



AGENDA

City Council/Public Financing Authority

Tuesday, November 15, 2022

No Study Session / 5:00 PM Closed Session 6:00 PM Regular Business Meeting

Council Chambers

2000 Main Street
Huntington Beach, CA 92648

--or--

Virtual via Zoom Webinar

MAYOR AND CITY COUNCIL

BARBARA DELGLEIZE, Mayor
MIKE POSEY, Mayor Pro Tem
RHONDA BOLTON, Councilmember
KIM CARR, Councilmember
DAN KALMICK, Councilmember
NATALIE MOSER, Councilmember
ERIK PETERSON, Councilmember

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 agenda items or non-agenda 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.

5:00 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

Peterson, Bolton, Posey, Delgleize, Carr, Moser, Kalmick

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

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO
CLOSED SESSION ITEM(S) (Received After Agenda Distribution)**

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

At approximately 5:00 PM, individuals wishing to provide a comment on item(s) scheduled for 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.

CLOSED SESSION ANNOUNCEMENT(S)

1. [22-991](#) Mayor Delgleize to Announce: Pursuant to Government Code § 54956.8, the City Council shall recess to Closed Session to give instructions to the City's Negotiators, Al Zelinka, City Manager; Ursula Luna-Reynosa, Director of Community Development; Sean Crumby, Director of Public Works, regarding negotiations with Timothy A. Fissingner, Vice President of Real Estate for Republic Services concerning price and terms of payment for the disposition of real property located at APN numbers 111-372-06 and 111-372-07

RECESS TO CLOSED SESSION

CLOSED SESSION

2. [22-992](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code

section 54956.8.)

Property: APN numbers 111-372-06 and 111-372-07.

Agency negotiator: Al Zelinka, City Manager; Ursula Luna-Reynosa, Director of Community Development; and Sean Crumby, Director of Public Works.

Negotiating parties: Timothy A. Fissinger. Vice President of Real Estate for Republic Services.

Under negotiation: Price and terms of payment.

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

Peterson, Bolton, Posey, Delgleize, Carr, Moser, Kalmick

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.

3. [22-931](#) Zarathushti Maneck Bhujwala of the Zoroastrian Community and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY

AWARDS AND PRESENTATIONS

4. [22-938](#) Mayor Delgleize to call on Eagle Scout recipient Joe Broadway who recently rebuilt the staircase to the mudslide at the City's Adventure Playground
5. [22-939](#) Mayor Delgleize to recognize Republic Services Drivers Ben Matua and Jose Cardoso for being Good Samaritans in assisting a customer in need of help
6. [22-977](#) Mayor Delgleize to call on members of the Huntington Beach Host Lions Club to present the club's Melvin Jones Award to Community

& Library Services Director Chris Slama

7. [22-923](#) Mayor Delgleize to present the November Mayor's HB Excellence Award to Chaplain Roger Wing with HBFD and HBPD

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3 Minute Time Limit)

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 free speech, it rejects comments from anyone that are discriminatory, defamatory or otherwise not protected 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 - APPOINTMENTS - LIAISON REPORTS, AB 1234 REPORTING, AND OPENNESS IN NEGOTIATIONS DISCLOSURES

CITY MANAGER'S REPORT

CONSENT CALENDAR

Office of City Clerk

8. [22-958](#) Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting and Housing Authority special meeting minutes of November 1, 2022

9. [22-240](#) 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."

Office of City Manager

10. [22-889](#) **Report on Hate Crimes and Hate Incidents and Recommendations by the Huntington Beach Human Relations Committee (HRC)**

Recommended Action:

Receive and file the Report on Hate Crimes and Hate Incidents and Recommendations by the Huntington Beach Human Relations Committee

Community Development Department

11. [22-961](#) **Adopt Resolution No. 2022-77 approving the decertification of Subsequent Environmental Impact Report (SEIR) No. 10-001; rescission of Conditional Use Permit (CUP) No. 02-004, Entitlement Plan Amendment (EPA) No. 10-001, Coastal Development Permit (CDP) No. 10-014, and Tentative Parcel Map (TPM) No. 10-130; and termination of related agreements (Poseidon)**

Recommended Action:

Approve decertification of SEIR No. 10-001; rescission of CUP No. 02-004, EPA No. 10-001, CDP No. 10-014, and TPM No. 10-130; and termination of related agreements by adopting Resolution No. 2022-77 "A Resolution of the City Council of the City of Huntington Beach Decertifying Final Subsequent Environmental Impact Report No. 10-001 and Repealing Resolution No. 2010-63 and Rescinding all City Entitlement Approvals and Terminating All Agreements (Attachment No. 1)."

