

Minutes

City Council/Public Financing Authority Regular Meeting and Special Meetings of the Housing Authority, Parking Authority and Successor Agency City of Huntington Beach

Tuesday, December 19, 2023
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/

5:00 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 5:01 PM

ROLL CALL

Present: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
Absent: None

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit) — None

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

PUBLIC COMMENTS FOR CLOSED SESSION ITEMS — None

A motion was made by Strickland, second by Burns to recess to Closed Session.

RECESSED TO CLOSED SESSION — 5:03 PM

CLOSED SESSION

1. 23-1032 ~~CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager and Melanie Chaney, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Theresa St Peter, Interim Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Scott Haberle, Fire Chief and Sunny Han, Chief Financial Officer. Employee Organization: The Huntington Beach Firefighters' Association (HBFA).~~
2. 23-1033 **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(2).): Number of matters: One (1).**

3. **23-1062 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Page (John & Shaya) v. City of Huntington Beach and Eric Scott Cunningham; OCSC Case No.: 30-2022-01280954.**

6:00 PM — COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALLED TO ORDER SPECIAL MEETINGS OF THE HOUSING AUTHORITY, PARKING AUTHORITY, AND SUCCESSOR AGENCY — 6:00 PM

ROLL CALL

Present: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
Absent: None

PLEDGE OF ALLEGIANCE — Led by Interim City Manager Eric Parra

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.

4. **23-985 Huntington Beach Police and Fire Chaplain Roger Wing**

CLOSED SESSION REPORT BY CITY ATTORNEY — None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Council Committee Appointment Announcements: Item #5 — One (1) Staff Memorandum

Consent Calendar: Item #9 — One (1) email communication; Item #11 — One (1) communication; Item #20 — One (1) Staff Memorandum and one (1) email communication

Councilmember Items: Item #25 — Twelve (12) email communications

PUBLIC COMMENTS (3-Minute Time Limit) — 44 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>.

Andrew Einhorn, Huntington Beach resident, was called to speak and shared his opinions on the recent request by Councilmember Moser for a staff review on the feasibility and requirements for Huntington Beach to become a Certified Autism Destination and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:06:54)

Jonathan Bonwit, Brightwater Development resident since 2009, was called to speak and stated his opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (00:09:46)

Kathie Schey, City Archivist and member of the Historic Resources Board (HRB) for the past 15 years, was called to speak and shared her concerns regarding Councilmember Item #25 to establish a monthly program for honoring the historic heritage of the United States, State of California, and City of Huntington

Beach, and announced her decision to resign from the HRB and her seven-year term as a member of the Design Review Board (serving as Chair for three years). (00:12:04)

Pat Goodman was called to speak and shared her opinions related to the purported affiliations of Mayor Van Der Mark and the Council majority to extremist anti-tax, anti-immigration, and conspiracy theory militia organizations which she believes makes them unfit to serve Huntington Beach and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:14:18)

Don Kennedy, City Council Candidate in 2024, Planning Commissioner and resident since 1962, was called to speak and stated his opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (00:17:07)

Luanne Nichols Shoup, a fourth generation Huntington Beach property owner, was called to speak and stated her opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (00:20:19)

Jeanne Paris, 28-year Huntington Beach resident, was called to speak, congratulated Mayor Van Der Mark and Mayor Pro Tem Burns, stated her opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project, and stated support for Councilmember Item #25 to consider establishing a monthly program to honor the historic heritage of the United States, State of California, and City of Huntington Beach. (00:21:07)

Ann Palmer, a 30+-year Huntington Beach resident, was called to speak and stated opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project and stated support for Councilmember Item #25 to consider establishing a monthly program to honor the historic heritage of the United States, State of California, and City of Huntington Beach. (00:23:28)

Unnamed Guest was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:26:40)

Michael Craigs, a seven-year Huntington Beach resident, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:29:15)

Barbara Shapiro was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:32:25)

