

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, February 16, 2016
4 00 PM - Council Chambers
6 00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

4:00 PM - COUNCIL CHAMBERS

CALLED TO ORDER — 4:00 PM

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan L. Flynn announced supplemental communication received by the City Clerk's Office following distribution of the Council agenda packet for

Study Session Item No. 1, a PowerPoint presentation submitted by Police Chief Robert Handy entitled, *Animal Services*, and a PowerPoint presentation submitted by Police Chief Robert Handy, on behalf of Orange County Animal Care entitled, *OC Animal Care — City of Huntington Beach*

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

STUDY SESSION

- 1. City and County staff presented the plans and costs associated with the newly proposed Orange County Animal Shelter. City staff presented history, costs, and options for animal care and control in the City of Huntington Beach.**

Police Chief Robert Handy introduced Orange County Animal Care representatives Dr. Jennifer Hawkins, Director of Animal Control and Steve Franks, Community Services Director. Chief Handy provided a PowerPoint presentation dated February 16, 2016, entitled *Animal Services* that included the following titled slides: *Orange County Animal Care, Other Contracting OC Cities, Review of Non-Contracting Cities for Alternatives, Past Five Years, and New County Shelter*

Dr Hawkins presented a PowerPoint presentation entitled *OC Animal Care — City of Huntington Beach* that included the following titled slides *2015 Huntington Beach Statistics, 2015 Huntington Beach Field Statistics, Five Year Cost Comparison, 2015 Grand Jury Report*

Mr Franks continued by presenting slides titled *OC Animal Care — Design Build Two Steps and Questions?*

Councilmember Peterson and Dr Hawkins discussed the Feral Cat/Feral Free Program, and the Grand Jury's underlying objection to OC Animal Care's actions There was further discussion between Councilmember Peterson and Dr Hawkins regarding policies that may keep coyotes returning to the area, and that a trap and kill policy for feral cats appears to be unsuccessful

Mayor Pro Tem Sullivan asked how a city's annual fee, and share of the cost for the new facility is determined Mr Franks responded that a city's previous year's percentage use of services provides the basis to determine annual fees With respect to new shelter costs, an average of the last five years of shelter days of use was determined for each city and that percentage was applied to the costs If a city used an average five percent of the shelter days, then that city would pay five percent of the new shelter costs

Councilmember Posey and Dr Hawkins discussed Federal and State regulation restrictions for transporting of controlled substances, such as tranquilizers, euthanasia solutions, etc , by animal control officers

Councilmember Hardy asked if cost increases shown in the presentation were due to other cities leaving the service in the last few years Mr Franks stated that only one city (which represented less than one percent of total cost) has left the program in the last eight years

RECESSED TO CLOSED SESSION — 4 24 PM

Mayor Katapodis Announced Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator, City Manager Fred Wilson, who will be participating in today's Closed Session discussions regarding labor negotiations with Fire Management Association (FMA), Huntington Beach Firefighters' Association (HBFA), Huntington Beach Municipal Employees' Association (MEA), Management Employees' Organization (MEO), Huntington Beach Police Officers' Association (POA), Police Management Association (PMA), Marine Safety Management Association (MSMA), and/or Surf City Lifeguard Employees' Association (SCLEA)

CLOSED SESSION -4 25 PM

2. 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. Lee, et al., Orange County Superior Court Case No. 30-2009-00329477, regarding enforcement of the Affordable Housing Covenant at Unit B-13 of Brisas del Mar, located at 409 E. Utica.**
3. 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: **Michael Perry vs. City of Huntington Beach, WCAB Case Nos. ADJ13103314 and ADJ10046194, Claim Nos. COHB-11-0258 and COHB-12-0334.**

4. 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: The Kennedy Commission, et al. v. City of Huntington Beach, Orange County Superior Court Case No. 30-2015-00801675, which concerns a challenge to the City Council action amending the Beach and Edinger Corridors Specific Plan.
5. 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. Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators and Fred Wilson, City Manager regarding the following: Fire Management Association (FMA), Huntington Beach Firefighters' Association (HBFA), Huntington Beach Municipal Employees' Association (MEA), Management Employees' Organization (MEO), Huntington Beach Police Officers' Association (POA), Police Management Association (PMA), Marine Safety Management Association (MSMA), and/or Surf City Lifeguard Employees' Association (SCLEA).

