

## **Minutes**

### **City Council/Public Financing Authority City of Huntington Beach**

Tuesday, January 22, 2019  
4:30 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/](http://www.surfcity-hb.org/government/agendas/)**

#### **4:30 PM - COUNCIL CHAMBERS**

**CALLED TO ORDER — 4:30 PM**

#### **ROLL CALL**

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

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

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

**RECESSED TO CLOSED SESSION FOR ITEMS 3 – 11 — 4:33 PM**

A motion was made by Posey, second Peterson to recess to Closed Session for Items 3 — 11. With no objections, the motion carried.

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

1. **19-106 Mayor Peterson Announced:** Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators: Fred A. Wilson, City Manager, Peter Brown, outside counsel and Chief Negotiator, Lori Ann Farrell-Harrison, Assistant City Manager; also in attendance: Robert Handy, Chief of Police, Gilbert Garcia, Chief Financial Officer, and Michele Warren, Director of Human Resources regarding the following: Huntington Beach Police Officers' Association (POA) and Police Management Association (PMA).
2. **19-107 Mayor Peterson Announced:** Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator: Peter Brown, regarding labor negotiations with: Assistant City Manager, Chief Assistant City Attorney, Chief Financial Officer, Chief Information Officer, City Manager, Community Development Director, Community Services Director, Deputy

**Director of Community Development, Fire Chief, Human Resources Director, Library Services Director, Deputy Community Prosecutor, Police Chief, Public Works Director, as well as the elected City Attorney, City Clerk and City Treasurer.**

**CLOSED SESSION**

- 3. 18-663 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: Duran (Anthony) v. City of Huntington Beach, et al.; USDC Case No.: 8:18-cv-00659 JVS (DFMx).**
- 4. 18-665 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Harrison-Swaim (Jaime) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2018-01014886.**
- 5. 19-094 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Decock (Eugene and Sandra) v. City of Huntington Beach; OCSC Case No. 30-2017-00956312.**
- 6. 19-098 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: Moore (Neal), et. al. v. City of Huntington Beach, et al.; USDC Case No. 8:19-cv-00009-DOC (ADSx).**
- 7. 19-099 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following claim: Langton v. Surf City Seniors on the Go; DFEH case #20180-05-02444531.**
- 8. 19-101 Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiator, Peter Brown, regarding labor negotiations with: Assistant City Manager, Chief Assistant City Attorney, Chief Financial Officer, Chief Information Officer, City Manager, Community Development Director, Community Services Director, Deputy Director of Community Development, Fire Chief, Human Resources Director, Library Services Director, Deputy Community Prosecutor, Police Chief, Assistant Police Chief, Public Works Director, as well as the elected City Attorney, City Clerk and City Treasurer**
- 9. 19-102 Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators: Fred A. Wilson, City Manager, Peter Brown, outside counsel and Chief Negotiator, Lori Ann Farrell-Harrison, Assistant City Manager; also in attendance: Robert Handy, Chief of Police, Gilbert Garcia, Chief Financial Officer, Michele Warren, Director of Human Resources regarding the following: Huntington Beach Police Officers' Association (POA) and Police Management Association (PMA).**



10. 19-104 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).
11. 19-105 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Kennedy Commission, et al. v. City of Huntington Beach; OCSC Case No. 30-2015-00801675.

**6:00 PM — COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALLED TO ORDER THE SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF HUNTINGTON BEACH — 6:20 PM**

**ROLL CALL**

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

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

**INVOCATION**

12. 18-635 Provided by Maneck Bhujwala of the Zoroastrian Community and member of the Greater Huntington Beach Interfaith Council.

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.

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

**AWARDS AND PRESENTATIONS**

13. 18-633 Mayor Peterson called on Victoria Alberty who presented the Adoptable Pet of the Month.

Ms. Alberty introduced Benji, a super sweet dog who is currently being fostered by Karen at Top Dog Barkery in Pacific City. More details on Benji can be found at [www.waggintrails.org](http://www.waggintrails.org).

