



AGENDA

City Council/Public Financing Authority

Tuesday, October 3, 2023

5:00 PM - Closed Session

6:00 PM - Regular Business Meeting

Council Chambers

2000 Main Street

Huntington Beach, CA 92648

MAYOR AND CITY COUNCIL

TONY STRICKLAND, Mayor

GRACEY VAN DER MARK, Mayor Pro Tem

RHONDA BOLTON, Councilmember

PAT BURNS, Councilmember

DAN KALMICK, Councilmember

CASEY McKEON, Councilmember

NATALIE MOSER, Councilmember

STAFF

AL ZELINKA, 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 HBTV 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.

PUBLIC COMMENTS: Individuals wishing to provide a comment on agenda-related 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.

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.

5:00 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

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

CITY COUNCILMEMBER 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 RELATED TO CLOSED SESSION ITEMS (Received After Agenda Distribution)

PUBLIC COMMENTS RELATED 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. [23-826](#) **CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, 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. [23-827](#) **CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, 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: Fire Management Association (FMA).

3. [23-840](#) CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters: One (1) - Confer with City Attorney regarding a request to provide Amicus support with regard to The Ohio House, LLC vs. City of Costa Mesa; United States Court of Appeals for the Ninth Circuit Case No. 22-56181; United States District Court for the Central District of California Case No. 8:19-cv-01710-JVS-GJS

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

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

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.

4. [23-829](#) Huntington Beach Police Chaplain James Pike

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

CONSENT CALENDAR (Items 5-12)

CITY CLERK

5. [23-823](#) Approve and Adopt Minutes

Recommended Action:

- A) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of August 1, 2023; and

- B) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of September 5, 2023; and

- C) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of September 19, 2023; and

D) Approve and adopt the City Council/Public Financing Authority special meeting minutes of September 14, 2023.

6. [23-825](#) **September Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies**

Recommended Action:

Receive and File.

CITY MANAGER

7. [23-758](#) **Adopt Ordinances to amend the Huntington Beach Municipal Code to streamline, consolidate, and/or dissolve a select number of the City's Boards, Commissions, and Committees and Council Committees**

**Ordinance Nos. 4296, 4295, 4298, 4299 approved for introduction September 5, 2023 - Vote: 4-3 (Kalmick, Moser, Bolton - No);
Ordinance Nos. 4297, 4300, 4301 approved for introduction September 5, 2023 - Vote: 5-2 (Moser, Bolton - No)**

Recommended Action:

A) Adopt Ordinance No. 4296, "An Ordinance of the City of Huntington Beach repealing Ordinance No. 4168 and delete Chapter 2.104 of the Huntington Beach Municipal Code dissolving the Jet Noise Commission;" and

B) Adopt Ordinance No. 4295, "An Ordinance of the City of Huntington Beach repealing Ordinance No. 3332 and delete Chapter 2.112 of the Huntington Beach Municipal Code dissolving the Mobile Home Advisory Board;" and

C) Adopt Ordinance No. 4298, "An Ordinance of the City of Huntington Beach deleting Chapter 2.102 of the Huntington Beach Municipal Code and dissolving the Environmental and Sustainability Board;" and

D) Adopt Ordinance No. 4299, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by amending Chapter 2.111 thereof related to Citizen Infrastructure Advisory Board/Public Works Commission"; and approve the official dissolution of the Smart Cities and Technology Council Committee by minute action; and

E) Adopt Ordinance No. 4297, "An Ordinance of the City of Huntington Beach deleting Chapter 2.108 of the Huntington Beach Municipal Code and dissolving the Huntington Beach Youth Board;" and

F) Adopt Ordinance No. 4300, "An Ordinance of the City of Huntington Beach amending

the Huntington Beach Municipal Code by amending Chapter 2.106 thereof related to Fourth of July Executive Board;" and

G) Adopt Ordinance No. 4301, "An Ordinance of the City of Huntington Beach amending the Huntington Beach Municipal Code by amending Chapter 13.54 thereof related to Specific Events."

COMMUNITY DEVELOPMENT

8. [23-581](#) **Adopt Resolution No. 2023-39 authorizing the acceptance of \$325,000 in grant funds from the California Department of Cannabis Control (DCC) to assist in the development of a cannabis retail access program.**

Recommended Action:

A) Adopt Resolution No. 2023-39, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Acceptance of Funds from the Department of Cannabis Control (DCC) from the Cannabis Local Jurisdiction Retail Access Grant" and appropriate the \$325,000 grant award; and

B) Assign authority to the Community Development Director as the official to execute and sign for the award and to approve amendments and extensions as needed; and

C) Formally dissolve the City Council Cannabis Ad-Hoc Committee.

PUBLIC WORKS

9. [23-749](#) **Approve Fifth Amendment to the West Orange County Water Board Joint Powers Agreement allowing member agencies to designate up to two alternate members to the Board of Directors.**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the Fifth Amendment to the WOCWB Joint Powers Agreement.

10. [23-770](#) **Accept the lowest responsive and responsible bid and authorize execution of a construction contract with A2Z Construct Inc. in the amount of \$117,600.00 for the Central Library Lower Level Restroom ADA Improvements, CC-1658**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by A2Z Construct Inc. in the amount of \$117,600; and

B) Authorize the Director of Public Works to execute change orders not to exceed 20% of the contract costs, or \$23,520.

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

11. [23-784](#) **Approve and Authorize execution of Professional Service Contract with Iteris, Inc. in the amount of \$646,136.00 for the Valley View Street/ Bolsa Chica Street RTSSP Project, CC-1622**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute a Professional Service Contract between the City of Huntington Beach and Iteris, Inc. for the Valley View Street/ Bolsa Chica Street RTSSP Project, CC-1622, in an amount not to exceed \$646,136.

POLICE

12. [23-824](#) **Adopt Emergency Ordinance No. 4304 amending Huntington Beach Municipal Code (HBMC) Chapter 10.84 relating to bicycle regulations**

5 Affirmative Votes are required to adopt Emergency Ordinance No. 4304 per City Charter Section 501

Recommended Action:

Adopt Emergency Ordinance No. 4304, "An Emergency Ordinance of the City Council of the City of Huntington Beach Amending Chapter 10.84 of the Huntington Beach Municipal Code Relating to Bicycle Regulations."

PUBLIC HEARING

13. [23-787](#) **Public Hearing to consider adoption of Resolution No. 2023-38 approving an Annual Assessment within the Huntington Beach Downtown Business Improvement District (District) for Fiscal Year (FY) 2023-2024**

Recommended Action:

A) Conduct the Public Hearing; and,

B) If written protests of at least 50% or more of the total assessments are not received, adopt Resolution No. 2023-38, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment within the Huntington Beach Downtown Business Improvement District for Fiscal Year 2023-2024."

ADMINISTRATIVE ITEMS

14. [23-786](#) **Request to adopt Resolution No. 2023-46 adopting the 2023-2027 Strategic Plan**

Recommended Action:

Adopt Resolution No. 2023-46, "A Resolution of the City Council of the City of Huntington Beach Adopting the 2023-2027 Strategic Plan".

15. [23-756](#) **Request to adopt Resolution No. 2023-48 declaring the City of Huntington Beach a "No Mask and No Vaccine Mandate City"**

Recommended Action:

Adopt Resolution No. 2023-48, "A Resolution of the City Council of the City of Huntington Beach, California, Declaring the City of Huntington Beach a "No Mask and No Vaccine Mandate City"

ADJOURNMENT

A special meeting of the Huntington Beach City Council/Public Financing Authority will be held on Thursday, October 5, 2023, at 6:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, October 17, 2023, 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>