (PCTA) meeting, an Air Traffic Noise Working Group meeting for discussion on next steps, a debriefing on the recent Community Workshop and reporting findings, and meeting with representatives of the Huntington Beach Police Officers' Association (HBPOA).

Councilmember O'Connell reported meeting with members of the Huntington Beach Police Officers' Association (HBPOA), and members of the Huntington Beach Firefighters' Association (HBFA).

Mayor Posey reported attending a Southern California Association of Government (SCAG) Joint Policy Committee of the Regional Transportation Plan and Sustainable Community Strategy (RTPSCS) meeting which is required every four (4) years to maintain eligibility for Federal funding. This meeting also discussed Regional Housing Needs Allocation (RHNA) and there will be upcoming public meetings and workshops for anyone interested.

CITY MANAGER'S REPORT

City Manager Fred Wilson introduced Leslie Edwards, GIS Analyst, Information Systems, who gave a presentation highlighting updates available to the public for accessing information on the City's website.

CONSENT CALENDAR

Councilmember O'Connell pulled Consent Calendar Item No. 10 for discussion.

8. 18-148 — Approved and Adopted Minutes

A motion was made by O'Connell, second Delgleize to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated June 18, 2018, as written and on file in the Office of the City Clerk.

The motion carried by the following vote:

AYES:	O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
NOES:	None

9. 18-149 — Approved the June 2018 City of Huntington Beach Strategic Plan Update

A motion was made by O'Connell, second Delgleize to approve the June 2018 Strategic Objectives Update as contained within Attachment 1.

The motion carried by the following vote:

AYES:	O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
NOES:	None

10. 18-134 — Approved appointment and reappointments to the Community Services Commission (CSC) with terms to expire June 30, 2019, as recommended by the local school districts

Councilmember O'Connell pulled this item to state his support for Stephanie Green as the Ocean View School District Representative.

Councilmember Hardy confirmed that Stephanie Green is considered the Ocean View School District Representative.

Mayor Posey confirmed his support for Stephanie Green as the Ocean View School District Representative.

A motion was made by O'Connell, second Hardy to appoint Stephanie Green, Ocean View School District Representative to a term of July 1, 2018, to June 30, 2019; and, reappoint Ian Collins, Fountain Valley School District Representative to a term of July 1, 2018, to June 30, 2019; and, reappoint Bridget Kaub, Huntington Beach City School District Representative to a term of July 1, 201~~7~~**8**, to June 30, 201~~8~~**9**; and, reappoint Roy Miller, Huntington Beach Union High School District Representative to a term of July 1, 2018, to June 30, 2019, ***as amended by Supplemental Communication to correct term identified in C) for Huntington Beach City School District Representative***.

The amended motion carried by the following vote:

AYES:	O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
NOES:	None

11. 18-131 — Approved In-Kind Donation of $10, 000 for the 2018 VISSLA ISA (International Surfing Association) World Junior Surfing Championship

A motion was made by O'Connell, second Delgleize to approve $10,000 for in-kind donation to the International Surfing Association.

The motion carried by the following vote:

AYES:	O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
NOES:	None

12. 18-135 — Adopted a Seven-Year Capital Improvement Program (CIP) for fiscal years 2018/2019 through 2024/2025 for compliance with renewed Measure M eligibility requirements

A motion was made by O'Connell, second Delgleize to adopt the Seven-Year Capital Improvement Program (FY 2018/2019 through 2024/2025) attached as Exhibit "A" for compliance with renewed Measure M eligibility requirements.

The motion carried by the following vote:

AYES:	O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
NOES:	None

ADMINISTRATIVE ITEMS

13. 18-136 — Discussed special event application - Country Harvest Festival; directed staff to return to Council with options to consider holding concerts on the City beach

City Manager Wilson introduced Director of Community Services, Marie Knight who highlighted events of the proposed fall-themed event. She introduced Steve Thacher from Activated Events who presented a PowerPoint communication entitled: *Activated Events, Country Harvest Festival* with slides titled*: Event Footprint, Event Demographics, Traffic Plan, Safety & Security, Sound Containment, Food & Beverage, Benefits for City of Huntington Beach,* and *Country Harvest Festival vs. City Sponsored Events*.

Mayor Posey confirmed with Mr. Thacher that the event would be fenced and all patrons must have tickets and wristbands for alcohol consumption. Mr. Thacher stated they plan to have 1 security person for every 100 attendees.

Councilmember O'Connell expressed concern regarding the noise level and Mr. Thacher explained that delay towers are used to eliminate the need to blast the sound from the main stage area all the way to the perimeters.

Mayor Pro Tem Peterson and Mr. Thacher discussed actual footprint and date for the event.

Councilmember Hardy questioned why the State beach is not hosting the Country Harvest Festival, and Mr. Thacher explained that the State beach has a previous commitment and is not available on October 7.

Councilmember Delgleize and Mr. Thacher discussed that support for this event that has been received from area hotels. Mr. Thacher expressed interest in working closely with the Chief of Police to address security concerns, and arranging off-site parking and shuttle service. Mr. Thacher stated that the sound stage would be facing south.