14. 18-634 Mayor Peterson called on Finance Director Gilbert Garcia to present the Mayor's Award to Paulina Flores, Senior Finance Analyst.

Carol Molina-Espinoza, Budget Finance Manager, presented the Mayor's Award to Senior Finance Analyst Paula Flores. Manager Molina-Espinoza described Ms. Flores' as positive with a strong work ethic who performs her job with humility, poise and professionalism. Ms. Flores joined the City in 2013, and is currently the lead analyst for the City's Personnel budget, which comprises over seventy percent

(70%) of the City's budget. Manager Molina-Espinoza concluded comments by describing the experience and value Ms. Flores brings to the City.

**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**

**#21. (18-644)** Email communication received from Amory Hanson.

**ADMINISTRATIVE ITEMS**

**#31. (19-103)** Email communication received from an anonymous person.

**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>.*

Kathryn Levassiur, a resident of Huntington Beach, was called to speak and shared her opinions about the two types of Short-Term Vacation Rentals, and encouraged the City to implement processes to regulate and tax a service that many residents are already providing. (00:12:34)

Nancy Buchoz, a Huntington Beach resident representing S.A.M.E., was called to speak and asked for the City Council to extend the Public Comment period for the extremely large draft Environmental Impact Report (EIR) for the Magnolia Tank Farm project. (00:15:18)

KC Fockler, Huntington Beach resident and S.A.M.E. member, was called to speak and asked for the City Council to extend the Public Comment period for the extremely large draft Environmental Impact Report (EIR) for the Magnolia Tank Farm project. (00:18:37)

Dr. Joslin de Diego, a Huntington Beach Resident, was called to speak and asked for the City Council to extend the Public Comment period for the extremely large draft Environmental Impact Report (EIR) for the Magnolia Tank Farm project. (00:21:40)

Bob Vale, a resident of Huntington Beach and Art Council member, was called to speak and asked for the City Council to extend the Public Comment period for the extremely large draft Environmental Impact Report (EIR) for the Magnolia Tank Farm project. (00:24:56)

Cari Swan was called to speak and asked for the City Council to extend the Public Comment period for the extremely large Draft Environmental Impact Report (EIR) for the Magnolia Tank Farm project. (00:28:09)

Tim Geddes, an over 30-year resident of Huntington Beach, was called to speak and asked for the City Council to extend the Public Comment period for the extremely large Draft Environmental Impact Report (EIR) for the Magnolia Tank Farm project. (00:31:21)

Ben Pickens was called to speak shared his opinions on various national and local issues. (00:32:47)



Amory Hanson was called to speak and stated his support for Consent Calendar Item 21. 18-644 regarding his appointment to the Historic Resources Board (HRB). (00:34:17)

Jon Ely, resident of Huntington Beach, was called to speak and asked for the City Council to extend the Public Comment period for the extremely large Draft Environmental Impact Report (EIR) for the Magnolia Tank Farm project. (00:35:08)

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

Councilmember Posey reported attending an Orange County Vector Control Board and a Finance Committee meeting, and an Orange County Parks Commission meeting where he was elected to the position of Chair.

Councilmember Hardy reported attending mandatory training for AB1234 (Ethics) and AB1825 (Sexual Harassment) on January 10, 2019.

Mayor Pro Tem Semeta reported attending mandatory training for AB1234 (Ethics) and AB1825 (Sexual Harassment) on January 10, 2019, and as Council Liaison attended a recent meeting of the Sister City Association, and a meeting of the City Council Subcommittee for the Homeless.

Councilmember Delgleize reported attending meetings of the Orange County Transit Authority (OCTA) Board, the Orange County Forum, and met with members of the Huntington Beach Police Officers' Association (HBPOA), and attended mandatory training for AB1234 (Ethics).