12. [22-964](#) **Approve an Amended and Restated Lease Agreement between the City of Huntington Beach and Waterfront Hotel, LLC, for the beach concession at 21351 Pacific Coast Highway**

Recommended Action:

A) Approve an Amended and Restated Lease Agreement between the City of Huntington Beach and Waterfront Hotel, LLC for the Concession Stand at 21351 Pacific Coast Highway; and,

B) Authorize the Mayor, City Manager, and City Clerk to execute the Agreement and other related documents.

13. [22-957](#) **Adopt Ordinance 4267 approving Zoning Text Amendment (ZTA) No. 21-003 amending the Bella Terra Specific Plan to revise the Zoning Boundaries and Development Standards of the Real Property located at 7777 Edinger Avenue (Bella Terra Residential Project) Approved for introduction as amended November 1, 2022 - Vote: 6-1 (Peterson - No)**

Recommended Action:

Approve Zoning Text Amendment No. 21-003 with findings (Attachment No. 1) and adopt City Council Ordinance No. 4267, "An Ordinance of the City of Huntington Beach Amending the Bella Terra Specific Plan to Revise the Zoning Boundaries and Development Standards of the Real Property Located at 7777 Edinger Avenue (Zoning Text Amendment No. 21-003)" (Attachment No. 4).

Fire Department

14. [22-912](#) **Approve four reappointments to the Harbour Commission, as recommended by City Council Liaisons, Mayor Pro Tem Mike Posey and Councilmember Erik Peterson**

Recommended Action:

A) Approve the reappointment of William Larkin as a Member of the Harbour Commission through December 31, 2026; and,

B) Approve the reappointment of Kimberley Milligan as a Member of the Harbour Commission through December 31, 2026; and,

C) Approve the reappointment of Chris Nielsen as a Member of the Harbour Commission through December 31, 2026; and,

D) Approve the reappointment of Craig Schauppner as a Member of the Harbour Commission through December 31, 2026.

Public Works Department

15. [22-886](#) **Approve a sole source procurement request to purchase 3 Meeder Ransome vaporizer units to fuel backup generators for the water system's booster stations**

Recommended Action:

Approve the sole source procurement request for the purchase of 3 Meeder Ransome

vaporizer units to fuel backup generators for the water system's booster stations.

16. [22-936](#) **Adopt and authorize recordation of Resolution No. 2022-66 ordering the summary vacation of an easement over a portion of Huntington Street near the intersection with Atlanta Avenue in the City of Huntington Beach**

Recommended Action:

A) Adopt Resolution No. 2022-66, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Undeveloped Portion of an Existing Street and Public Utility Easement Along the Eastside of 102 and 104 Huntington Street, in the City of Huntington Beach, and Making a Finding of Exemption Under CEQA" (Attachment 2); and,

B) Instruct the City Clerk to record Resolution No. 2022-66 and the respective attached exhibits with the Orange County Recorder.

17. [22-945](#) **Approve a one-time reallocation of \$250,000 of HB Recovery funds for unscheduled turf replacement at the HB Sports Complex outdoor soccer arena**

Recommended Action:

Approve the reallocation of \$250,000 of HB Recovery Funds toward the replacement of artificial turf surfacing at the Sports Complex outdoor soccer arena .

PUBLIC HEARING

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

Individuals wishing to provide a comment on an item scheduled for Public Hearing may do so 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.

18. [22-908](#) **Adopt Ordinance No. 4270 adopting the 2022 Model California Construction Codes. Approved for Introduction October 18, 2022 - Vote: 6-0-1 Peterson Absent**

Recommended Action:

Adopt Ordinance No. 4270, "An Ordinance of the City of Huntington Beach Amending Title 17 - Buildings and Construction of the Huntington Beach Municipal Code Adopting the California Building Standards Code and Repealing Ordinance No. 4190."