A motion was made by Delgleize, second O'Connell to recess to Closed Session for Items #2 through #6

The motion carried by the following vote

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

6:00 PM – COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:16 PM

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Michael Gates reported that during the Closed Session the City Council provided authority for him to file an appeal for City of Huntington Beach v Lee, et al , Orange County Superior Court Case No 30-2009-00329477

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Mayor Pro Tem Sullivan

INVOCATION - Led by Rev Dr Peggy Price of the Seal Beach Center for Spiritual Living and 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

AWARDS AND PRESENTATIONS

Mayor Katapodis called on Victoria Alberty and Gisela Campagne to present the Adoptable Pet of the Month.

Victoria introduced Jennifer with ICare, who introduced a 5-year old male Pinscher, Indy. For more information, visit ICAREDOGRESCUE.ORG

Mayor Katapodis called on Public Works Director Travis Hopkins who presented the Mayor's Award to Traffic Signal/Light Crew Leader, George Ruff.

George started his career with the U S Coast Guard, working in the engine room of ships. In 1987 he joined the City staff as an electrician in Sewer Maintenance working on the lift stations. He transferred to Signal and Lighting Maintenance in 1991. In 2006 he became the Crew Leader, responsible for maintaining all City-owned street lights, sports and parking lot lighting at the various parks throughout the City. He may find himself in a lift bucket, working above street traffic, as well as maintaining older, high-voltage street light systems. He is also on call 24 hours per day. He is a proven leader with an inquisitive and creative nature which has been beneficial in keeping abreast of the new electronic components, software and equipment. He was instrumental in the review of all the City's lights during the past four years and helping to identify appropriate replacement lighting systems and fixtures. George has a very good Customer Service record, whether he is explaining changes due to new light installations to residents or adjusting the lights for the pickle ball players. In his spare time he is an avid whitewater rafter and kayaker.

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>

Stephanie Deagle, Relay for Life volunteer, announced the 21st Annual Relay for Life, a twelve-hour event in Central Park West on Saturday, April 30, to raise funds for The American Cancer Society. This event will have activities for all ages. Further information can be found at www.relayforlife.org/huntingtonbeachca or www.acs.com (00 44 49)

Maureen spoke in support of the plan for a Veterans' Center at the former Rodgers Seniors' Center (00 47 37)

Gino J. Bruno spoke in opposition to the upcoming recommendations regarding zoning changes for eight sites within the City that would permit high density development. (00 48 58)

Victor Valladares, spoke on behalf of Oak View Comunidad in opposition to Agenda Item No. 10 related to Refuse Management aligning with the new State of California mandatory commercial organics recycling statute. (00 51 41)

Margaret Friedman, Ocean View School District, Teachers' Association Union President, spoke in opposition to Agenda Item No 10 related to Refuse Management aligning with the new state of California mandatory commercial organics recycling statute (00 54 48)

Mel Craig spoke on behalf of hot rod owners and asked for Council's support to ensure that Huntington Beach is recognized as Hot Rod City USA (00 56 29)

Gina Clayton-Tarvin, President, Ocean View School District Board of Trustees, spoke in opposition to Agenda Item No 10 related to Refuse Management aligning with the new State of California mandatory commercial organics recycling statute (00 59 56)

COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Councilmember O'Connell reported meeting with some Fire Department and Police Department staff as well as meeting with some business owners who were having issues with permitting processes

Councilmember Peterson reported attending the monthly Southern California Association of Government (SCAG) meeting as well as an Orange County Sanitation District (OCSD) meeting

Mayor Katapodis reported attending the Orange County Transportation Authority (OCTA) and Southern California Association of Government (SCAG) meetings

CITY MANAGER'S REPORT

1. Presentation by the Office of Business Development regarding activities and programs to enhance economic development opportunities within the City