Councilmember Carr reported attending mandatory training for AB1234 (Ethics) and AB1825 (Sexual Harassment) on January 10, 2019, an Association of California Cities — Orange County (ACC-OC) reception, a Neighborhood Watch meeting, Youth Board and Library Board meetings, and announced Stephanie Gledhill as her appointee to the Finance Commission.

Councilmember Brendon reported he and Councilmember Delgleize conducted interviews with applicants for the Jet Noise Commission.

### **CITY MANAGER'S REPORT**

City Manager Wilson reported that more information on extending the Magnolia Tank Farm EIR comment period will be provided at the February 4, 2019, City Council meeting.

### **CITY ATTORNEY'S REPORT**

#### **15. 18-637 The filing of the lawsuit, City of Huntington Beach v. State of California, challenging the Constitutionality of the State's recently enacted SB 35**

City Attorney Gates reported that on January 17, 2019, a lawsuit was filed against the State encaptioned, *Huntington Beach v. State of California, et al.*, challenging the Constitutionality of the State's recently enacted SB 35. The City Council, in a previous Closed Session, authorized the filing of the lawsuit in a 7-0 vote. The Orange County Superior Court case number is 30-2019-01044945.

## CONSENT CALENDAR

### 16. 18-625 Approved and Adopted Minutes

A motion was made by Semeta, second Posey to approve and adopt the City Council/Public Financing Authority regular meeting and Special Meetings of the Housing Authority, Parking Authority and Successor Agency minutes dated December 17, 2018, as written and on file in the Office of the City Clerk.

The motion carried by the following vote:

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

### 17. 18-642 Received and filed the Notification of a City Council Strategic Planning Session to be held on February 7, 2019

A motion was made by Semeta, second Posey to receive and file the Notification of the City Council's Strategic Planning Session scheduled for February 7, 2019.

The motion carried by the following vote:

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

### 18. 18-640 Approved the Annual Review of the City Code of Ethics

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

The motion carried by the following vote:

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

### 19. 19-095 Approved revisions to the Maddy Act Local Appointments List - 2019, to include the addition of newly established Harbor and Jet Noise commissions adopted by the City Council in late 2018

A motion was made by Semeta, second Posey to approve the Maddy Act Local Appointments List – 2019 (Revised) to include the addition of the Jet Noise Commission adopted by Council on November 19, 2018, and the Harbor Commission adopted by Council on December 17, 2018; and, direct the City Clerk to post the revised list at official posting locations (Civic Center, Huntington Central Library, and Main Street Library). Copies of the Maddy Act Local Appointments List – 2019 (Revised) will also be posted at all branch libraries and on the City's website.

The motion carried by the following vote:



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

**20. 18-582 Approved the December 2018 City of Huntington Beach Strategic Plan Update**

A motion was made by Semeta, second Posey to approve the December 2018 Strategic Objectives Update as contained within Attachment 1.

The motion carried by the following vote:

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

**21. 18-644 Approved the appointment of Amory Hanson and Mark Zambrano to the Historic Resources Board (HRB) with terms to expire July 2022 as recommended by City Council liaisons Mayor Peterson and Mayor Pro Tempore Semeta**

Councilmember Posey pulled this item to acknowledge Amory Hanson and Mark Zambrano for stepping up and volunteering to be on the Historic Resources Board. Mayor Pro Tem Semeta thanked Mr. Hanson for his continued involvement in the City and interest in serving on a commission.

A motion was made by Posey, second Brenden to approve the appointment of Amory Hanson and Mark Zambrano to the Historic Resources Board, as recommended by City Council liaisons to the Board, Mayor Peterson and Mayor Pro-tem Semeta, with terms to expire July 1, 2022.

The motion carried by the following vote:

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

**22. 19-003 Approved and authorized the City of Huntington Beach to give a six (6) month prior written Notice of Intent to Terminate from the Public Cable Television Authority (PCTA)**

Mayor Pro Tem Semeta pulled this item to ask that it be continued so that the Public Cable Television Authority (PCTA) has time to determine if they want to actually spend over \$300,000 on new equipment and hardware with full knowledge that Huntington Beach may terminate from the PCTA. She voiced her request in the form of a motion that was seconded by Councilmember Delgleize.