Shammy D. was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:35:29)

Connie Boardman, Former Mayor and Councilmember for eight years, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments and shared her concerns regarding Councilmember Item #25 to consider establishing a monthly program to honor the historic heritage of the United States, State of California and City of Huntington Beach. (00:38:49)

Ken Inouye, a 51-year Huntington Beach resident, was called to speak and shared his opinions regarding the City's financial condition and reiterated his suggestion that a Financial Analyst Team be created to help Councilmembers make decisions that have a financial impact, and asked Councilmembers to revisit the recent request for a staff review on the feasibility and requirements for Huntington Beach to become a Certified Autism Destination. (00:41:18)

Mark Tonkovich, Huntington Beach resident, was called to speak, congratulated Mayor Van Der Mark and Mayor Pro Tem Burns, stated opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project, and stated support for Councilmember Item #25 to consider establishing a monthly program to honor the historic heritage of the United States, State of California, and City of Huntington Beach. (00:44:09)

Michael Shoup was called to speak, thanked the Councilmembers for serving and making important changes this past year and stated opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (00:46:40)

Deb Janus, 44-year resident of Huntington Beach, was called to speak and stated opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (00:48:15)

Synde, Huntington Beach resident, was called to speak and stated opposition to Councilmember Item #25 to consider establishing a monthly program to honor the historic heritage of the United States, State of California and City of Huntington Beach. (00:49:42)

Eric R. Massey was called to speak and asked that Councilmembers tell Connecticut officials to return home and leave him alone. (00:53:42)

Tim Geddes was called to speak and asked the Mayor to provide the standards used to determine Public Speaker time limits, urged a "No" vote on the March 5, 2024, proposed Charter amendments and stated opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (00:56:58)

Charlie Jackson, 22-year Huntington Beach resident, was called to speak and stated support for remaining with the Orange County Power Authority (OCPA). (00:59:53)

Brian Thienes, Appellant for Public Hearing Item #21, was called to speak and stated opposition to the Bolsa Chica Senior Living Community Project. (01:01:22)

Neal was called to speak and stated his opposition to Councilmember Item #25 to consider establishing a monthly program to honor the historic heritage of the United States, State of California and City of Huntington Beach and support for Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (01:04:32)

David Rynerson was called to speak and stated support for remaining with the Orange County Power Authority (OCPA). (01:07:11)

Joette was called to speak and shared her opinions on the economy of California, evaluating library books to determine suitability for children, the need to return to paper ballots with neighborhood polling locations, and implementing Voter Identification requirements. (01:09:38)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments and stated opposition to Councilmember Item #25 to consider establishing a monthly program to honor the historical heritage of the United States, State of California, and City of Huntington Beach. (01:12:49)

Amory Hanson, Councilmember Candidate for 2024, was called to speak and stated his support for always allowing a full three minutes for Public Speakers. (01:14:57)

Daniel Lak, Huntington Beach resident since 2015, was called to speak and shared his opinions regarding potential ramifications for appointing Police Chief Parra as Interim City Manager. (01:16:35)

Philip Rizzo accompanied by his son AJ, resident of Rhone Lane since 2004, was called to speak. Mr. Rizzo shared contents of a letter received from the Orange County Sanitation District (OC Sands) demanding access to approximately 30 feet of their back yard, and asked Mayor Pro Tem Burns, as an OC Sands voting Board member, to help find a better solution than what OC Sands is demanding. (01:19:48)

Scott Monastra, a Rhone Lane resident since 1993, was called to speak and shared contents of a letter received from the Orange County Sanitation District (OC Sands) claiming his property is encroaching on the utility's easement behind his home, and noted he received a Huntington Beach permit and project approval for his pool in 1999. He asked that Mayor Van Der Mark and Mayor Pro Tem Burns get involved and support the residents dealing with OC Sands demands. (01:23:07)

