



AGENDA

City Council/Public Financing Authority

Tuesday, December 20, 2022

Special Meetings of the Housing Authority, Parking Authority and Successor Agency

No Study Session / 4:30 PM Closed Session

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

6:00 PM Regular Business Meeting

Council Chambers

2000 Main Street

Huntington Beach, CA 92648

--or--

Virtual via Zoom Webinar

STAFF

AL ZELINKA, City Manager

MICHAEL E. GATES, City Attorney

ROBIN ESTANISLAU, City Clerk

ALISA BACKSTROM, City Treasurer

IN-PERSON PUBLIC PARTICIPATION/ZOOM ACCESS: Members wishing to attend the meeting in person are encouraged to wear a face covering.

Assembly Bill 361 (AB 361) authorizes public meetings to take place via teleconference (i.e., virtual using Zoom), or in person if in part, State and Local officials continue to recommend measures to promote social distancing. In addition to this hybrid format, alternate ways to view City Council meetings live or on-demand remain: livestreamed on HBTB Channel 3 (replayed on Wednesday's at 10:00 a.m. and Thursday's at 6:00 p.m.); live and archived meetings for on-demand viewing accessed from <https://huntingtonbeach.legistar.com/calendar>; 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 agendized or non-agendized items, including Study Session, Closed Session, and Public Hearing, may do so in person by completing a **Request to Speak** form delivered to the City Clerk, or from a virtual location by entering **Zoom Webinar ID 971 5413 0528** via computer device, or by phone at **(669) 900-6833**. The **Zoom Webinar** can be accessed here: <https://huntingtonbeach.zoom.us/j/97154130528>. Instructions for those utilizing computer devices to request to speak are provided in each section of the agenda where public comments are accepted.

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 via email at SupplementalComm@Surfcity-hb.org, or City.Council@surfcity-hb.org. Supplemental Communications are public record, and if received by 2:00 PM 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 following the 2:00 PM deadline will be incorporated into the administrative record.

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

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

City Clerk Robin Estanislau has requested permission to be absent pursuant to City Charter Section 310 (a)

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 Study Session and/or Closed Session agendas. 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.

Individuals wishing to provide a comment on item(s) scheduled for Study Session or Closed Session may do so either in person by filling out a Request to Speak form delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to select the "Raise Hand" feature in the Webinar Controls section. Attendees entering the Webinar and requesting to speak by phone can enter *9 to enable the "Raise Hand" feature, followed by the *6 prompt that unmutes their handheld device microphone. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted. 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.

RECESS TO CLOSED SESSION

CLOSED SESSION ANNOUNCEMENT(S)

1. [22-1101](#) Mayor Strickland to announce: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators, Al Zelinka, City Manager and Peter Brown Chief Negotiator; also in attendance: Brittany Mello, Administrative Services Director, Travis Hopkins, Assistant City Manager; Eric Parra, Chief of Police; and Dahle Bulosan, Chief

Financial Officer, who will be participating in today's Closed Session discussions regarding labor negotiations with: Huntington Beach Police Officers' Association (HBPOA).

CLOSED SESSION

2. [22-1097](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Chodzko (Tara) v. City of Huntington Beach; OCSC Case No.: 30-2021-01237196.
3. [22-1098](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Babaie (Masoud) and Hervin-Babaie (Negin) v. City of Huntington Beach; Case No. 30-2020-01159653.
4. [22-1099](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Whitaker (Brittany) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2021-01235807.
5. [22-1100](#) CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, Chief Negotiator; also in attendance: Brittany Mello, Administrative Services Director; Travis Hopkins, Assistant City Manager; Eric Parra, Chief of Police; and Dahle Bulosan, Chief Financial Officer. Employee Organization: Police Officers' Association (POA).
6. [22-1102](#) CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): Number of Cases, one (1) - Oil Spill.
7. [22-1103](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Pacific Airshow, LLC v. City of Huntington Beach and Kim Carr; OCSC Case No. 30-2022-01287749.

