

Minutes

City Council/Public Financing Authority City of Huntington Beach

Monday, September 19, 2016
4:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 4:00 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/**

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

4:30 PM - COUNCIL CHAMBERS

CALL TO ORDER — 4:31 PM

ROLL CALL

Pursuant to Resolution No. 2001-54, Councilmember Sullivan requested, and was granted, permission to be absent.

Present: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
Absent: Sullivan

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Study Session No. 1. A PowerPoint presentation submitted by Antonia Graham, Assistant to the City Manager, dated September 2016, entitled *Broadband Strategic Plan — City of Huntington Beach, California*.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS

(3 Minute Time Limit) Speakers — 1

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/>.

Dan Kalmick was called to speak and as a small business owner shared his opinion regarding lack of broadband for businesses in the City of Huntington Beach and asked staff to continue moving this item forward. (00:00:55)

STUDY SESSION

1. Presentation on the findings and recommendations from the Broadband Strategic Plan study by CTC Technology and Energy

City Manager Fred Wilson introduced Mr. Thomas Asp, Principal Analyst, CTC Technology & Energy, who made a PowerPoint presentation entitled *Broadband Strategic Plan*, that included the following titled slides: *Project Background, City's Objectives, Target Economic Focus Areas, Gaps in Broadband Service Availability, Broadband Deployment Objectives & Challenges, Common Goal Alignment, Interactions Between Objectives, Broadband Deployment Objectives & Challenges, Recommendations, Business Model A, Business Model B, Questions and Contact Information.*

Councilmember Peterson and Mr. Asp discussed existing and additional fiber to business parks (not to every lot), and that businesses are looking for more than DSL service. The City is looking at expanding fiber for traffic signals, some of which could be leased. A "Dig-Once" ordinance would increase efficiencies and reduce costs for all of the different constructions.

Councilmember Delgleize and Mr. Asp discussed that a "Dig-Once" ordinance was not within this scope, and confirmed that the electrical poles previously purchased by the City could be used by wireless and small cell providers. They also discussed that providing the broadband fiber "tool" would assist with bringing businesses and additional revenue to the City of Huntington Beach.

Councilmember O'Connell and Mr. Asp discussed how the study did not address project costs and benefits (including financial) to the city as a whole.

Councilmember Hardy stated that in her opinion good internet access is crucial for businesses and residents and she will support moving forward with a "Dig Once" ordinance and the RFI/RFP for a Broadband Strategic Plan.

Councilmember Delgleize concurred with all the ideas and recommendations of the other Councilmembers and supports asking staff to look into the project further.

Mayor Katapodis requested that staff look at what the City of Santa Clarita and other California cities similar to the City of Huntington Beach have done in regard to broadband.

Councilmember O'Connell requested that staff review the projected benefits for like-sized cities in California.

Councilmember Peterson requested staff to make sure to look at other California cities that rent dark fiber to the types of businesses that exist in Huntington Beach. Mr. Asp suggested that the City also look at cities with the types of businesses Huntington Beach would like to attract.

Councilmember Posey stated his opinion that comparable as well as non-comparable cities should be studied in order to embrace the technology that is here, and stated his support for going forward and doing more investigation.

RECESS TO CLOSED SESSION – 4:57 P.M.

A motion was made by Delgleize, second O'Connell to recess to Closed Session for Item 2.

With no objections, the motion carried.

CLOSED SESSION

- 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: Estela Miranda vs. City of Huntington Beach, WCAB Case No. ADJ8599833; Claim No. COHB-12-0242.**

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:02 PM

ROLL CALL

Pursuant to Resolution No. 2001-54, Councilmember Sullivan requested, and was granted permission to be absent.

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

CLOSED SESSION REPORT BY CITY ATTORNEY — None

PLEDGE OF ALLEGIANCE — Led by Councilmember Hardy

INVOCATION — Led by Penny Nichols of the Church of Jesus Christ of the Latter Day Saints 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.

ROLL CALL

Present: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
Absent: Sullivan

AWARDS AND PRESENTATIONS

Mayor Katapodis called on Victoria Albery who presented the Adoptable Pet of the Month. The German Shepherd Rescue of Orange County (gsrccoc.net), brought Bonnie and Clyde, approximately 4-month old puppies found in a land fill, probably a Labrador/Shepherd mix.

Mayor Katapodis called on Fire Chief David Segura to present a proclamation for National Disaster Preparedness Month. Chief Segura shared some suggestions and resources so that residents and the community can be prepared for an emergency situation.