Tony Shahidi, owner of property on Rhone Lane since 2000, was called to speak and shared he received a letter from the Orange County Sanitation District (OC Sands) claiming his property is encroaching on the utility's easement behind his home and asked that Mayor Pro Tem Burns get involved and support the residents dealing with OC Sands demands. (01:26:44)

Clark Stephens, Rhone Lane resident since 1986, was called to speak and stated he received a letter from the Orange County Sanitation District (OC Sands) claiming his property is encroaching on the utility's easement behind his home, and OC Sands intends to build a wall cutting him off from access to the back 30 feet of his property. Mr. Stephens asked that Mayor Pro Tem Burns get involved and support the residents dealing with OC Sands demands. (01:30:02)

Mayor Pro Tem Burns asked that any Rhone Lane residents in attendance who received the OC Sands letter to complete a blue card for follow-up communication. (01:31:35)

Derek Uerling, 30-year resident on Rhone Lane, was called to speak and shared his experience with the OC Sanitation District and meeting their request in the 1990s to move his fence back by a foot when he replaced the original fence. (01:32:00)

James Peters, Californians for Liberty, was called to speak and shared his opinions related to voting in Orange County and his belief that his vote has been stolen for the last 20 years. (01:34:03)

Cheryle Browning was called to speak and directed her comments to Councilmembers Moser and Kalmick regarding how they deviated from normal procedures by appointing Ms. Bolton, a community newcomer, to fill a Council vacancy rather than accepting Ms. Van Der Mark, the Council Candidate who should have been selected based on number of votes received at the previous election. (01:36:54)

Urson Russell, a local resident, was called to speak and stated his support for local elections using paper ballots which stay in the local voting district while being counted. (01:40:02)

Tom Lawless, Legal Representative for the Developer of the Bolsa Chica Senior Living Community Project, was called to speak, described project changes made in response to community feedback, and officially requested a continuance for the scheduled Public Hearing to allow for additional project modifications, with the understanding that anyone signed up to speak during the Public Hearing have an opportunity to speak during this Open Session. (01:42:46)

Joy Bertoli was called to speak and stated her support for Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (01:45:48)

Kanan Durham was called to speak and directed his concerns and suggestions to Councilmember Item #25 to consider establishing a monthly program to honor the historical heritage of the United States, State of California and City of Huntington Beach. (01:46:56)

Perry Clitheroe was called to speak and stated his support for Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (01:50:04)

Brian Genovese, Huntington Beach resident and realtor who signed up to speak during Public Hearing Item #21, was called to speak and stated his support for the Bolsa Chica Senior Living Community Project. (01:52:24)

Tom Dillman, Huntington Beach homeowner, was called to speak and stated his opposition to Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (01:54:14)

Christopher Lawrence Greaves, 20-year Huntington Beach resident, was called to speak and stated his support for Public Hearing Item #21 regarding the Bolsa Chica Senior Living Community Project. (01:56:41)

Ellen Riley was called to speak and shared her opinion that local government officials should be focused on preventing theft that is occurring from local retail businesses. (01:57:24)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

5. 23-1038 Approved Mayor Van Der Mark's 2024 Council Liaison List

Mayor Van Der Mark introduced her 2024 Council Liaison List.

A motion was made by Van Der Mark, second Strickland to as recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: approve the 2024 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Van Der Mark, **as amended by supplemental communication**. The City Clerk certifies that FPPC Form 806 "Agency Report of Public Official Appointments" which is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district and joint powers agency or authority was posted to the City's website according to law prior to this vote.

Councilmember Kalmick referred to process documented in the Council Manual that has historically been followed to support shared Council representation on various citizen boards, commissions, and committees. He objected to being excluded from appointment to any board, commission, committee in 2024, and stated support for consistency and continuity.

Councilmember Moser spoke in favor of continuity and shared her opinion on the benefits of expanded representation.