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING, AND CALL TO ORDER THE SPECIAL MEETINGS OF THE HOUSING AUTHORITY, PARKING AUTHORITY

**AND SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF
HUNTINGTON BEACH**

ROLL CALL

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

City Clerk Robin Estanislau has requested permission to be absent pursuant to City Charter Section 310 (a)

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.

8. [22-1115](#) Charles Niederman of Temple Beth David in Westminster and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3 Minute Time Limit)

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At approximately 6:00 PM, individuals wishing to provide a comment on agendized or non-agendized items may do so either in person by filling out a Request to Speak form delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to select the "Raise Hand" feature in the Webinar Controls section. Attendees entering the Webinar and requesting to speak by phone can enter *9 to enable the "Raise Hand" feature, followed by the *6 prompt that unmutes their handheld device microphone. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted but they may remain in Webinar attendance for the duration of the meeting. 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.

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.

9. [22-1041](#) **Approve Mayor Strickland’s 2023 Council Liaison List**

Recommended Action:

As recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: Approve the 2023 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Strickland. (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.)

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

10. [22-694](#) **Welcome to New OneHB Team Members**

CONSENT CALENDAR

Office of City Attorney

11. [22-1113](#) **Adopt Resolution No. 2022-82 Modifying Non-Associated Salary Schedule for City Attorney to Adjust for Recent Inflation, Make Compensation More Competitive**

Recommended Action:

Adopt Resolution No. 2022-82, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Certain Benefits of the Elected City Attorney."

Office of City Clerk

12. [22-989](#) **Approve and Adopt Minutes**

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting minutes of November 15, 2022 and the special meeting minutes of November 29, 2022.

13. [22-241](#) **Reaffirm adoption of Resolution No. 2021-62 finding a proclaimed state of emergency continues to impact the ability to meet safely in person, and allows meetings of the City Council and all City boards, commissions and committees to be conducted remotely as needed in compliance with new Brown Act provisions identified in Assembly Bill 361**

Recommended Action:

Reaffirm Resolution No. 2021-62, "A Resolution of the City Council of the City of Huntington Beach, California, Finding that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person."

14. [22-1040](#) **Receive and file the Maddy Act Local Appointments List - 2023 (terms on City boards, commissions, and committees that expire in 2023) informing the public of openings and vacancies based on 2023 expiration of current members' terms**

Recommended Action:

Receive and file the Maddy Act Local Appointments List - 2023 showing vacancies that will occur on City boards, commissions, and committees in the year 2023, 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 - 2023 will also be posted at all branch libraries and on the City's website.

Administrative Services Department

15. [22-1017](#) **Adopt Resolution No. 2022-81 modifying the pay schedule for part-time, non-permanent, and non-classified employees to comport**

with the State minimum wage increase effective January 1, 2023

Recommended Action:

Adopt Resolution No. 2022-81, "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, 2023," and authorize the City Manager to take all administrative and budgetary actions necessary to implement the revised pay schedule .

Community Development Department

16. [22-755](#) **Approve Final Tract Map No. 19136, accept bonds, and authorize execution of a Subdivision Agreement for the Gisler Residential subdivision by Lennar Homes of California, LLC at 21141 Strathmoor Lane**

Recommended Action:

A) Approve Final Tract Map No. 19136 and accept the offer of dedications pursuant to findings and requirements (Attachment No. 1); and,

B) Approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and Lennar Homes of California, LLC (Attachment No. 6); and,

C) Accept Faithful Performance Bond Nos. US00121914SU22A and US00121915SU22A, Labor and Material Bond Nos. US00121914SU22A and US00121915SU22A, and Monument Bond No. US00121913SU22A as sureties (Attachment No. 7) for the installation of the subdivision's required public improvements and survey monumentation and Gisler Park improvements; and,

D) Instruct the City Clerk to file the respective bonds with the City Treasurer and notify the Surety, XL Specialty Insurance Company, of this action.

