



AGENDA

City Council/Public Financing Authority

Tuesday, April 16, 2024

4:30 PM Closed Session

6:00 PM Regular Meeting

Council Chambers

2000 Main Street

Huntington Beach, CA 92648

MAYOR AND CITY COUNCIL

GRACEY VAN DER MARK, Mayor

PAT BURNS, Mayor Pro Tem

RHONDA BOLTON, Councilmember

DAN KALMICK, Councilmember

CASEY McKEON, Councilmember

NATALIE MOSER, Councilmember

TONY STRICKLAND, Councilmember

STAFF

ERIC G. PARRA, Interim City Manager

MICHAEL E. GATES, City Attorney

ROBIN ESTANISLAU, City Clerk

ALISA BACKSTROM, City Treasurer

IN-PERSON PUBLIC PARTICIPATION: Members of the public are welcome to attend City Council meetings in person. Alternate ways to view meetings live or on-demand include: livestreamed on HDTV Channel 3 (replayed on Wednesday at 10:00 a.m. and Thursday at 6:00 p.m.); live and archived meetings for on-demand viewing accessed from <https://huntingtonbeach.legistar.com/calendar>, <https://bit.ly/SurfCityTV>, or the City's YouTube Channel at <https://www.youtube.com/cityofhb>, or from any Roku, Fire TV or Apple device by downloading the Cablecast Screenweave App and searching for the City of Huntington Beach channel.

PRESENTATION MATERIAL: Presentations/AV materials shall be submitted to staff no later than 9AM the day of the meeting to PublicPresentations@huntingtonbeachca.gov. Members of the audience and speakers shall not wear or display signs that obstruct the view of other audience members. Signs shall remain with the holder and shall not be placed in adjacent seats or in common areas.

PUBLIC COMMENTS: Individuals wishing to provide a comment on agendaized or non-agendaized items including Study Session, Closed Session, and Public Hearing, may do so in person in the City Council Chambers by completing a **Request to Speak** form delivered to the City Clerk. Sign-ups to Request to Speak will begin in person 30 minutes prior to the start of Study Session, Closed Session, or Regular City Council Meeting, whichever comes first. Sign-ups will be accepted until the commencement of the public comment period.

SUPPLEMENTAL COMMUNICATION: Members of the public unable to personally participate in the meeting but interested in communicating with the City Council on agenda-related items are encouraged to submit a written (supplemental) communication to the Council via email at SupplementalComm@Surfcity-hb.org. Supplemental Communications are public record, and if received by 9:00 AM on the day of the meeting, will be distributed to the City Council prior to consideration of agenda-related items, posted to the City website, and announced, but not read, at the meeting. Communications received after the 9:00 AM deadline will be incorporated into the administrative record. Members of the public are also welcome to communicate with the City Council (and staff supporting Council) at City.Council@surfcity-hb.org.

MEETING ASSISTANCE NOTICE: In accordance with the Americans with Disabilities Act, services are available to members of our community who require special assistance to participate in public meetings. If you require special assistance, 48-hour prior notification will enable the City to make reasonable arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting and/or large print agendas. Please contact the City Clerk's Office at (714) 536-5227 for more information.

4:30 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, Kalmick

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)

The Mayor will facilitate a voluntary opportunity for members of the Huntington Beach City Council to individually make brief comments to the public. Please note that the Brown Act does not allow for lengthy comments, discussion, or action on topics that are not on the agenda.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEMS (Received After Agenda Distribution)

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3-Minute Time Limit)

At this time, the City Council will receive comments from members of the public regarding any topic, including items on the Study Session and/or Closed Session agendas. Individuals wishing to provide a comment on item(s) may do so in person by filling out a Request to Speak form delivered to the City Clerk. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

Please note that the Brown Act does not allow discussion or action on topics that are not on the agenda. Members of the public who would like to speak directly with a Councilmember on an item not on the agenda may consider scheduling an appointment by contacting the City Council's Administrative Assistant at (714) 536-5553 or emailing the entire City Council at city.council@surfcity-hb.org.

