

Minutes

City Council/Public Financing Authority City of Huntington Beach

Monday, March 18, 2019
5:00 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/**

Based on the lack of a Study Session and time needed to cover the Closed Session items, the meeting was called to order at 5:00 PM

5:00 PM - COUNCIL CHAMBERS

CALLED TO ORDER — 5:00 PM

ROLL CALL

Present: Carr, Semeta, Peterson, Posey, and Hardy
Absent: Brenden, and Delgleize

Councilmembers Brenden and Delgleize requested, and with no objections, were granted permission to be absent pursuant to Resolution No. 2001-54

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEMS (Received After Agenda Distribution) — None

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

RECESSED TO CLOSED SESSION ITEM NOS. 1-11 — 5:01 PM

Mayor Peterson Announced: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators Fred Wilson, City Manager and Peter Brown, outside counsel; also in attendance are Gilbert Garcia, Chief Financial Officer and Michele Warren, Director of Human Resources who will be participating in today's Closed Session discussions regarding the following: Interim City Manager.

CLOSED SESSION

- 1. 19-314 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: City of Huntington Beach v. The Stephouse Recovery, Inc.; et al.; OCSC Case No. 30-2018-01025168.**

2. 19-315 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: City of Huntington Beach v. Nevaeh Re 1, LLC; OCSC Case No. 30-2018-01025173.
3. 19-316 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: City of Huntington Beach v. David Lacy, et al.; OCSC Case No. 30-2018-01025153.
4. 19-317 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: City of Huntington Beach v. Coastline Recovery LLC; et al.; OCSC Case No. 30-2018-01025162.
5. 19-318 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: City of Huntington Beach v. Anthony Roxstrom; OCSC Case No. 30-2018-010285104.
6. 19-356 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: Cody Rogers, et al. v. City of Huntington Beach, et al.; USDC Case No. 8:19-cv-00031 DOC (ADSx).
7. 19-358 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: In re: Ruby's Diner, Inc., a California Corporation, US Bankruptcy Court Case No. 8:18-bk-13311-CB.
8. 19-359 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, et al.; OCSC Case No. 30-2015-00801675.
9. 19-360 Pursuant to Government Code § 54954.5(e), the City Council recessed into Closed Session to discuss the public employment of Interim City Manager.
10. 19-363 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; also in attendance: Gilbert Garcia, Chief Financial Officer, Michele Warren, Director of Human Resources regarding the following: Interim City Manager.
11. 19-367 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, three (3).

6:00 PM - COUNCIL CHAMBERS

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

Councilmembers Brenden and Delgleize requested, and with no objections, were granted permission to be absent pursuant to Resolution No. 2001-54

ROLL CALL

Present: Carr, Semeta, Peterson, Posey, and Hardy
Absent: Brenden, and Delgleize

PLEDGE OF ALLEGIANCE — Led by Councilmember Carr

INVOCATION

12. 19-375 Reverend James Pike, Pastor of Resurrection Lutheran Church in Huntington Beach

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. 19-275 Mayor Peterson called on Victoria Alberty to present the Adoptable Pet of the Month

Ms. Alberty introduced Karen of Top Dog Barkery, who is fostering Sherman, a Shih Tzu. Sherman was found abandoned on the street and his hair was so matted it had to be shaved, but it will grow back. More details can be found at www.waggintrails.org. Last year Waggin Trails saved 350 animals from being euthanized through adoptions. Ms. Alberty also reminded everyone of the upcoming fundraiser, Wags and Wine, on June 16, 2019.

14. 19-276 Mayor Peterson called on City Attorney Michael Gates who presented the Mayor's Award to Senior Trial Counsel, Brian Williams

Senior Trial Counsel Brian Williams has been on staff since February of 2017, and has been instrumental in successfully taking cases to trial. Brian is a 35-year resident of Huntington Beach where he and his wife, Shannon, are raising four children. Brian's experience includes over 30 significant jury trials; a former Shareholder at Sullivan Ballog & Williams, LLP, a legal firm with over 15 lawyers; invited lecturer for the Orange County Bar Association College of Trial Advocacy; and he has a lot of experience handling cop cases for both the Orange County Sheriff's and the Huntington Beach Police Departments.