Councilmember Brenden explained that in his opinion, the item up for discussion is not a vote to immediately leave the Public Cable Television Authority (PCTA), but rather to issue a Notice of Intent to Terminate from the PCTA with the legally required six (6) month notice as required by Section 4 of the Joint Powers Agreement. He further explained that there is still the opportunity to reverse course during the next six (6) months, so he therefore will not support a continuation.

Councilmember Posey confirmed with Mayor Pro Tem Semeta that the continuation is for two (2) weeks, until the next City Council meeting.

A substitute motion was made by Brenden, second Peterson to authorize the City Manager to give a six (6) month prior written Notice of Intent to Terminate to the Public Cable Television Authority and to all other Members pursuant to Section 4 of the Joint Powers Agreement.

Councilmember Carr voiced her opinion that the amount discussed for an equipment purchase by the PCTA was extraordinary, and out of the norm.

The substitute motion carried by the following vote:

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

**23. 18-641 Approved and authorized execution of Amendment No. 1 to Cooperative Agreement No. C-5-3614 between Orange County Transportation Authority (OCTA) and City of Huntington Beach for I-405 Improvement Project**

A motion was made by Semeta, second Posey to authorize the Mayor and City Clerk to execute "Amendment No. 1 to Cooperative Agreement No. C-5-3614 between Orange County Transportation Authority and City of Huntington Beach for I-405 Improvement Project."

The motion carried by the following vote:

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

**24. 18-652 Approved a sole source agreement for the purchase and refurbishment of a lifeguard rescue boat with Willard Marine, Inc.**

A motion was made by Semeta, second Posey to approve the sole source agreement with Willard Marine, Inc.

The motion carried by the following vote:

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

**25. 18-588 Adopted Resolution Nos. 2019-01, 2019-02, 2019-03, 2019-04 and 2019-05 for Summary Vacation of certain existing Easements at the Pacific City Residential Development (Final Tract Map Number 16338) located at 21002 Pacific Coast Highway**

A motion was made by Semeta, second Posey to adopt Resolution No. 2019-01, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of a Pedestrian Ingress and Egress Easement on Property Located at Pacific City (Final Tract Map Number 16338);" and, adopt Resolution No. 2019-02, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Access Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and, adopt Resolution No. 2019-03, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Village Green Park and Open



Space Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and, adopt Resolution No. 2019-04, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Waterline Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and, adopt Resolution No. 2019-05, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Public Park and Open Space Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and, instruct the City Clerk to record said Resolutions (and attachments) with the Orange County Recorder.

The motion carried by the following vote:

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

**26. 18-610 Adopted Successor Agency Resolution Nos. 2019-01 and 2019-02 approving the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Huntington Beach Successor Agency for the period of July 1, 2019 through June 30, 2020, in accordance with Health and Safety Code Section 34177 and related actions**

A motion was made by Semeta, second Posey to adopt Resolution No. 2019-01, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Successor Agency Administrative Budget for the Period July 1, 2019, through June 30, 2020;" and, adopt Resolution No. 2019-02, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Recognized Obligation Payment Schedule for the Period July 1, 2019 - June 30, 2020 ('ROPS 19-20')."

The motion carried by the following vote:

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

**27. 18-626 Adopted Ordinance No. 4148 adding Chapter 10.50 to the Code, both relating to On-Street Parking Meter Zones and Off-Street City Parking Lots Approved for introduction December 17, 2018 – Vote: 7-0**

A motion was made by Semeta, second Posey to adopt Ordinance No. 4148, "An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapters 10.04, 10.52, 10.56, 10.60 and 10.68, and Adding Chapter 10.50 to the Code, Both Relating to On-Street Parking Meter Zones and Off-Street City Parking Lots."