A substitute motion was made by Kalmick, second Bolton, to revise the recommendation to appoint Councilmember Kalmick as primary liaison, and Councilmember Moser as alternate, to the Orange County Sanitation District.

The substitute motion failed by the following roll call vote:

AYES: Moser, Bolton, and Kalmick
NOES: Burns, Van Der Mark, Strickland, and McKeon

The original motion by Van Der Mark, seconded by Strickland, to as recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: approve the 2024 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Van Der Mark, **as amended by supplemental communication**. The City Clerk certifies that FPPC Form 806 "Agency Report of Public Official Appointments" which is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district and joint powers agency or authority was posted to the City's website according to law prior to this vote, carried by the following roll call vote:

AYES: Burns, Van Der Mark, Strickland, and McKeon
NOES: Moser, Bolton, and Kalmick

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT — None

CONSENT CALENDAR – Items 6-20

Councilmember Bolton pulled Item #7 and Councilmember McKeon pulled Item #20 for further discussion.

City Clerk

6. 23-1037 Approved and Adopted Minutes

A motion was made by Strickland, second Kalmick to approve and adopt the City Council/Public Financing Authority regular meeting minutes of November 21, 2023; and approve and adopt the City Council/Public Financing Authority regular meeting minutes of December 5, 2023.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

7. 23-1036 Received and filed November Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies

Councilmember Bolton pulled this item to share her concern the attached report only contains website links for each regional agency but does not contain any description of decisions or activities with insight and context. She also noted that three of the Councilmembers are currently not allowed to represent their constituents with any of these various agencies.

Councilmember Strickland responded that some of the meetings in this report are public meetings and those agencies post their agenda and minutes for public access therefore it is not necessary to repeat that information in this report.

A motion was made by Bolton, second Strickland to receive and file the November Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

8. 23-1035 Received and filed the Maddy Act Local Appointments List - 2024 (terms on City boards, commissions, and committees that expire in 2024) informing the public of openings and vacancies based on 2024 expiration of current members' terms

A motion was made by Strickland, second Kalmick to receive and file the Maddy Act Local Appointments List - 2024 showing vacancies that will occur on City boards, commissions, and committees in the year 2024, and direct the City Clerk to post the list at official posting locations (Civic Center, Huntington Central Library, and Main Street Library). Copies of the Maddy Act Local Appointments List - 2024 will also be posted at all branch libraries and on the City's website.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

City Manager

9. 23-717 Approved and accepted the Fiscal Year (FY) 2023-24 State Earmark Funding of \$1,100,000 via the California Department of Housing and Community Development; authorized the City Manager and Chief Financial Officer to execute documents; and appropriated the funds into the FY 2023/24 Operating Budget

A motion was made by Strickland, second Kalmick to approve and accept the FY 2023-24 State Funding of \$1,100,000 via the California Department of Housing and Community Development awarded to the City of Huntington Beach; and, authorize the City Manager and Chief Financial Officer as the officials to execute any award-related documents to receive the funding; and, appropriate the funds totaling \$1,100,000 in the FY 2023/24 City Manager's Office, Homeless and Behavioral Health Division operating budget (Business Unit 128130103.69365).

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

City Treasurer

10. 23-1023 Adopted Resolution No. 2023-59 approving the 2024 Investment Policy

A motion was made by Strickland, second Kalmick to adopt Resolution 2023-59, "A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy 2024."

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Community and Library Services

11. 23-1051 Authorized the appropriation of \$160,500 from the AES Fund 1284 fund balance for the design and installation of a new backstop and fencing for the City's north softball field at Edison Park

A motion was made by Strickland, second Kalmick to authorize the appropriation of \$160,500 from the AES contingency fund balance 1284 to Account 128485005.82800 to complete the necessary softball field backstop and fencing improvements at Edison Park.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Community Development

12. 23-1031 Approved Local Coastal Program Amendment (LCPA) No. 23-002 by adopting City Council Resolution No. 2023-61 and request its certification by the California Coastal Commission

A motion was made by Strickland, second Kalmick to approve Local Coastal Program Amendment No. 23-002 by adopting Resolution No. 2023-61, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 23-002 and Requesting Its Certification by the California Coastal Commission," (Attachment No. 1).