RECESS TO CLOSED SESSION

CLOSED SESSION

1. [24-237](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Van (Dinh Cong) v. Lukehart (Brendan Cameron), City of Huntington Beach, et al.; OCSC Case No.: 30-2023-01363173-CU-PA-CJC.

2. [24-238](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Pacific Airshow, LLC v. City of Huntington Beach and Kim Carr; OCSC Case No. 30-2022-01287749.

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3. [24-239](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Clayton-Tarvin
 (Gina) v. City of Huntington Beach, Michael Gates, et al.; OCSC Case
 No.: 30-2023-01329927.

 4. [24-240](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Frahm (Robert),
 et al. v. City of Huntington Beach; OCSC Case No.:
 30-2023-01319592.

 5. [24-241](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). City of
 Huntington Beach v. Newsom/HCD (RHNA); 8:23-CV-00421-FWS
 (ADSx).

 6. [24-242](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Gapezzani
 (Gary) v. John Romero, City of Huntington Beach; OCSC Case No.:
 30-2021-01225030.

 7. [24-243](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Segal-Kaloski
 (Pamela) v. City of Huntington Beach, et al.; OCSC Case No.:
 30-2021-01222791.

 8. [24-272](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Unkovich
 (Laura) v. City of Huntington Beach, et al.; OCSC Case No.:
 30-2022-01297077.

 9. [24-273](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**
 (Paragraph (1) of subdivision (d) of Section 54956.9). Gallier
 (Michael) v. City of Huntington Beach/Gance; OCSC Case No.:
 30-2023-01359146-CU-PO-CJC.

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, Kalmick

PLEDGE OF ALLEGIANCE

INVOCATION

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

10. [24-267](#) Huntington Beach Police Chaplain Bob Ewing

CLOSED SESSION REPORT BY CITY ATTORNEY

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3-Minute Time Limit)

At this time, the City Council will receive comments from members of the public regarding any topic, including items on the open session agenda. Individuals wishing to provide a comment may do so in person by filling out a Request to Speak form delivered to the City Clerk. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

Please note that the Brown Act does not allow discussion or action on topics that are not on the agenda. Members of the public who would like to speak directly with a Councilmember on an item not on the agenda may consider scheduling an appointment by contacting the City Council's Administrative Assistant at (714) 536-5553 or emailing the entire City Council at city.council@surfcity-hb.org.

While the City Council welcomes public involvement and supports and defends free speech, the City Council rejects comments from anyone that are discriminatory, defamatory or otherwise not protected free speech. Those comments will not inform nor be considered by the City Council and may be cause for the Mayor to interrupt the public speaker. Such public comments will not be consented to or otherwise adopted by the City Council in its discussions and findings for any matter tonight.

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS

Councilmembers may make brief announcements on any appointments made to a board, committee, or commission. Councilmembers may not discuss or take any action on these announcements. Announcements are limited to 1 minute.

AB 1234 REPORTING

Per AB 1234 (Government Code Section 53232.3(d)) Councilmembers who attend a meeting, conference, or similar event at the expense of the City must provide a brief report of the meeting, conference, or similar event during the next regular City Council meeting. Reports are limited to 1

minute.

OPENNESS IN NEGOTIATION DISCLOSURES

Councilmembers must publicly disclose any meetings or communications with City employee associations, related to the negotiations of labor agreements. Disclosures are limited to 1 minute and must be made by the next regular City Council Meeting.

CITY MANAGER'S REPORT

CITY CLERK'S REPORT

11. [24-265](#) 2024 Safe and Sane Fireworks Stand Lottery

CONSENT CALENDAR (Items 12-19)

City Clerk

12. [24-266](#) Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting minutes of April 2, 2024.

Community Development

13. [23-1042](#) Adopt Resolution No. 2024-13 declaring the City's Intention to Modify the Management District Plan for the Huntington Beach Tourism Business Improvement District, conduct a Public Meeting on May 7, 2024, and set a Public Hearing date of June 4, 2024

Recommended Action:

Adopt Resolution No. 2024-13, "A Resolution of the City Council of the City of Huntington Beach Declaring its Intention to Modify the Management District Plan of the Huntington Beach Tourism Business Improvement District (HBTBID)", which sets a public meeting date for May 7, 2024, and a public hearing date for June 4, 2024.