Mayor Peterson thanked Mr. Williams for clearly explaining and communicating details regarding legal situations to Council.

Mr. Williams introduced his wife and family, and expressed appreciation for the opportunity to work in the city where he grew up.

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 No. 21 (19-159) Police Department Modernization Project - E-mail communication received from Councilmember Brenden requesting that the item be continued.

PUBLIC COMMENTS (3 Minute Time Limit) — 8 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>.

Dave Sherkman was called to speak and shared some highlights from the recent Kite Party which he felt was probably the best one in 17 years, and had participants from literally around the world. Registration was limited to 100, and there were 99 participants. (00:12:11)

Tim Geddes, a resident of south east Huntington Beach, was called to speak and invited everyone to attend the performance of *Phantom of the Opera* by the Huntington Beach Academy of Performing Arts at Huntington Beach High School. (00:13:48)

Kathryn Levassieur, a resident of Huntington Beach, was called to speak and shared her appreciation for a number of recent community events where various Council and City staff members were involved and provided valuable information for members of the community. Mrs. Levassieur also expressed opinions about the potential sustainable revenue from Short-Term Rentals, and encouraged the City to implement processes to regulate and tax this service. (00:14:47)

David Geddes, a resident of south east Huntington Beach, was called to speak and shared his experience of cleaning up the trash and broken glass during a walk in his neighborhood, and encouraged everyone to help with keeping the City's streets clean. (00:17:36)

KC Fockler was called to speak, and as a member of the STEAM Expo Board for the Huntington Beach Union High School District, announced the STEAM Expo on Saturday, March 23, 10 am to 1 pm at Marina High School, and described some of the activities. Mr. Fockler also expressed appreciation for the recent Kite Festival and the Orange County Cherry Blossom Festival in Huntington Beach. In closing he shared his opinions regarding the Magnolia Tank Farm project. (00:20:44)

Nancy Buchoz was called to speak and shared her opinions and concerns regarding the Magnolia Tank Farm project and Draft EIR, and shared personal experiences from having two huge projects occurring simultaneously in her neighborhood. (00:23:48)

Cari Swan was called to speak and shared her opinions and concerns regarding the Magnolia Tank Farm project and Draft EIR. (00:26:59)

Natalie Moser, a 40+ year resident of Huntington Beach, and member of the Huntington Beach Human Relations Task Force, was called to speak and shared concerns and opportunities from her personal

perspective. Ms. Moser also announced an essay and art contest, Youth Voices HB. Details can be found at ochumanrelations.org/youthvoiceshb. (00:30:08)

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

Councilmember Carr reported that as Liaison for the Youth Board she attended their final meeting before the Youth in Government Day event; and as Liaison attended the Orange County River Park Board meeting which is a partnership with Costa Mesa, Newport Beach, and the Army Corps of Engineers.

CITY MANAGER'S REPORT

City Manager Wilson announced that the 3rd Annual Huntington Beach Citizens' Academy will take place from March 1 through July 22. Details are available on the City's website. For more information, contact the City's Public Information Officer Julie Toledo.

CITY ATTORNEY'S REPORT

15. 19-365 Update on Lawsuits against Illegal Residential Sober Living Businesses

City Attorney Gates provided an update on lawsuits against Illegal Residential Sober Living Businesses, stating that 4 of the 5 illegal businesses have voluntarily closed down to avoid further litigation.

CONSENT CALENDAR

Councilmember Posey pulled Item No. 21 - 19-159 regarding the Police Department Modernization Project.

16. 19-313 Approved and Adopted Minutes

A motion was made by Hardy, second Semeta to approve and adopt the City Council/Public Financing Authority regular meeting minutes dated March 4, 2019, as written and on file in the Office of the City Clerk.

The motion carried by the following vote:

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

17. 19-297 Approved the West Orange County Water Board (WOCWB) proposed budget for Fiscal Year 2019-20, including the City of Huntington Beach's share of \$487,937

A motion was made by Hardy, second Semeta to approve the WOCWB FY 2019-20 proposed operating and debt budget amount of \$649,000.