17. [22-1031](#) **Approve Final Tract Map No. 18079, accept Bonds, and authorize execution of a Subdivision Agreement for the Georgia Townhomes Subdivision by Hilltop Townhomes LLC at 910 Georgia Street**

Recommended Action:

A) Approve Final Tract Map No. 18079 and accept the offer of easement pursuant to findings and requirements (Attachment No. 1); and,

B) Approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and Hilltop Townhomes LLC (Attachment No. 6); and,

C) Accept Faithful Performance Bond No. 4459427, Labor and Material Bond No. 4459427, and Monument Bond No. 4459428 as sureties (Attachment No. 7) for the

installation of the subdivision's required public improvements and survey monumentation;
and,

D) Instruct the City Clerk to file the respective bonds with the City Treasurer and notify the
Markel Insurance Company of this action.

18. [22-1037](#) **Approve Final Tract Map No. 19157, accept bonds, and authorize execution of a Subdivision Agreement for the Olson Townhomes subdivision by Olson Urban V-Huntington Beach 4, LLC at 8371 to 8461 Talbert Avenue**

Recommended Action:

A) Approve Final Tract Map No. 19157 and accept the offer of easement pursuant to findings and requirements (Attachment No. 1); and,

B) Approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and Olson Urban V-Huntington Beach 4, LLC (Attachment No. 6); and,

C) Accept Faithful Performance Bond No. PB03010409024, Labor and Material Bond No. PB03010409024, and Monument Bond No. PB03010409039 as sureties (Attachment No. 7) for the installation of the subdivision's required public improvements and survey monumentation; and,

D) Instruct the City Clerk to file the respective bonds with the City Treasurer and notify the Surety, Philadelphia Indemnity Insurance Company, of this action.

19. [22-1119](#) **Authorize the Executive Director to Sign a Letter of Support for a Jamboree Housing Corporation application for grant funds from the California Departments of Health Care Services and Social Services through the Behavior Health Continuum Infrastructure and the Community Care Expansion Programs**

Recommended Action:

Authorize and direct the Executive Director to sign letters of support (Attachments 1 and 2) to support the grant application the California Departments of Health Care Services and Social Services through the Behavior Health Continuum Infrastructure and the Community Care Expansion Programs.

Finance Department

20. [22-1063](#) **Adopt Resolution No. 2022-80 accepting and approving the Development Impact Fee (DIF) Report for Fiscal Year 2021-22 and to make findings as required by Government Code Sections 66006 and 66001**

Recommended Action:

Accept and approve the Development Impact Fee Report for Fiscal Year Ending June 30, 2022 and Adopt Resolution No. 2022-80, "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, 2022 and to Make the Findings as Required by Government Code Sections 66006(b) and 66001(d)."

Fire Department

21. [22-930](#) **Adopt Resolution No. 2022-79 approving the Local Hazard Mitigation Plan enabling the City to be eligible for pre- or post-disaster hazard mitigation funds from the Federal Emergency Management Agency (FEMA)**

Recommended Action:

Adopt Resolution No. 2022-79, "A Resolution of the City Council of the City of Huntington Beach Approving the Updated Huntington Beach Local Hazard Mitigation Plan."

22. [22-1027](#) **Approve an appropriation of \$867,000 for the California Department of Health Care Services (DHCS) Public Provider Ground Emergency Medical Transport Intergovernmental Transfer Program (PP-GEMT IGT) for FY 2022/23.**

Recommended Action:

Approve an appropriation of \$867,000 for the PP-GEMT IGT Program for FY 2022/23.

Public Works Department

23. [22-1044](#) **Accept the lowest responsive and responsible bid and authorize execution of a construction contract with Stance Construction Company in the amount of \$585,014.50 for the Residential Curb Ramp Project, CC-1700**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by Stance Construction Company in the amount of \$585,014.50; and,

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

24. [22-1048](#) **Accept the lowest responsive and responsible bid, authorize execution of a construction contract with Modern General Contractor Inc. in the amount of \$397,000.00 for the Police Department Traffic and Homeless Task Force Office Renovation, CC-1678, and authorize**

change orders

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Modern General Contractor Inc. in the amount of \$397,000.00.

- B) Authorize the Director of Public Works to execute change orders not to exceed 20% of the contract costs, or \$79,400.00.

