



## AGENDA

### City Council/Public Financing Authority

Tuesday, October 17, 2023

**\*Revised for start times and #20 Resolution title\***

**2:30 PM - Closed Session**

**4:00 PM - Study Session**

**6:00 PM - Regular Business Meeting**

#### **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*

#### **Council Chambers**

**2000 Main Street  
Huntington Beach, CA 92648**

#### **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 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](mailto: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](mailto: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.

**\*2:30 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 PERTAINING TO CLOSED AND/OR STUDY 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 Closed Session agenda. 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](mailto:city.council@surfcity-hb.org).

**RECESS TO CLOSED SESSION**

**CLOSED SESSION**

1. [23-874](#) **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).**
2. [23-875](#) **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).

3. [23-876](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). People of the State of California/Bonta v. City of Huntington Beach/Zelinka; Case No. 30-2023-01312235-CU-WM-CJC.
4. [23-877](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). City of Huntington Beach v. Newsom/HCD; 8:23-CV-00421-FWS (ADSx).
5. [23-881](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). In re Aqueous Film-Forming Foams Prods. Liab. Litig., Case No. 2:18-mn-02873 (D.S.C.) ("AFFF MDL"), Case No. 2:22-cv-1798-RMG.
6. [23-887](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Nicholas Vella v. City of Huntington Beach; Worker's Compensation No. COHB-22-0063.
7. [23-901](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). City of Huntington Beach v. California Department of Finance; Case No. 34-2018-80002876-CU-WM-GDS.
8. [23-902](#) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION. (Paragraph (4) of subdivision (d) of Gov. Code § 54956.9). Number of Matters: One (1).

**\*STUDY SESSION - Estimated 4:00 PM Start Time**

**PUBLIC COMMENTS PERTAINING TO STUDY 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 agenda. 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.

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9. [23-878](#) **Review of Councilmember Item 23-532 - Selection, Display, and Circulation of Library Books and Other Materials within Huntington Beach Public Libraries**

**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**

10. [23-766](#) **HB Pack 435 will post the colors and lead the 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.

11. [23-861](#) **Huntington Beach Police Chaplain Bob Ewing**

**AWARDS AND PRESENTATIONS**

12. [23-899](#) **Legislative Update provided by California State Senator Janet Nguyen**

**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.

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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 TREASURER'S REPORT**

13. [23-863](#) Update on City Treasurer's Department

**CONSENT CALENDAR (ITEMS 14-18)**

**CITY CLERK**

14. [23-836](#) 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 special meeting minutes of September 21, 2023; and
- C) Approve and adopt the City Council/Public Financing Authority special meeting minutes of September 28, 2023; and
- D) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of October 3, 2023; and
- E) Approve and adopt the City Council/Public Financing Authority special meeting minutes of October 5, 2023.

**CITY MANAGER/INFORMATION SERVICES**

15.    [23-775](#)        **Approve and Authorize execution of a Professional Services Agreement with IK Consulting, LLC for the Accela Citizen Access online permitting system improvement project and on-call project support services**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute “Professional Services Contract between the City of Huntington Beach and IK Consulting, LLC for Project Management and Implementation Services.”

**POLICE**

16.    [23-864](#)        **Approve responses to the 2022-2023 Orange County Grand Jury Report related to Animal Welfare**

**Recommended Action:**

- A) Approve the City’s responses to findings and recommendations posed by the Orange County Grand Jury report entitled “Gimme Shelter and a Pound of Advice - The State of Animal Welfare Overseen by the County of Orange;” and
- B) Authorize the City Manager to submit the City’s responses to the Presiding Judge of the Superior Court.

17.    [23-845](#)        **Adopt Ordinance No. 4302 amending Huntington Beach Municipal Code (HBMC) Chapter 10.84 relating to bicycle regulations Approved for Introduction on September 19, 2023 by a vote of 6-0-1 (Burns-Absent)**

**Recommended Action:**

Adopt Ordinance No. 4302, "An 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."

18. [23-843](#) **Approve and accept the Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) and Pedestrian and Bicycle Safety grants; authorize the Chief of Police to execute documents and approve appropriation and expenditure of funds**

**Recommended Action:**

A) Approve and accept the STEP and "Pedestrian and Bicycle Safety" grant agreements between OTS and the City of Huntington Beach for \$800,000 and \$42,895, respectively; and,

B) Authorize the Chief of Police to execute the grant agreements with OTS; and,

C) Approve appropriations and estimated revenue source in the amount of \$800,000 and \$42,895; and,

D) Authorize the Chief of Police to establish separate business units for this funding and expend up to a total of \$800,000 and \$42,895 on the Selective Traffic Enforcement Program (STEP) grant and "Pedestrian and Bicycle Safety" grant.

**ADMINISTRATIVE ITEMS**

19. [23-871](#) **Consider the submission of three Charter amendment ballot measures for voter approval at the March 5, 2024 Statewide Primary Election and the adoption of Resolution Nos. 2023-42, 2023-43, 2023-44, and 2023-45**

**Recommended Action:**

A) Consider the three proposed Charter amendment ballot measures, ballot language, and exhibits for placement on the March 5, 2024 Statewide Primary Election ballot for voter approval; and

B) Adopt Resolution No. 2023-42, "A Resolution of the City Council of the City of Huntington Beach, California, Calling for the Holding of a Special Municipal Election to be held on Tuesday, March 5, 2024, for the Submission to the Voters Questions Relating to City Charter Amendments;" and

C) Adopt Resolution No. 2023-43, "A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a Special Municipal Election to be held on March 5, 2024, with the Statewide Primary Election to be held on the Date Pursuant to § 10403 of the Elections

Code;" and

D) Adopt Resolution No. 2023-44, "A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding City Measures and Directing the City Attorney to Prepare Impartial Analyses;" and

E) Adopt Resolution No. 2023-45, "A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections;" and

F) Appropriate \$459,628 in General Funds to business unit 10040101; and

G) Dissolve the Charter Review Ad Hoc Council Committee, as their scope of work has been completed.

### **COUNCILMEMBER ITEMS**

- \*20. [23-879](#) **Submitted by Mayor Pro Tem Van Der Mark - Consider Adoption of Resolution No. 2023-41 establishing a policy for the review and recataloging of library materials containing sexual content**

**Recommended Action:**

I request the City Council consider adopting Resolution No. 2023-41 to establish a policy for the review and recataloging of library materials containing sexual content (Attachment #2).

21. [23-894](#) **Submitted by Mayor Pro Tem Van Der Mark - Adopt Resolution No. 2023-50 in Support of Israel and Condemning the Attacks on Israel by Hamas**

**Recommended Action:**

The City Council adopt the attached Resolution stating that the City publicly declares support for Israel, condemns the barbaric attacks on Israel by Hamas, publicly expresses sympathy for those Israelis who are suffering and dying at the hands of Hamas, and that the City publicly calls for an immediate end to the war.

### **ADJOURNMENT**

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