The motion carried by the following vote:

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

18. 19-239 Amended the previously approved Park Playground and Equipment Replacement Priority List and appropriate funds from the Park Development Impact Fund for installation of new playground equipment at Tarbox Park in the amount of \$91,000

A motion was made by Hardy, second Semeta to approve the amendment of the previously approved Park Playground and Equipment Replacement Priority List; and, authorize an appropriation increase of \$91,000 into Park Development Impact account 22845001.82900 for the installation of new playground equipment at Tarbox Park.

The motion carried by the following vote:

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

19. 19-304 Approved Cal OES Violence Against Women Act Grant (LE 18026860) for the 2019 calendar year

A motion was made by Hardy, second Semeta to accept the grant between the State of California, Governor's Office of Emergency Services (Cal OES) and the City of Huntington Beach; and, approve an appropriation of \$203,143, which is to be fully reimbursed by the grant from Cal OES; and, increase the Professional Services authority list to include domestic violence services.

The motion carried by the following vote:

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

20. 19-126 Adopted Resolution No. 2019-09 adopting a revised Council Manual digitally compiled to incorporate policy information previously adopted by resolution, enhance formatting, and include links to local government resource material

A motion was made by Hardy, second Semeta to adopt Resolution No. 2019-09, "A Resolution of the City Council of Huntington Beach adopting a revised Council Manual" that incorporates adopted policy and relevant government resource material into one living document, superseding all previous versions.

The motion carried by the following vote:

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

21. 19-159 Approved and authorized execution of a Professional Services Contract with Erickson-Hall Construction Co. for the Police Department Modernization Project

Councilmember Posey pulled this item to acknowledge Councilmember Brenden's Supplemental Communication requesting that this item be continued to the next meeting so that all Councilmembers can vote.

A motion was made by Posey, second Carr to continue the item to April 1, 2019.

Mayor Peterson stated that he supports proceeding with the vote because this issue has been a topic of discussion for a long time, and Councilmembers Brenden and Delgleize have had plenty of opportunity to weigh in during these discussions.

A substitute motion was made by Peterson, second Hardy to approve and authorize the Mayor and City Clerk execute the "Professional Services Contract Between the City of Huntington Beach and Erickson Hall Construction Company for Program Management Services for Modernization of the Police Department Facility."

Mayor Pro Tem Semeta, in consideration of the request to continue the item to the next meeting, asked Police Chief Handy to review the process up to this point. Chief Handy responded by describing some of the issues like repeated roof leaks and damage resulting in uninhabitable conditions, and a time-line showing how many years this topic has been addressed in one form or another to provide Council with the many details and finance options required. Chief Handy stated that this item is not to construct the building, but to finish the design and provide a Not-To-Exceed price with a thorough probing of existing conditions by looking in pipes and ducts to determine actual conditions.

Councilmember Posey reiterated his motion to continue the item based on his opinion that the absences of Councilmembers wanting to participate in a decision continued for an additional two weeks would not have a major impact on the project.

Councilmember Carr stated that in her opinion this is a very important issue, and she supports continuing the item to the next Council meeting.

Councilmember Hardy stated her opinion that this issue has gone on for way too long already and she doesn't see this item as being debatable, and suspects the two absent Council members just want to ensure that their support of this project is documented.

Mayor Peterson called for a vote. Mayor Peterson's substitute motion seconded by Hardy to approve and authorize the Mayor and City Clerk execute the "Professional Services Contract Between the City of Huntington Beach and Erickson Hall Construction Company for Program Management Services for Modernization of the Police Department Facility," carried by the following vote:

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

ADMINISTRATIVE ITEMS

- 22. 19-354 Approved City Council position on Legislation pending before the State Legislature as recommended by the City Council Intergovernmental Relations Committee (IRC)**

Mayor Peterson introduced this item by stating that full Council approval is required, especially for Item E, regarding Southern California Gas Company's request to allow customers to purchase renewable natural gas for their homes.