Police

14. [24-245](#) Annual Military Equipment Use Report (AB 481)

Recommended Action:

A) Approve report and renew Ordinance No. 4255, authorizing the continued use of the listed military equipment by the Police Department; and,

B) Find that each type of military equipment identified in that report attached hereto as Attachment 1 complies with the following standards for approval: 1. The military equipment is necessary because there is no reasonable alternative that can achieve the

same objective of officer and civilian safety. 2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties. 3. Any future purchased equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety. 4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

15. [24-264](#) **Adopt Ordinance No. 4317 amending Chapter 8.42 of the Huntington Beach Municipal Code relating to the use of police services at loud parties or other activities**
(Approved for Introduction on 4-02-2024 by a vote of 7-0)

Recommended Action:

Adopt Ordinance No. 4317, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Chapter 8.42 Use of Police Services at Loud Parties or Other Activities."

16. [24-263](#) **Adopt Ordinance No. 4319 amending Huntington Beach Municipal Code (HBMC) Chapter 13.08 related to activities on Huntington City Beach and in the Beach Activity Zone, and making a finding of exemption under CEQA**
(Approved for Introduction on 4-02-2024 by a vote of 7-0)

Recommended Action:

Adopt Ordinance No. 4319 "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Chapter 13.08 Beach Regulations."

Public Works

17. [24-231](#) **Adopt Resolution No. 2024-16 Authorizing an Application for Funds for the Environmental Cleanup, Tier 1 Grant Program Under the Orange County Transportation Authority Environmental Cleanup Program**

Recommended Action:

Adopt Resolution No. 2024-16, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Funds for the Environmental Cleanup, Tier 1 Grant Program Under Orange County Local Transportation Ordinance No. 3 for the Huntington Beach Trash Removal Project, Phase III - V2."

18. [24-082](#) **Reject lowest bid for the Atlanta Pump Station Trash Removal Project, CC-1737; reject all remaining bids, re-scope, and re-submit the project for OCTA funding**

Recommended Action:

Reject all bids for the Atlanta Pump Station Trash Removal Project, CC-1737.

19. [24-212](#) **Accept the lowest responsive and responsible bid and authorize execution of a construction contract with Palp, Inc. DBA Excel Paving Company in the amount of \$1,398,435 for the Water Main Replacement Project in the alley East of Alabama Street Between Lincoln Avenue and Knoxville Avenue (CC-1716) and the alley East of Alabama Street Between Lincoln Avenue and Memphis Avenue (CC-1717)**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by Palp, Inc. DBA Excel Paving Company in the amount of \$1,398,435; and,

B) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

PUBLIC HEARING

For the benefit of the public, prior to a public hearing item, each member of the City Council will disclose any ex parte communications they may have had pertaining to the item. In simple terms, public hearings are quasi-judicial proceedings and the information used by the City Council to make its decisions should be limited to that which is obtained during the public hearing. Ex parte communications, then, means any information obtained outside of a public hearing. In such public hearing proceedings, the City Council must uphold constitutional and statutory due process rights of present and non-present parties by disclosing ex parte communications. Ex parte communications include oral and written information, as well as visual or auditory information obtained during a site visit.

Individuals wishing to provide a comment on an item scheduled for Public Hearing may do so in person by filling out a Request to Speak form delivered to the City Clerk. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

20. [24-217](#) **Public Hearing to Consider Water and Sewer Rate Adjustments**

Recommended Action:

A) Adopt Resolution No. 2024-18 "A Resolution of the City Council of the City of Huntington Beach Readopting and Revising the City's Water Commodity Rates";

B) Adopt Resolution No. 2024-20 "A Resolution of the City Council of the City of Huntington Beach Adopting Water Meter Rates, Including a Capital Surcharge, and Private Fire Line Service pursuant to Section 14.12.040 of the Huntington Beach Municipal Code"; and,

C) Adopt Resolution No. 2024-19 "A Resolution of the City Council of the City of Huntington Beach Adopting Sewer Service User Charges, Pursuant to Section 14.54.040 of the Huntington Beach Municipal Code"

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, May 7, 2024, 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>