Deputy Director of Economic Development, Kellee Fritzal, shared a PowerPoint presentation entitled, *Business Development*, and described existing and new ways in which the City is reaching out to enhance economic development opportunities

Councilmember O'Connell and Deputy Director Fritzal discussed growth for new business in the next couple of years which is projected at two percent

Councilmember Posey asked if there has been any new business activity as a result of the RMZD (Recycling Manufacture Zoning District overlay) Director Fritzal responded that the City is trying to attract a business from Newport Beach that is interested in utilizing Huntington Beach's loan program Councilmember Posey further asked if there is a plan to attract action sports organizations Director Fritzal explained that staff is currently compiling a list of conferences, trade shows and magazines that focus on manufacturing and retail When that list is available, then Council will be asked to help define the focus Site selection tours can be implemented, as well as incentive packages such as reduced fees for businesses that bring in high retail volume, or high paying jobs Councilmember Posey and Director Fritzal discussed that new restaurants are being sought to fill vacancies and an auto dealership is currently looking at a second location within the City

Mayor Katapodis and Director Fritzal discussed whether the Business Office is informing those getting business licenses about the website link for accessing City bid opportunities Director Fritzal explained

that the new Business Development and City's websites will have step-by-step details on doing business with the City

Councilmember Posey asked resident Mel Craig what he is doing to bring hot rod related business to the Hot Rod Capital Mr Craig responded that he is trying to build a membership-based group of hot rod owners (average age of 50) who have money to spend on their cars and in the community Mr Craig stated his effort is focused on getting the vendors that build, modify, paint and service hot rods into a network with the owners, and scheduling hot rod shows to bring all the players to Huntington Beach Director Fritzel also stated that the Business Development Office is aware of this effort and will be focusing on ways to communicate with this group

CONSENT CALENDAR

Councilmember Peterson pulled Consent Calendar Item No 6 for further discussion Items in the minutes appear in their original order

2. Approved and adopted minutes

A motion was made by Delgleize, second Sullivan to review and adopt the City Council special meeting minutes dated January 28, 2016, and the City Council/Public Financing Authority regular meeting minutes dated February 1, 2016, as written and on file in the office of the City Clerk

The motion carried by the following vote

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

3. Received and filed the City of Huntington Beach Six-Month Strategic Plan Update

A motion was made by Delgleize, second Sullivan to approve the Six-Month Strategic Objectives as attached and receive and file the report

The motion carried by the following vote

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

4. Accepted resignation and approved appointment of representative for the Westminster School District to the Community Services Commission (CSC)

A motion was made by Delgleize, second Sullivan to accept the resignation of Shay Reardon as representative of the Westminster School District on the Community Service Commission and approve the appointment of Amy Kwon for partial term to expire June 30, 2016

The motion carried by the following vote

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

5. Awarded and authorized execution of a construction contract in the amount of \$222,600 to The Stone Collector for the Heil Fire Station Tenant Improvement Project, CC-1535; and, authorized 15% contingency for change orders

A motion was made by Delgleize, second Sullivan to accept the lowest responsive and responsible bid submitted by The Stone Collector, in the amount of \$222,600, and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney, and, authorize the Director of Public Works or City Engineer to expend up to 15% contingency to cover unanticipated change orders

The motion carried by the following vote

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

6. Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with The R.J. Noble Company in the amount of \$1,331,231.15 for the Gothard Street Rehabilitation and Center Avenue Rehabilitation Project, CC-1496

Councilmember Peterson pulled this item to ask Public Works Director Hopkins to explain, for the benefit of the public, about the re-asphalting of these streets. Director Hopkins explained that the developers of the recent development projects along Gothard Street and Center Avenue are required to pave their portion of the frontages. In addition to the three different developments, Orange County Transportation Authority (OCTA) also had a project on Center Avenue, as well as the City. In order to not have five different paving companies involved in re-paving these areas, the City decided to make this one project and each developer is responsible to pay their pro-rata share of the project to the City. The developer fees have been paid and this item is the City's portion so the project can proceed if approved.