The motion carried by the following vote:

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

**28. 18-627 Adopted Ordinance No. 4169 Amending Huntington Beach Municipal Code Chapter 3.03 Relating to Professional Services Contracts Approved for introduction December 17, 2018 — Vote: 5–2 (Posey, Delgleize – No)**

A motion was made by Semeta, second Posey to adopt Ordinance No. 4169, "An Ordinance of the City of Huntington Beach Amending Sections 3.03.020, 3.03.060, and 3.03.080 of Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services Contracts."

The motion carried by the following vote:

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

## **PUBLIC HEARING**

### **29. 19-001 Adopted Resolution No. 2019-06 modifying the Management District Plan (MDP) of the Huntington Beach Tourism Business Improvement District (HBTBID); approved execution of the terminating Grant Agreement with Visit Huntington Beach (VHB) and authorized entering into a new Memorandum of Understanding (MOU)**

City Manager Wilson introduced Deputy Director of Economic Development Kellee Fritzal who presented a PowerPoint communication entitled: *HBTBID Public Hearing* with slides titled *History of Huntington Beach TBID, HBTBID Assessment Modification, TOT Grant Agreement, Memorandum of Understanding, and Questions*.

Mayor Peterson opened the Public Hearing for Item 29. 19-001.

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

#### **#29. (19-001)**

- 1) Communication received from Deputy Director of Economic Development Kellee Fritzal submitting an executed agreement to replace the draft copy previously submitted as Attachment #3.
- 2) PowerPoint communication received from Deputy Director of Economic Development Kellee Fritzal entitled, *HBTBID Public Hearing*.
- 3) Interdepartmental Communication received from Deputy Director of Economic Development Kellee Fritzal re: *Modification to the Huntington Beach Tourism Business Improvement District*.

City Clerk Estanislau announced no one signed up to speak.

There being no speakers, Mayor Peterson closed the Public Hearing for Item 29. (19-001).

A motion was made by Posey, second Brenden to adopt Resolution No. 2019-06, "A Resolution of the City Council of the City of Huntington Beach Modifying the Management District Plan of the Huntington Beach Tourism Business Improvement District"; and, approve and authorize the Mayor and City Clerk to execute the "Mutual Agreement to Terminate the Grant Agreement between the City of Huntington Beach and Visit Huntington Beach"; and, authorize the City Manager to negotiate and execute an Agreement for Tourism Business Improvement District Management to administer the TBID activities and improvements in a form acceptable to the City Attorney along with the required budget modifications.

The motion carried by the following vote:



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

**30. 19-005 Approved for introduction Ordinance Nos. 4172, 4173, 4174, 4175, and 4176 approving Zoning Text Amendment (ZTA) No. 18-003 (Zoning and Subdivision Ordinance Update)**

City Manager Wilson introduced Community Development Senior Planner Ricky Ramos who presented a PowerPoint communication with slides titled *Request, Analysis (5), and Recommendation*. Community Development Director Ursula Luna-Reynosa further explained that the General Plan Update did not create a lot of discrepancies with the Zoning Plan, with the exception of the RT Zone, which will be addressed as a separate item in the future. This Item is Phase I of clearing up the discrepancies.

Mayor Peterson opened the Public Hearing for Item 30. (19-005).

Pursuant to the Brown "Open Meetings" Act, City Clerk Estanislau announced there was no supplemental communication, and that no one had signed-up to speak.

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

A motion was made by Posey, second Hardy to find and determine that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements CEQA (Attachment No. 1); and, approve Zoning Text Amendment No. 18-003 with findings (Attachment No. 1), and after the City Clerk reads by title(s), approve for introduction: Ordinance No. 4172, "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. 18-003);" Ordinance No. 4173, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 214 of the Huntington Beach Zoning and Subdivision Ordinance Titled PS Public-Semipublic Districts (Zoning Text Amendment No. 18-003);" Ordinance No. 4174, "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. 18-003);" Ordinance No. 4175, "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. 18-003);" and, Ordinance No. 4176, "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. 18-003)" (Attachment Nos. 3 - 7).