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Finance

13. 23-1044 Adopted Successor Agency Resolution Nos. 2023-04 and 2023-05 approving the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Huntington Beach Successor Agency for the period of July 1, 2024, through June 30, 2025, in accordance with Health and Safety Code Section 34177 and related actions

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2023-04, "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, 2024, through June 30, 2025;" and, adopt Resolution No. 2023-05, "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, 2024 - June 30, 2025 ('ROPS 24-25')."

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

14. 23-1058 Accepted and approved the Development Impact Fee (DIF) Report for Fiscal Year 2022-23 and to make findings as required by Government Code Sections 66006 and 66001

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2023-62, "A Resolution of the City Council of the City of Huntington Beach to Accept and Approve the Development Impact Fee Report for Fiscal Year Ending June 30, 2023, and to make the Findings as required by Government Code Sections 66006(b) and 66001(d)."

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Fire

15. 23-1049 Adopted Resolution No. 2023-63 approving the application for Whale Tail Grant Funds from the California Coastal Commission

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2023-63, "A Resolution of the City Council of the City of Huntington Beach Approving the Application(s) for Whale Tail Grant Funds from California Coastal Commission."

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Human Resources

16. 23-1045 Adopted Resolution No. 2023-65 Amending the Memorandum of Understanding Between the City of Huntington Beach and the Huntington Beach Police Management Association by Adopting a Side Letter of Agreement

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2023-65, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Police Management Association by Adopting a Side Letter of Agreement."

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

17. 23-1041 Adopted Resolution No. 2023-64 modifying the pay schedule for part-time, non-permanent and non-classified employees to comport with the State minimum wage increase effective January 1, 2024

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2023-64, "A Resolution of the City Council of the City of Huntington Beach Approving the Pay Schedule for Part-Time Non-Permanent and Non-Classified Employees Effective January 1, 2024," and authorize the City Manager or designee to take all administrative and budgetary actions necessary to implement the revised pay schedule.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Public Works

18. 23-1054 Accepted bid and authorized execution of a construction contract with PALP Inc. DBA Excel Paving Company in the amount of \$4,398,952.10 for the Oak View Streetscape Improvement Project, CC-1689; and authorized 15% in contingency funds

A motion was made by Strickland, second Kalmick to accept the lowest responsive and responsible bid submitted by PALP Inc. DBA Excel Paving Company in the amount of \$4,398,952.10 (Base Bid + Alternate Bid Items (Schedule B)); and authorize the Director of Public Works to approve up to a 15% contingency in potential construction change orders; and authorize the Mayor and City Clerk to execute a construction contract with PALP Inc. DBA Excel Paving Company in a form approved by the City Attorney.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

19. 23-1060 Approved and accepted the public improvements, released the securities for, and accepted a Guarantee and Warranty Bond for the Huntington Gateway Phase II Industrial Project

A motion was made by Strickland, second Kalmick to accept the improvements constructed and dedicated for public use with the Huntington Gateway Phase II Industrial Project, and instruct the City Clerk to record the Notice of Acceptance of Public Improvements (Attachment 2) with the Orange County Recorder; and, accept Guarantee and Warranty Bond No. 800043002 (Attachment 3); the security furnished for guarantee and warranty of public improvements; and instruct the City Clerk to file the bond with the City Treasurer; and, instruct the City Clerk to notify the developer, Huntington Gateway Industrial II, LLC, of this action, and the City Treasurer to notify the Surety, Atlantic Specialty Insurance Company, of this action.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

20. 23-1059 Approved amended two-year service agreement for downtown shuttle service provider Circuit Transit, Inc. for a not to exceed amount of \$1,535,426

Councilmember McKeon pulled this item to clarify with Assistant City Manager Travis Hopkins that the contract cost increase is due to expanded area and increased level of service. There was also discussion on the contract option to reduce the amount if any grant funds are not available.