ADMINISTRATIVE ITEMS

- 25. [22-1090](#) **Approve the Reorganization of the Administrative Services Department into the Human Resources Department and Information Services Department, and Adopt Resolution No. 2022-83 Amending the City’s Classification Plan to Delete the Director of Administrative Services and Add the Positions of Director of Human Resources and the Chief Information Officer**

Recommended Action:

- A) Approve the Reorganization of the Administrative Services Department into separate Human Resources and Information Services Departments, authorize one additional full-time equivalent position and appropriate \$138,140 in the Fiscal Year 22/23 budget, and authorize the City Manager to take all administrative and budgetary actions necessary to implement the reorganization.

- B) Adopt Resolution No. 2022-83, “A Resolution of the City Council of the City of Huntington Beach Amending the City’s Classification Plan by Deleting the Director of Administrative Services and Adding the Job Classifications of Director of Human Resources and Chief Information Officer and Establishing Compensation.”

COUNCILMEMBER ITEMS

- 26. [22-1092](#) **Submitted by Mayor Strickland - Proposed Ordinance to Establish a Code Enforcement Complaint Process Regarding Alleged Business Violations and Prohibits the Submission of Anonymous Complaints**

Recommended Action:

Request the City Attorney to return to City Council with a proposed ordinance that bans anonymous complaints by individuals to Code Enforcement about alleged business violations.

The Ordinance should provide that Code Enforcement is welcome to continue to take in complaints from the public about businesses, but that in order to do so, strict new reporting requirements must be adhered to. Any and all complaints by individuals must occur in person at City Hall, which will include a new and updated intake form to be completed with all identifying information of the complaining party. The intake of the complaint shall include a copy of the individual's driver's license or other form of ID with a full name,

address, and photo of the individual. If a City worker, including a member of Code Enforcement is lodging the complaint, then he/she identifies him/herself likewise.

27. [22-1093](#) **Submitted by Mayor Strickland - Request to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits**

Recommended Action:

Direct the City Attorney to return at the next City Council Meeting with an amendment to the City's municipal code to raise the contribution limit to match or track that of the limits for California's Senate/Assembly candidates.

28. [22-1105](#) **Submitted by Mayor Strickland - Request to perform a CEQA review for the Great Pacific Air Show**

Recommended Action:

Request the City Manager to return to City Council at the first regular City Council Meeting in January 2023 with a specific and actionable recommendation for undertaking an adequate CEQA review of the Air Show. Chief Assistant City Attorney, Mike Vigliotta's experience in environmental legal review will provide the leadership to retain the consultant necessary to complete the environmental review.

29. [22-1094](#) **Submitted by Mayor Pro Tem Van Der Mark - Report on Homelessness, Anti-Camping and Anti-Loitering Laws**

Recommended Action:

Direct the City Manager and the Police Chief to return on January 17, 2023 to present the following:

1. A full report and accounting identifying all of the City's resources, including recently hired/appointed City personnel, County programs present in the City, and facilities like the Navigation Center, that have been employed or deployed to combat homelessness; and
2. A full report and accounting of the Navigation Center's use since it opened in December 2020, including the number of beds occupied over time (utilizing monthly data), where the clients/patrons are from (have they been Huntington Beach homeless or have they been brought in by the County or other cities), and average length of how long individuals stay and where they go once released (e.g., back on the streets, County facilities, or back home); and
3. A proposal that incorporates former Police Chief Handy's 90-day plan on how HBPD will enforce the City's and State's anti-camping and anti-loitering laws to get the City's public spaces free from the mentioned encampments, loitering, and their related health and safety concerns; and
4. A request for the Police Chief to give quarterly updates at City Council on enforcement of anti-camping and anti-loitering.

30. [22-1108](#) **Submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon - Request to Switch the City of Huntington Beach's (The Organization) OCPA Energy Rate to Basic Choice and provide Recommendations to Withdraw as a Founding Member of the OCPA**

Recommended Action:

We request the City Manager to present options at the next City Council meeting on the City's pursuit to immediately switch the City of Huntington Beach facilities to OCPA's Basic Choice Option. We also request for staff to return at a study session before the end of February 2023 to provide options, costs and paths forward to remove/withdraw the City entirely from the Orange County Power Authority.