A motion was made by Posey, second Semeta to approve a City position of Support on Assembly Bill 136 (Quirk-Silva) -Alcohol and Drug Programs; and, approve a City position of Support on Assembly Bill 510 (Cooley) - Local Government Records; and, approve a City position of Support on Assembly Bill 1190 (Irwin) - Unmanned Aircraft: State and Local Regulations; and, approve a City position of Oppose unless Amended on Assembly Bill 377 (Garcia) - Microenterprise Home Kitchen Operations; and, authorize the Mayor to send a letter of support to the California Public Utilities Commission in support of Southern California Gas Company's request to allow customers to purchase renewable natural gas for their homes.

The motion carried by the following vote:

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

ORDINANCES FOR INTRODUCTION

23. 19-312 Adopted Resolution No. 2019-13 adopting revised Orange County Taxi Administration Program (OCTAP) regulations and approved for introduction Ordinance No. 4178 amending Huntington Beach Municipal Code Chapter 5.48 relating to Taxi Cabs

City Manager Fred Wilson introduced this item by providing some background details, including the increasing financial burden on the City as the Taxi Administration Program is affected by the increase of other travel options such as Lyft and Uber.

A motion was made by Posey, second Hardy to adopt Resolution No. 2019-13, "A Resolution of the City Council of the City of Huntington Beach Adopting Revised Orange County Taxi Administration Program Regulations;" and, after the City Clerk reads by title approve for introduction Ordinance No. 4178, "An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 5.48 Taxi Cabs."

The motion carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carr reported attending the Kite Party, and announced that next year the event will be held on March 7th and 8th. She also reported on activities at the Youth in Government Day, United to End Homelessness, and Arbor Day events; attended the HB Fire Department Awards and Recognition Ceremony; the Wintersburg-Furuta Public Art Dedication with the Consulate of Japan; the OC Cherry

Blossom Festival, and highly recommended the HB Academy of Performing Arts *Phantom of the Opera* performance.

Mayor Pro Tem Semeta reported attending the Local Government Finance Committee meeting where she is co-chair; Student Day of Dialogue; Southern California Association of Government (SCAG) Regional Council, and Economic and Human Development Sub-committee meetings; a meeting of the Inter-governmental Relations Committee (IRC); the 3/1 Marines 5k Fun Run/Walk; Pacific City/Pasea/Hilton/Hyatt's Business Roundtable; Illumination Foundation Facilities Tour; Youth in Government Day; AES Facility Tour; Every 15 Minutes (Accident) Assembly at Marina High School; representing the City at the Wintersburg-Furuta Public Art Dedication with the Consulate of Japan; and attending the Cherry Blossom Festival.

Councilmember Posey reported attending the Orange County Government Leaders' Prayer Breakfast; Southern California Association of Government (SCAG) Economic and Human Development Sub-committee, and Orange County Parks meetings, and briefly described topics of discussion.

Councilmember Hardy reported attending the Student Day of Dialogue; the 3/1 Marines 5k Fun Run/Walk; participating in Youth in Government Day directed by the Youth Board; attended Every 15 Minutes (Accident) Assembly at Marina High School; and also highly recommended the HB Academy of Performing Arts *Phantom of the Opera* performance.

Mayor Peterson reported attending the 3/1 Marines 5k Fun Run/Walk; Troop 1226 Eagle Court of Honor for Jason Gong, Michael Riley and Benjamin Teske; Pacific City/Pasea/Hilton/Hyatt Business Roundtable; the Retirement Celebration for Division Chief/Fire Marshal Bill Reardon; HB Fire Department Awards and Recognition Ceremony; HB Tomorrow's Annual Meeting and Town Hall; OC Cherry Blossom Festival; and the Wintersburg-Furuta Public Art Dedication with the Consulate of Japan.


RECESSED TO CLOSED SESSION REGARDING ITEMS #8, #9 and #11 — 7:15 PM

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 7:45 PM

CLOSED SESSION ANNOUNCEMENT: "In a unanimous Closed Session vote, Lori Ann Farrell was appointed interim City Manager."

ADJOURNMENT — At 7:45 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, April 1, 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