Mayor Katapodis called on Police Chief Robert Handy to present the Mayor's Award to Ron Davis, Facilities Maintenance Crew Leader. Mr. Davis, a 6-year employee, manages the maintenance for all of the Police Department facilities. Ron is one of 128 Huntington Beach Police Department civilian

employees who support the Department. He willingly comes out, even in the middle of the night if necessary, to respond to maintenance issues in the 40-year old Police Department building, the Sub-Stations, the Heliport, and the Search and Rescue facility. He is always looking for quicker and cheaper ways to maintain and repair these facilities. Chief Handy shared the Department's appreciation for the great service provided by Mr. Davis.

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

PUBLIC COMMENTS (3 Minute Time Limit) — 7 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>.

Penny Patino was called to speak and shared her opinions about the unsightly and odorous trash dumpsters at 11th and Pacific Coast Highway, and the unnecessary noise from operation of beach equipment during the night. Mayor Katapodis asked her to complete a blue follow-up card. (01:01:34)

Spencer Hagaman, Ocean View High School Associated Student Body Vice President, was called to speak and invited City Council and the community to support the school's Pink-Out game to help fight breast cancer on Thursday, September 22, at 7 p.m. (01:04:43)

Mike Whitaker, joined by Tonya, was called to speak and shared details for the 2nd Annual Veterans Honor Ride, a motorcycle charity ride on November 6, leaving the Huntington Beach Pier at 10 a.m. There will also be a community motorcycle and car wash on Sunday, September 25, at the corner of Edinger and Magnolia at the 7-11 gas station. (01:05:48)

Chuck Johnson was called to speak and shared his opinions about Gina Clayton-Tarvin, candidate for Ocean View School District Trustee. (01:08:04)

Chris Epting was called to speak and shared concerns about receiving what he described as threatening social media comments in response to his voiced opinions about Gina Clayton-Tarvin, candidate for Ocean View District Trustee. (01:09:50)

Kathryn Gonzalez was called to speak and declared her candidacy as a candidate for Ocean View School District Trustee. She described herself as fiscally conservative, and asked for votes. (01:13:04)

Norm Westwell was called to speak and declared his candidacy for Ocean View School District Trustee, and asked for votes. (01:13:55)

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

Councilmember Hardy announced that as a Liaison to the Environmental Board, she wanted the community to be aware of the Student Art Contest. Details can be found at the City's website/Environmental Board, or email hbartcontest@gmail.com. She also announced the HB Reads One Book Program has selected *The Hotel on the Corner of Bitter and Sweet* by Jamie Ford for this year's community-wide program. The author will come and speak to high school students and the community next March. Further details can be found at hbreads.org.

Mayor Katapodis reported attending the Orange County Transit Authority (OCTA) Legislative meeting and the Orange County Sanitation District (OCSD) Administration meeting.

CITY MANAGER'S REPORT

City Manager Fred Wilson provided an update on the success of the Coastal Cleanup Day events held on Saturday, September 17 at City Beach and Central Park. About 40 volunteers at Central Park picked up about 700 lbs. of trash. There were about 250 volunteers cleaning up the beachside of Pacific Coast Highway who picked up over 900 lbs. of trash. He also thanked the Police Department for assembling Recruits at Central Park on Sunday, September 18 to continue with the cleanup efforts, Public Works staff and volunteers for their efforts in a successful event.

CONSENT CALENDAR

Councilmember Delgleize pulled Item No. 7 for further discussion.

1. City of Huntington Beach Strategic Plan Updates

A motion was made by O'Connell, second Posey to receive and file the Six-Month Strategic Objectives

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

2. Approved appointments to the Children's Needs Task Force (CNTF) as recommended by City Council liaisons Delgleize and O'Connell

A motion was made by O'Connell, second Posey to approve the reappointments of student representatives Erika Augenstein and Daryn Nguyen to a third one-year term of September 1, 2016, to August 31, 2017; and, approve the reappointment of student Dawit Habteab to a second one-year term of September 1, 2016, to June 30, 2017; and, accept the resignation of Marlene McIlroy and approve the appointment of adult representative Jennifer Kinkel to fill the partial term of September 1, 2013, to August 31, 2017; and, approve the appointment of adult representatives Michelle Edelson, Meagan Kinsey, Steven McCloskey, and Deborah Reisdorph to a first four-year term of September 1, 2015, to August 31, 2019.