Councilmember Strickland confirmed that State funds have been approved and it is a matter of timing and some of the funds received will be used as matching funds. Councilmember Kalmick thanked staff and the City Attorney's office for negotiating an expanded service area as well as increased level of service, and thanked State Senator Min for coming up with \$350,000 for this service contract.

Assistant City Manager Hopkins thanked Public Works Director Chau Vu and her staff for their heavy lifting on this project.

A motion was made by Strickland, second McKeon to approve the two-year service contract with Circuit Transit, Inc. with a not-to-exceed amount of \$1,535,426; and approve a budget appropriation in the amount of \$806,240 for the OCTA Project V grant funds into account 126390001.69505; and grant the City Manager the authority to execute the cooperative agreement between the City of Huntington Beach and Orange County Transit Authority; and approve a budget appropriation in the amount of \$100,000 from the In-Lieu Parking fund to 30885101.69505, ***as amended by Supplemental Communication (clarifications to the annual contract adjustments; addition of a severability clause).***

The motion as amended carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

PUBLIC HEARING

21. 23-994 PUBLIC HEARING NOT HELD - CONTINUED TO A DATE UNCERTAIN the Bolsa Chica Senior Living Community Project — Adoption of Resolution No. 2023-51 approving General Plan Amendment No. 21-004; introduction of Ordinance No. 4305 approving Zoning Map Amendment No. 21-003; adoption of Resolution No. 2023-53 approving Zoning Text Amendment No. 22-005; adoption of Resolution No. 2023-52 certifying Environmental Impact Report (EIR) No. 21-004; and, consider appeals by Council Member Burns and Brian Thienes of the Planning Commission's approval of Conditional Use Permit No. 21-024

Councilmembers Bolton, Kalmick, Strickland, Moser and Mayor Van Der Mark disclosed ex parte communications with both the Applicant and the Appellant for this item.

Mayor Pro Tem Burns and Councilmember McKeon disclosed ex parte communications with the Applicant.

Hayden Beckman, Senior Planner, noted the Applicant's request made during Public Comments for a continuance of this item to a date uncertain and asked for Council direction on whether to proceed with this Public Hearing.

City Attorney Michael Gates described the normal procedure, if Councilmembers chose to proceed with the Public Hearing, and stated this is the time to decide whether to approve the Applicant's continuance request.

Jennifer Villaseñor, Community Development Director, clarified the options for Councilmembers are 1) approve continuance of the Public Hearing to a date uncertain, which would require a re-notice of the Public Hearing, including an updated staff presentation with the new Developer modifications, and include Public Comments so there is opportunity for the public to address the modifications, followed by Council action; or 2) open the current Public Hearing, and then close it because of anticipated modifications.

Mayor Pro Tem Burns confirmed with Director Villaseñor that the existing appeals are not null and void because of anticipated modifications but would continue as part of the item package. Director Villaseñor explained at the present time it is unknown if the modifications will be minor or will require being returned to the Planning Commission.

A motion was made by McKeon, second Strickland to continue to a date uncertain per Applicant's request, with no consideration of any of actions or alternative actions.