A motion was made by Peterson, second Hardy to accept the lowest responsive and responsible bid submitted by The R J Noble Company in the amount of \$1,331,231.15, and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote

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

7. Approved update to Master Plan of Recreational Uses for Central Park to identify 7.5 acres as a Raptor Foraging Habitat Area as a mitigation measure for the Senior Center in Central Park and potential permanent development of the temporary parking lot adjacent to Shipley Nature Center

A motion was made by Delgleize, second Sullivan to approve an update to the Master Plan of Recreational Uses for Central Park to identify 7.5 acres, south of the Dog Park and west of the Equestrian Center, as a raptor foraging habitat area.

The motion carried by the following vote

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

8. Approved and authorized execution of a revised Amendment to the 2009 Waste Disposal Agreement between City of Huntington Beach and County of Orange with a revised effective date of June 30, 2016

A motion was made by Delgleize, second Sullivan to approve and authorize the Mayor and City Clerk to execute the revised "Amendment to Waste Disposal Agreement between the County of Orange, California and the City of Huntington Beach" with the new Amendment effective date of June 30, 2016

The motion carried by the following vote

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

9. Adopted Ordinance No. 4081 and authorized execution of a Pipeline Franchise Agreement with Texaco Downstream Properties, Inc. for the operation and maintenance of an existing pipeline system for the transportation of oil, gas, and other hydrocarbon substances. Approved for introduction February 1, 2016, Vote: 7-0

A motion was made by Delgleize, second Sullivan to adopt Ordinance No 4081, "An Ordinance of the City of Huntington Beach Granting to Texaco Downstream Properties, Inc , A Delaware Corporation, a Franchise to Lay, Construct, Maintain, Operate, Renew, Repair, Alter, Remove or Abandon in Place One or More Existing Pipes and Pipelines for the Collection, Transportation or Distribution of Hydrocarbon Substances in the City of Huntington "

The motion carried by the following vote

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

ORDINANCES FOR INTRODUCTION

10. Introduced Ordinance 4079 amending Chapter 8.21 of the Huntington Beach Municipal Code (HBMC) related to Refuse Management by aligning with the new State of California mandatory commercial organics recycling statute

Travis Hopkins, Director of Public Works, introduced Public Works Sr Admin Analyst, Debra Jubinsky who presented a PowerPoint staff report and update on Ordinance 4079

John Briscoe, Ocean View School District Trustee, stood at the speaker's podium and asked to be recognized Mayor Katapodis responded that the time for Public Comments was earlier in the meeting and he would not recognize Mr Briscoe at this time

Councilmember Peterson asked if organic waste would be taken to the Nichols Street facility Director Hopkins replied that currently there is an Air Quality Management District (AQMD) restriction/abatement in place that does not allow Rainbow to take recyclable organics to their facility This Ordinance will not supersede the AQMD restriction When Rainbow meets all of the AQMD and CalRecycle requirements

they would have to follow those rules. This Ordinance is only to ensure that the City meets the State requirements, provides an enforcement method, and requires businesses to meet the State mandate.

Councilmember O'Connell asked if Rainbow would be able to bring recyclable organics to their location after they complete the enclosure process. Director Hopkins stated they might be able to, but this Ordinance doesn't change whether or not that will be allowed.

Councilmember O'Connell asked how many employees Rainbow has. Mr. Snow of Rainbow Environmental Services, replied there are 354 employees. When asked by Councilmember O'Connell how many of Rainbow's 354 full-time employees come from the Oak View neighborhood, Mr. Snow stated in excess of 70 employees and their families.

Director Hopkins stated there is a report by Rainbow that provides details on organics and how a program is being developed to meet the State mandate.

Councilmember Delgleize asked for confirmation that Rainbow is prohibited from receiving organics at their current site on Nichols Street, and Director Hopkins confirmed that currently any organics that Rainbow would pick up would have to be delivered to another site outside of the City of Huntington Beach.

Director Hopkins introduced Mr. Snow, representing Rainbow, who made a PowerPoint presentation entitled *California Legislative Actions* which provided the background for the State's requirements for recyclable organics to help reduce methane, the steps to implementing a program that meets the State mandates, and expressed Rainbow's support for the legislation. Mr. Snow stated that all of the food waste under this new legislation has been coming to Rainbow for the last 60 years, but now will be segregated at the point of generation and taken to other facilities for best use. In summary, California is leading the way to feed hungry people first, better manage food resources, and limiting the amount that is recycled at permitted facilities.