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

3. Adopted Resolution No. 2016-44 amending the City's Conflict of Interest Code Biennial Review

A motion was made by O'Connell, second Posey to adopt Resolution No. 2016-44, "A Resolution of the City Council of the City of Huntington Beach Amending Its Conflict of Interest Code."

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

4. Adopted Resolution No. 2016-64 Approving the Application for Grant Funds from the Habitat Conservation Fund Program

A motion was made by O'Connell, second Posey to adopt Resolution No. 2016-64, "A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds from the Habitat Conservation Fund Program."

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

5. Approved Subdivision Agreement and Bonds for Final Tract Map No. 17930 for the Newland Condominium Subdivision by The Olson Company located on the west side of Newland Street, approximately 220 feet south of Slater Avenue

A motion was made by O'Connell, second Posey to approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and Olson — Huntington Beach 3, LLC for Tract Map No. 17930, accept security bonds, and instruct the City Clerk to file the following security bonds with the City Treasurer:

- a) Faithful Performance Bond number PB03010402994; and
- b) Labor and Material Bond number PB03010402994; and
- c) Monument Bond number PB030104029

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

6. Approved a New Lease Agreement between the City of Huntington Beach and Ruby's Huntington Beach LTD for Operation of the Ruby's Huntington Beach Pier Restaurant

A motion was made by O'Connell, second Posey to approve "Lease between the City of Huntington Beach and Ruby's Huntington Beach, LTD., for Operation of a Restaurant on the Huntington Beach Pier;" and, authorize the Mayor and City Clerk to execute the Lease Agreement and other related documents.

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson

NOES: None
ABSENT: Sullivan

7. Approved and authorized execution of a Promotional Agreement with Toyota Motor Sales USA, Inc. for provision of vehicles for Marine Safety and Beach Operations

Councilmember Delgleize congratulated Toyota Motor Sales of USA for their contributions to the community.

Councilmember Peterson confirmed that other dealers are not excluded from participating in City sponsored events.

A motion was made by Delgleize, second O'Connell to approve and authorize the Mayor and City Clerk to execute the "Promotional Agreement Between the City of Huntington Beach and Toyota Motor Sales, Inc." for the provision of 19 vehicles at no cost to the City for two years, with two (2), 2-year options for use by the Marine Safety Division of the Fire Department and the Beach Operations Division of the Community Services Department.

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

8. Approved and authorized execution of the Implementation of a Tenant-Based Rental Assistance (TBRA) Program between the City and Mercy House, approved an appropriation of funding for the program, and approved budget adjustments to various HOME budgets

A motion was made by O'Connell, second Posey to approve and authorize the City Manager and City Clerk to execute a two-year "HOME Recipient Agreement Between the City of Huntington Beach and Mercy House" for the implementation of a Tenant-Based Rental Assistance (TBRA) program and approve the budget adjustments for the amounts indicated above to reconcile the various HOME federal grant funds; and authorize the City Manager to sign all necessary documents to effectuate the Agreement with Mercy House, any future minor amendments to contract, and/or US Department of Housing and Urban Development (HUD) documents, as approved to form by the City Attorney.

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

9. Approved and Authorized Professional Services Contract Between the City and Enterprise Technology Services, LLC in the amount of \$160,000 for JD Edwards Business Process Discovery, Gap Analysis and As Needed Support Services

A motion was made by O'Connell, second Posey to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract between the City and Enterprise Technology Services, LLC for JD Edwards Business Process Discovery, Gap Analysis and As Needed Support Services."

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
 NOES: None
 ABSENT: Sullivan

- 10. Adopted Ordinance Nos. 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102 and 4103 - Zoning Text Amendment No. 16-001 (Huntington Beach Zoning and Subdivision Ordinance Department Name Change)**
 Approved for introduction September 6, 2016 - Vote: 6-0-1 (Delgleize out of room)