The motion carried by the following vote:

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

**ADMINISTRATIVE ITEMS**

**31. 19-103 Adopted Emergency Ordinance No. 4177 adding Chapter 5.100 to the Huntington Beach Municipal Code (HBMC) establishing a Sidewalk Vending Permitting and**



**Regulatory Program and repealing Section 5.50.170(F) which prohibits vending from a human powered conveyance  
Five Affirmative Votes are required to adopt per Charter Section 501**

City Manager Wilson introduced City Attorney Gates who provided background details for this item, including a new State law which became effective January 1, 2019. This Item is part of the effort to make the original Huntington Beach Municipal Code (HBMC) compliant with the State law. If this Emergency Ordinance is adopted, then the City will bring back a final ordinance within 120 days if necessary.

Councilmember Posey and City Attorney Gates discussed that this Emergency Ordinance still relies upon the City's Charter status. City Attorney Gates added that a final ordinance may be needed to address policy or process issues which may be uncovered within the next 120 days.

A motion was made by Semeta, second Brenden to, after the City Clerk reads by title, adopt Emergency Ordinance No. 4177, "An Emergency Ordinance of the City of Huntington Beach Adding Chapter 5.100 To The Huntington Beach Municipal Code Establishing A Sidewalk Vending Permitting And Regulatory Program And Repealing Section 5.50.170(F) Which Prohibits Vending From A Human Powered Conveyance."

The motion carried by the following vote:

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

**ORDINANCES FOR INTRODUCTION**

**32. 18-590 Approved the Expedite Permit Process for Electric Vehicle Charging Stations on Private Property by approving for introduction Ordinance No. 4166**

City Manager Wilson introduced Director of Community Development Ursula Luna-Reynosa who described that this item will streamline the permit process for residential homeowners, as well as private commercial property owners within the City, who may wish to install electrical vehicle charging stations on their property.

Councilmember Delgleize and Director Luna-Reynosa discussed details of the process.

Councilmember Posey and Director Luna-Reynosa discussed details related to signage and advertising codes, and whether commercial electrical vehicle charging stations provide a fuel, or a utility.

Mayor Posey and Director Luna-Reynosa also discussed the signage and advertising codes and the need for more clarity regarding commercial electrical vehicle charging stations.

Director Luna-Reynosa clarified that this Item does not change the current no-signage policy, and a future item can be brought forward for Council's direction on clarifying the commercial signage code.

A motion was made by Posey, second Peterson to, after the City Clerk reads by title, approve for introduction Ordinance No. 4166, "An Ordinance of the City of Huntington Beach Adding Chapter 17.62



to the Huntington Beach Municipal Code Regarding Expedited Electric Vehicle Charging Station Permitting."

The motion carried by the following vote:

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

**33. 18-664 Approved for introduction Ordinance No. 4171 amending the Huntington Beach Municipal Code (HBMC) by updating Chapter 17.56.200 related to emergency responder access to private property**

City Manager Wilson introduced Fire Chief Segura who provided some background details on this recommended Huntington Beach Municipal Code change to enhance resident and public safety.

Councilmember Delgleize, Fire Chief Segura and Police Lt. Dereszynski discussed some of the situations and requirements for access to parking structures, corridors and common areas in multiple family residences.

A motion was made by Delgleize, second Posey to, after the City Clerk reads by title, approve for introduction Ordinance No. 4171, "An Ordinance of the City of Huntington Beach Amending Chapter 17.56.200 of the Huntington Beach Municipal Code Regarding Security Gates."

The motion carried by the following vote:

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

**COUNCILMEMBER ITEMS**

**34. 19-097 Approved City Councilmember Item submitted by Councilmember Posey for the January 22, 2019 City Council meeting — Formation of a Charter Review Commission**

Councilmember Posey explained that in his review of the City Charter, Section 804, Charter Review, stipulates that the City Council shall determine if there is a need to convene a citizen's Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years. The last Charter Review was completed in 2009. Councilmember Posey further stated he believes it would be prudent for the Council to convene a Commission of experts to review the Charter to determine if changes are needed to preserve the City's autonomy as a Charter City.