Councilmember Posey asked Mr. Snow to share again the amount of food currently being wasted from the restaurant industry that could be shared with the Waste Not OC Coalition for re-distribution to food pantries. Mr. Snow responded that there is over 33 million tons of food waste in the United States, over three million tons in California, nearly three-quarters of a million tons in Orange County. It is estimated that 20 - 30 percent of the food waste in Huntington Beach is organic waste.

Councilmember O'Connell asked what percentage of organic waste will be recycled. Mr. Snow answered that about 70 percent of the food waste that is going into trash receptacles today could be diverted to its highest and best use, and this means a significant reduction of food waste going into the trash. He also stated that Rainbow believes that AB1826 and the City's Ordinance will absolutely support processes that will reduce odors related to current food waste being co-mingled with solid waste.

Councilmember Peterson shared his thoughts that he sees this issue as more State regulations, and he does appreciate that Rainbow will not be delivering the food waste to their facility, but he cannot support this Ordinance just from a philosophical perspective.

Mayor Pro Tem Sullivan voiced his appreciation of the intent of this State legislation, and shared his opinion that he does not appreciate our Governor's support of the global warming concept and therefore cannot support this Ordinance.

Councilmember Posey voiced that he also does not embrace additional government regulations, but reduction of methane gas is not a bad thing and therefore he will support this Ordinance

Councilmember O'Connell stated that he is definitely in support of processes that provide more food for the hungry, so he will support this Ordinance, even though he is not a fan of bureaucratic mandates

Councilmember Delgleize stated she will support this Ordinance for the same reasons stated by both Councilmembers Posey and O'Connell, and hopefully the new procedures will make our local businesses more aware of their food waste

Mayor Katapodis shared that he is torn on this issue because of the State mandate and global warming issue, but this will result in recycling of good, useable food for the hungry and therefore he will support this Ordinance

A motion was made by Hardy, second Posey to, after the City Clerk reads by title, approve for introduction Ordinance No 4079, "An Ordinance of the City of Huntington Beach Amending Chapter 8 21 of the Huntington Beach Municipal Code Relating to Refuse Management "

The motion carried by the following vote

AYES	Posey, O'Connell, Katapodis, Hardy, and Delgleize
NOES	Sullivan, and Peterson

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Hardy reported attending the Surf City USA Marathon and Half-Marathon as well as participating in the South Huntington Beach Girls' Softball Opening Day Ceremony The HB Reads One Book program has about a month left On March 17th, 7 p m , will be the Meet the Author event at the Central Library theater You can get more information at HBReads org

Councilmember Posey reported attending the Surf City USA Marathon and Half-Marathon, and chairing the Association of California Cities – Orange County (ACC-OC) Jobs and Economic Development Committee meeting He also read a Thank You letter from one of the Pegasus School students whom he recently provided a tour of Council Chambers, which closed with the statement "Being a Councilman sounds awesome!" Councilmember Posey responded, "Yes, it is!"

Councilmember Delgleize reported attending the Surf City USA Marathon and Half-Marathon and thanked all of the runners, supporters and volunteers for participating She also attended the ACC-OC Legislative Roundtable with Supervisor Lisa Bartlett (5th District), and the Community Services Program (CSP) Huntington Beach Youth Shelter "Love Grows by Giving" Wine Tasting event She expressed support for the Huntington Beach police officer (and his family) who was recently injured in the line of duty, and thanked him for his dedicated service

Mayor Katapodis reported that he spoke at an American Legion meeting, attended the Chamber of Commerce Ribbon Cutting for the Sherwin Williams paint store, observed the Surf City USA Marathon and Half-Marathon which was officially started by the Mayor, as well as Councilmembers Delgleize, Hardy, and Posey

ADJOURNMENT — 7:42 PM

This meeting was adjourned at 7 42 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, March 7, 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