Applicant's Request (Proposed Project)

~~A) Certify Final Environmental Impact Report No. 21-004 (Attachment No. 16) as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by approving City Council Resolution No. 2023-52, "A Resolution of the City Council the City of Huntington Beach Adopting Environmental Impact Report No. 21-004 for the Bolsa Chica Senior Living Community Project" (Attachment No. 2); and approve General Plan Amendment No. 21-004 and City Council Resolution No. 2023-51, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 21-004" (Attachment No. 3); and approve Zoning Map Amendment No. 21-003 and approve for introduction City Council Ordinance No. 4305, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located on the Southwest Corner of Warner Avenue at Bolsa Chica Street from CG (Commercial General) to SP-19 (Bolsa Chica Senior Living Community Specific Plan)" (Attachment No. 4); and approve Zoning Text Amendment No. 22-005 and City Council Resolution No. 2023-53, "A Resolution of the City Council of the City of Huntington Beach Adopting Zoning Text Amendment No. 22-005 by Creating the Bolsa Chica Senior Living Community Specific Plan (SP-19) to Apply to Real Property at the Southwest Corner of Warner Avenue at Bolsa Chica Street" (Attachment No. 5); and deny two appeals and uphold the Planning Commission's approval of Conditional Use Permit No. 21-024 with findings and conditions of approval (Attachment No. 1).~~

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

ADMINISTRATIVE ITEMS

22. 23-1047 Approved Introduction of the Proposed Memorandum of Understanding Between the Huntington Beach Firefighter's Association (HBFA) and the City of Huntington Beach for January 1, 2024, through December 31, 2026

Assistant City Manager Travis Hopkins presented a PowerPoint communication, for Items #22 and #23, titled *Introduction of Proposed Memorandum of Understanding with the Huntington Beach Fire*

Association (HBFA) with slides entitled Overview; Proposed Memorandum of Understanding (2); Fiscal Impact; and City Council Options.

A motion was made by Strickland, second Van Der Mark to approve introduction of the proposed Memorandum of Understanding Between the Huntington Beach Firefighter's Association and the City of Huntington Beach for the period January 1, 2024, and December 31, 2026.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

23. 23-1048 Approved Introduction of the Proposed Memorandum of Understanding Between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for January 1, 2024, through December 31, 2026

Assistant City Manager Travis Hopkins presented a PowerPoint communication titled *Introduction of Proposed Memorandum of Understanding with the Fire Management Association (FMA)*; with a slide entitled *Overview*.

A motion was made by Strickland, second Van Der Mark to approve introduction of the proposed Memorandum of Understanding Between the Huntington Beach Fire Management Association and the City of Huntington Beach for the period January 1, 2024, and December 31, 2026.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

ORDINANCES FOR INTRODUCTION

24. 23-999 Approved for introduction Ordinance No. 4303 and authorized requested changes to Huntington Beach Municipal Code Chapter 10.44.062 Relating to Parking - Time Limits

Police Captain Oscar Garcia briefly described the proposed changes.

A motion was made by Kalmick, second Strickland to, after City Clerk reads by title, approve the introduction of Ordinance No. 4303, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking - Time Limits" to address special permits regarding parking time limits for recreational vehicles.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

COUNCIL MEMBER ITEMS

25. 23-1063 Approved as amended Item Submitted by Mayor Van Der Mark, Mayor Pro Tem Burns, and Council Member McKeon — Consider Establishing a Monthly Program

to Honor the Historic Heritage of the United States, State of California, and City of Huntington Beach

Councilmember McKeon introduced this item by describing his personal awareness of the rich history of Huntington Beach that grew only after he was elected to City Council. He noted that currently the City's efforts to acknowledge important historical events appears to be fragmented and disorganized between different departments, and the intent of this item is to ensure all departments are working together to maximize the use of staff time and resources. He described the effort as a collaboration including staff, residents, and the Historic Resources Board (HRB).

Councilmember McKeon added he was the Councilmember that HRB member Kathie Schey referenced in her Public Comments, and he was dismayed to hear her interpretation of their conversation. During their conversation he intended to convey to Ms. Schey that many residents are not aware of the incredible efforts of the HRB. Councilmember McKeon stated he anticipates that the proposed monthly program will continue to include the topics of public safety and health such as pedestrian safety, distracted driver awareness, breast cancer and autism awareness. He briefly described many topics that could be included in various months throughout the year.