A motion was made by O'Connell, second Posey to approve Zoning Text Amendment No. 16-001 by adopting Ordinance Nos.: Ordinance No. 4089, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 203.06 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions to Amend the Definition of Director (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4090, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 210.16 of the Huntington Beach Zoning and Subdivision Ordinance Titled Residential Districts (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4091, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 211.04(Q) and Section 211.08 of the Huntington Beach Zoning and Subdivision Ordinance Titled C Commercial District (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4092, "An Ordinance of the City Council of the City of Huntington Beach Amending Sections 212.04 L-11 C, 212.04 L-12(L), 212.04 L-12(S) and 212.08 of the Huntington Beach Zoning and Subdivision Ordinance Titled I Industrial Districts (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4093, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 213.10 of the Huntington Beach Zoning and Subdivision Ordinance Titled OS Open Space District (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4094, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 218.02, 218.04(H) and 218.12 of the Huntington Beach Zoning and Subdivision Ordinance Titled M Mixed Use - Transit Center District (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4095, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 222.10D of the Huntington Beach Zoning and Subdivision Ordinance Titled FP Floodplain Overlay District (FP1, FP2, FP3) (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4096, "An Ordinance of the City Council of the City of Huntington Beach Amending Sections 230.10D, 230.22D, 230.46A7, 230.46C10, 230.52J, 230.94, 230.96E1 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4097, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 233.04 of the Huntington Beach Zoning and Subdivision Ordinance Titled Signs (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4098, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 241.24 of the Huntington Beach Zoning and Subdivision Ordinance Titled Conditional Use Permits and Variances — Temporary Use Permits — Waiver of Development Standards (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4099, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance Titled Coastal Development Permit (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4100, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 246.04 of the Huntington Beach Zoning and Subdivision Ordinance Titled Development Agreements (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4101, "An Ordinance of the City Council of the City of

Huntington Beach Amending Section 250.12F of the Huntington Beach Zoning and Subdivision Ordinance Titled General Provisions (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4102, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 257.08 of the Huntington Beach Zoning and Subdivision Ordinance Titled Mergers (Zoning Text Amendment No. 16-001);" and, Ordinance No. 4103, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 214.10 of the Huntington Beach Zoning and Subdivision Ordinance Titled PS Public-Semipublic District (Zoning Text Amendment No. 16-001)."

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

11. Adopted Ordinance No. 4105 amending Section 2.76.010 of the Huntington Beach Municipal Code (HBMC) to add Deputy Community Prosecutor; and authorized Employment Contract

Approved for introduction September 6, 2016 - Vote: 7-0

A motion was made by O'Connell, second Posey to adopt Ordinance No. 4105, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Section 2.76.010 Thereof Related to Exclusions from Competitive Service."

The motion carried by the following vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize, and Peterson
NOES: None
ABSENT: Sullivan

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Peterson reported attending the Patriots' Day Memorial Event at City Hall, the American Legion Patriots' Day Memorial Event at Pier Plaza, and the Grand Reopening Celebration at Lake View Elementary School and Classroom Tour to Observe the STEAM Experience in Action.

Councilmember Hardy thanked both Police and Fire Departments for the 9/11 Memorial at City Hall, and the American Legion for hosting the Patriots' Day Memorial at Pier Plaza. She also attended the 28th Annual Senior Saturday Community Festival at Pier Plaza, and thanked the organizations that participated as well at Community Services staff.

Councilmember O'Connell reported attending the Orange County Taxpayers Association Roses & Radishes event, the Patriots' Day Memorial Event at City Hall and thanked the Police and Fire Departments as well as the committee members who spent years on this project. He also reported attending the American Legion Patriots' Day Memorial Event at Pier Plaza, the 50th Anniversary of Golden West's Opening Day, the Annual Pacific Islander Festival at Central Library Park, Huntington Beach Police Department Open House, Meet Local Olympians at Pier Plaza, Huntington Beach Chamber of Commerce AM Connect meeting and thanked local businesses for being an important part of the revenue stream for the services provided by the City, and the Global Award for Justice event at the Island Hotel in Newport Beach.

Councilmember Posey reported attending the Orange County Taxpayers Association Roses and Radishes event, Patriots' Day Memorial Event at City Hall, and Surf City Days at various Downtown locations.

Councilmember Delgleize reported attending the Annual Blessing of the Waves at Pier Plaza, and the Patriots' Day Memorial Event at City Hall. She thanked everyone who had a part in the creation of the 9/11 Memorial and selecting the perfect location.

Mayor Katapodis reported attending the Orange County Taxpayers Association Roses and Radishes event, the 28th Annual Senior Saturday Community Festival at Pier Plaza, the American Legion Patriots' Day Memorial Event at Pier Plaza, Graduation Ceremony for Goldenwest College Police Academy, and the Patriots' Day Memorial Event at City Hall. It was five years of team effort to completion and special thanks were extended to Dennis Hashin and Mary Lou Shattuck.

ADJOURNMENT — At 6:45 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, October 3, 2016, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.



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