Police Chief Handy expressed his concerns regarding concerts and alcohol on the beach, associated traffic impacts and strain on staff, including the impact on Main Street when beach events close down. Chief Handy reminded Council that the City has received and denied similar requests for concerts on the beach, and questioned if the Council is leaning towards a change in policy.

City Attorney Michael Gates confirmed that approval of this event would have several ramifications, and the purpose of this presentation is for Council to consider whether there should be a change in the policy that does not allow beach concerts and has been in place for about five years.

Mayor Posey and Director Knight discussed Coastal Commission requirements for ticketed and fenced beach events held during the summer months.

Councilmember Brenden and Mr. Thacher discussed the process for giving preference to local food vendors. Mr. Thacher also explained that the majority of tickets are sold on-line and ticket sales are stopped when 8,000 tickets have been sold. There was further discussion on Council considerations such as parking structure rates, security and the City fee for ticketed events.

Councilmember Semeta expressed her reservations because approval would be a serious policy shift, and she suggested there be a study session with staff providing more policy details.

Councilmember Hardy shared some history regarding why the policy to ban beach concerts and alcohol service was implemented. She also stated that the location for the proposed event will definitely affect

the Main Street Downtown area. Councilmember Hardy further stated that she cannot support this item because it deviates from a policy she was part of establishing.

Mayor Posey confirmed with City Manager Wilson and City Attorney Gates that staff needs to come back with policy options for allowing concerts on the City beach, including input from all affected departments, California Coastal Commission restrictions, and fee schedule(s).

Councilmember Hardy asked that staff also look at how Spring Break and existing recreational vehicle camping would be affected by a policy change.

A motion was made by Posey, second O'Connell to ~~advise~~ ***direct*** staff ~~on any potential action~~ to present at a future Study Session policy options to allow concerts on the City beach, including, but not limited to, fee schedule(s), public safety enhancements, California Coastal Commission restrictions (acknowledging coastal development permit requirements for ticketed, exclusive beach events between Memorial and Labor Day holidays), existing recreational vehicle camping, and Spring Break, ***as amended.***

The amended motion carried by the following vote:

AYES:	O'Connell, Peterson, Posey, Delgleize and Brenden
NOES:	Hardy, and Semeta

COUNCILMEMBER ITEMS

14. 18-147 — Submitted by Councilmember Delgleize — Authorized staff to return with a proposal to purchase a plaque dedicated to Zach Martinez for installation at Patriot Point

Councilmember Delgleize thanked the public speakers who expressed support for this item. City Manager Wilson stated that if approved, it will not be easy to actually implement because of State regulations.

Mayor Posey acknowledged and thanked Mr. Bolen for the public commitment to help with costs.

A motion was made by Delgleize, second O'Connell to direct the City Manager to return with a proposal to purchase a plaque commemorating the life and dedication of Mr. Martinez and install said plaque at Patriot Point.

The motion carried by the following vote:

AYES:	O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
NOES:	None

15. 18-156 — Approved Item Submitted by Councilmember Brenden — Directed staff to return with a proposal for a moratorium on Shared Mobility Devices (Bike and Scooter Sharing Services) and schedule a Study Session

Councilmember Brenden presented a PowerPoint communication with slides entitled *Background, Smartphone App, Benefits, Drawbacks (2), Case Study: Santa Monica Regulation,* and *Summary.*

Mayor Pro Tem Peterson explained his understanding that Santa Monica actually encouraged and allowed these businesses but did not have any established guidelines or restrictions. He further stated his opinion that this does not need to be a priority item and suggested allowing more time for staff to prepare for a study session.

Councilmember Hardy expressed her opinion that there is definitely a need for a policy or system on the proper way to dispose of, or store, the bikes or scooters when they are not being used.

Councilmember Delgleize stated her support for this effort to determine policies and fees, and expressed her concern about some areas of the City that are already too congested.

Councilmember Semeta stated her support for this item and the need to be proactive.

A motion was made by Brenden, second Delgleize to direct the City Manager to work with the City Attorney to return to the July 16, 2018, City Council Meeting with a proposal for a ***120-day*** moratorium on Shared Mobility Device Services operating in Huntington Beach, and directing the City Manager and City Staff to hold a Study Session on Shared Mobility Devices within ~~60~~ ***120*** days. Study session to include a survey of current regulations being applied in other cities, ***as amended***.

The amended motion carried by the following vote:

AYES:	O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, and Brenden
NOES:	None

COUNCILMEMBER COMMENTS (Not Agendized) – None.

Recessed at 8:02 PM to continue discussion on Closed Session Item No. 3. (18-158 — Labor Negotiations).

ADJOURNMENT — At 9:06 PM in memory of Scott O'Hanlon, former Director of Marketing, Waterfront Hilton Beach Resort to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, July 16, 2018, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA
AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
AT http://www.huntingtonbeachca.gov

Robin Estanislau

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

ATTEST:

Robin Estanislau
City Clerk-Secretary

Michael Posey
Mayor-Chair