Councilmember McKeon amended the item and requested that the proposed topics for February (Civil War Days) and August (Library Day) be switched; noted this item will not affect existing day and week events and added that staff should return with a procedure for determining approval of day and week events.

Mayor Van Der Mark made a friendly amendment to include a Holocaust remembrance in January, and Councilmember Strickland added Juneteenth.

Councilmembers Kalmick and McKeon discussed some generalities and details for implementing this item. Councilmember Kalmick expressed his support for having high-level content written by qualified professionals and shared his concerns about the apparent rush to implement this item with a focus away from public policy and eliminating existing celebrations in the process.

Mayor Pro Tem Burns shared his dismay that somehow Kathie Schey felt slighted by this item when the intention all along was to enlist the assistance of the HRB. He added his hope that Ms. Schey would reconsider her resignation announcement.

Councilmember Strickland reviewed public policy items that were implemented in 2023 in rebuttal to comments that this item is not focused on public policy.

Councilmember Moser recommended this effort be focused on adding new topics and enhancing existing events. She added Council's responsibility is to focus on the immediate and tangible needs of the community such as managing the budget, maintaining, and improving infrastructure to ensure public safety, and fostering economic growth. Councilmember Moser asked why this item proposes a new committee rather than assigning it to the existing Liaisons and HRB.

Councilmember Bolton confirmed with Councilmember McKeon that the HRB was not consulted before this item was placed on the agenda, except for the conversation he and Ms. Schey had over the weekend.

Councilmember Bolton asked for a list of current events that would be eliminated if this item were to be approved. She also asked why this item proposes to replace existing events rather than being focused on enhancing existing and adding new events.

Councilmember Bolton requested that Councilmember McKeon consider a friendly amendment by, in addition to approving the monthly program as presented, include the commemorative months that the City already has on the books. Councilmember McKeon denied the request.

A motion was made by McKeon, second Burns to request the City Manager to direct staff to implement the 2024 monthly program listed above. In addition, form a Brown Act committee of 7-9 residents appointed by two Council liaisons to continue developing twelve-month programs (starting with 2025) designed to celebrate and honor the rich historic heritage of the United States, California, and Huntington Beach. Each month will be dedicated to a specific theme, highlighting significant events, landmarks, and influential figures that have shaped the history of our Nation, State, and City. Through a series of engaging activities utilizing our libraries and media resources, residents and visitors alike will have the opportunity to explore, appreciate, and preserve the legacy of the history that led Huntington Beach to be a great American city. (This series would be intended to be free of any identity politics and political agendas.) The Committee would meet on a limited basis (1-3 times per year) to develop the twelve-month calendar with their Council Liaisons and Staff Liaison to ensure that the City has the ability to present the content. The Committee will then present the calendar to City Council for approval before the start of the year; amendments may also be presented as needed. The Committee should be able to enlist the assistance of the Historic Resource Board and City staff within reason via Council liaison requests. All monthly themes hosted by the City must be included in this approved twelve-month program and will therefore repeal and supersede all such monthly themes/celebrations previously approved by Council. This effort excludes proclamations requested by outside groups and presented by the Mayor per Administrative Regulation 512, **as amended to include Holocaust Remembrance in January, switch February (Civil War Days) and August (Library Day) themes, add Juneteenth; this item will not affect existing day and week programs, and staff should return with a procedure for determining approval of any new day and week programs.**

The motion as amended carried by the following roll call vote:

AYES: Burns, Van Der Mark, Strickland, and McKeon
NOES: Moser, Bolton, and Kalmick

ADJOURNMENT — at 9:10 PM Strickland made a motion to adjourn, with a second by Burns, to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, January 16, 2024, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

The Huntington Beach City Council/Public Financing Authority regular meeting of January 3, 2024, has been cancelled.

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, Housing Authority,
Parking Authority, and Successor Agency of the
City of Huntington Beach, California

ATTEST:



City Clerk-Secretary



Mayor-Chair