31. [22-1110](#) **Submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon - Request to Pause the Main Street Redevelopment Project and Solicit Additional Community Feedback Prior to Reconsidering the Project**

Recommended Action:

Request the City Manager to pause the work of Studio One Eleven architects and re-engage the community. Return to the City Council in February 2023 to share the feedback received from the community and engage in another discussion on whether to pursue the Main Street redesign. If direction is given to proceed, Council and staff will discuss various options for the redesign of the first, second, and third blocks of Main Street.

32. [22-1095](#) **Submitted by Councilmember Burns - Request for HBPD Crime Statistics and Enhanced Public Safety Enforcement Activities**

Recommended Action:

1. Direct the City Manager to work with the Police Chief and return on January 17, 2023 with a report on crime statistics over the past year, particularly regarding theft from or damage to our local businesses and home invasion burglaries throughout the City; and
2. Return on January 17, 2023 with a report on what measures (without reporting/revealing tactics that should be kept confidential) that the HBPD will take in 2023 to increase public safety and law enforcement; and
3. Return quarterly with crime statistics and include explanations of the HBPD's increased efforts to fight crime; and
4. Direct the City Attorney to return on January 17, 2023 with any recommendations to increase prosecutorial support of the HBPD, if any.

33. [22-1096](#) **Submitted by Councilmember McKeon - Oppose RHNA Mandate and**

Adopt an Ordinance to Ban Builder's Remedy Developments

Recommended Action:

Authorize the City Attorney to:

1. Challenge the State's RHNA mandate for Huntington Beach, including its validity and any laws in support of such a mandate over the City as a Charter City, by taking whatever legal action is required; and
2. Return to City Council at the City Attorney's earliest convenience with an ordinance banning "Builder's Remedy" developments from taking place in Huntington Beach. Development without proper approvals is already not legal in the City, but this Ordinance is essential to make it clear to the entire community that Huntington Beach will fight any developer that seeks to develop pursuant to "Builder's Remedy" laws.

34. [22-1109](#) Submitted by Councilmember McKeon - Request for Information and Actions Related to the RWG Report

Recommended Action:

1. City Council vote tonight to waive the attorney-client and Closed Session confidentiality privileges for the 10 Closed Session Meetings on the Moore v. City, Gates lawsuit for the sole purposes of allowing Mr. Gates to give his side of the story - to return to City Council with a public presentation on what was discussed and decided (by Councilmember votes) in those 10 Closed Sessions, and
2. City Council to vote tonight to waive the claimed attorney-client and any other confidentiality privilege on any and all communications between Councilmembers and Craig Steele and his attorneys regarding this "investigation," and
3. Direct the City Manager to work with IS to preserve all emails/texts/communications between City Council Members and Craig Steele and Richards Watson Gershon (RWG) and between former City Manager Oliver Chi and RWG, and
4. City Council to vote tonight to waive the claimed attorney-client and any other confidentiality privilege on any and all RWG invoices for the work they have done on this "investigation" (going back to 2020) and to have those invoices, all of them, sent by the Finance Director and City Manager to Mr. Gates for review to make determinations as to the propriety of the work by RWG and to see if a new investigation should be undertaken to analyze the propriety of RWG's investigation of Mr. Gates in the first place, and the propriety of the taxpayer dollars spent on the Steel "investigation," and
5. Direct the City Manager to remove the RWG report from the City's website - so that there are no links and no availability on the City's website whatsoever. If any member of the public wants a copy, they can send a request to the City Attorney's office to produce public records under the CPRA, and
6. Direct Mr. Gates, after review of the aforementioned communications and invoices, to

return to City Council with recommendations if any further action could be taken to correct the actions of RWG and the City Council retainer of RWG and the spending of taxpayer moneys on such an "investigation" behind closed doors and away from the public visibility and accountability.

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, January 3, 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>