Councilmember Delgleize and Councilmember Posey discussed details related to the composition of the Commission and process.

Councilmember Carr stated her support for conducting a Charter Review every ten (10) years.

Councilmember Brenden confirmed that he served on the Charter Review Commission in 2009, and stated his support for this item.

Councilmember Hardy expressed her recollection that in 2009 it had been nearly twenty (20) years since there had been a Charter review and there were specific issues that needed attention. She does not think there are currently Charter issues that need to be addressed, and therefore will not support this item.

Mayor Pro Tem Semeta and City Manager Wilson discussed details related to the process and costs in 2009.

Councilmember Carr suggested it would be beneficial to look at three experts in selecting a Charter Review Consultant.

Mayor Peterson stated that he agrees with Councilmember Hardy's comments, and doesn't see any specific needs that should be addressed, and therefore he will not support this item.

Mayor Pro Tem Semeta and Councilmember Hardy both stated that if the scope of the proposed Charter Review included some specific issues to be addressed they could be more supportive.

City Attorney Gates stated that the City Charter is currently as broad as it can be to invoke every authority the California Constitution affords, and in his opinion there is nothing more to do to strengthen the City Charter.

A motion was made by Posey, second Brenden to direct the City Manager to convene the Charter Review Commission to be made up of 15 members — 7 appointed individually by each of the City Council Members and 8 to be appointed by the City Council as a whole; and retain the services of a Charter Review Consultant to assist the Commission and staff in the review of the Charter.

The motion carried by the following vote:

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

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

Councilmember Posey asked that the Mayor dedicate today's meeting to the legacy and leadership of Martin Luther King, Jr.

Councilmember Delgleize announced that the Orange County Transit Authority (OCTA) is rolling out a "Less Stops and More Go" on the Beach Boulevard Bravo Line between Huntington Beach and Fullerton on February 11, 2019. She also announced that OCTA will hold a public meeting on January 26, 2019, in Costa Mesa, to address issues related to the upcoming closure of Fairview Bridge in the continuing 405 Freeway improvement project.

Councilmember Hardy reported attending The Secret Garden fundraiser at Central Library, and a very informative Social Media Parent Night sponsored by the Huntington Beach Unified School District.



Councilmember Brenden stated that he participated in the December 18th Red Cross blood drive at the Police Department and encouraged others to donate to help meet the ongoing need. Councilmember Brenden reported attending the Huntington Beach Fire Department Fire Academy Graduation Ceremony in December, the Huntington Beach Police Department Promotions Ceremony, the O. C. Forum State of the County event, and congratulated Amory Hanson and Mark Zambrano on their appointments to the Historic Resources Board.


Councilmember Carr reported touring the International Surfing Museum and reminded everyone that "Wavehog Day" is coming up on Groundhog Day, February 2, at Pier Plaza, and that she will be participating in the Point-In-Time Homeless Count, the League of California Cities Conference, and the Surf City Marathon.

Mayor Pro Tem Semeta reported attending the Huntington Beach Police Department Promotions Ceremony, a meeting of the Public Cable Television Authority (PCTA), the Downtown Business Improvement District (DBID), a Friends of the Library Luncheon, and announced that *Center on the Center* is opening at the Art Center on January 26, and announced that she is honored to have been asked by the Assistance League to serve on their Advisory Council.

Mayor Peterson reported attending the Huntington Beach Fire Department Fire Academy Graduation Ceremony in December, and meeting with Cub Scouts Pack 278 to fulfill their requirements for their "Building a Better World" adventure.

**ADJOURNMENT** at 8:08 PM, in memory of Martin Luther King Jr., to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, February 4, 2019, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

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

  
\_\_\_\_\_  
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