19. [22-948](#) **Adopt Ordinance No. 4268 amending Chapter 17.56 of the Huntington Beach Municipal Code, adopting California Fire Code - Approved for Introduction October 18, 2022 - Vote 6-0-1, Peterson absent**

Recommended Action:

Adopt Ordinance No. 4268, "An Ordinance of the City of Huntington Beach Amending Chapter 17.56 of the Huntington Beach Municipal Code Adopting the California Fire Code and Repealing Ordinance No. 4189."

ADMINISTRATIVE ITEMS

20. [22-944](#) **Approval of a proposed extension of the City-owned Ocean View Estates Mobile Home Park and authorization to temporarily reduce rents for eligible senior mobile Home owners at Ocean View Estates**

Recommended Action:

A) Authorize an extension of the Rental Agreements and operations at Ocean View Estates Mobile Home Park for a period of 15 years through September 30, 2039, and direct 65 percent of net operating revenue to a Special Reserve Fund for Ocean View Estates Mobile Home Park closure. The Special Reserve Fund will provide for 1) replacement housing and relocation of park residents upon cessation of use as a mobile home park; and 2) remediation of the mobile home park. In the event of budgetary constraints due to escalating CalPERS costs, authorize the City Manager with consultation with the Chief Financial Officer to reallocate Special Reserve Fund as needed.

B) Direct staff to return five years prior to the planned closure date with an assessment of the capacity of the Special Reserve Fund to cover costs associated with closing the mobile home park and Park Development Impact Fees to cover the costs of converting the property to a passive recreational park.

C) Authorize the Office of the City Attorney to prepare revised Rental Agreements for

Ocean View Estates Mobile Home Park residents and further authorize the City Manager or designee to execute such Rental Agreements.

D) Authorize the City Manager or designee to approve temporary rent reduction for eligible seniors at Ocean View Estates consistent with the Mobile Home Tenant Based Rental Assistance Program.

21. [22-956](#) **Approve the Classification and Compensation Study Implementation Plan by adopting Resolutions No. 2022-70, 2022-71, 2022-72, 2022-73, and 2022-74 related to Side Letters of Agreement with the Huntington Beach Municipal Teamsters (HBMT), Management Employees' Organization (MEO), Marine Safety Management Association (MSMA), Surf City Lifeguard Employees' Association (SCLEA), and Fire Management Association (FMA); and by adopting Resolution No. 2022-76 modifying salary and benefits for appointed Non-Associated (NA) employees; and approve Amendment No. 1 to the Employment Agreement between the City of Huntington Beach and Scott Haberle; and adopt Resolution 2022-75 related to a Side Letter of Agreement with Huntington Beach Firefighters' Association (HBFA) regarding the Retiree Medical Trust**

Recommended Action:

A) Adopt Resolution No. 2022-70, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan and Memorandum of Understanding Between the City and the Huntington Beach Municipal Teamsters (HBMT) by Adopting the Side Letter of Agreement" (Attachment 1); and

B) Adopt Resolution No. 2022-71, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan and Memorandum of Understanding Between the City and the Huntington Beach Management Employees' Organization (MEO) by Adopting the Side Letter of Agreement" (Attachment 2); and

C) Adopt Resolution No. 2022-72, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan and Memorandum of Understanding Between the City and the Huntington Beach Marine Safety Management Association (MSMA) by Adopting the Side Letter of Agreement" (Attachment 3); and

D) Adopt Resolution No. 222-73, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan and Memorandum of Understanding Between the City and the Surf City Lifeguard Employees' Association (SCLEA) by Adopting the Side Letter of Agreement" (Attachment 4); and

E) Adopt Resolution No. 2022-74, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan and Memorandum of

Understanding Between the City and the Huntington Beach Fire Management Association (FMA) by Adopting the Side Letter of Agreement” (Attachment 5); and

F) Adopt Resolution No. 2022-76, “A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees by Adding or Amending Classifications and Compensations for Various Positions” (Attachment 6); and

G) Approve and authorize the City Manager to execute, “Amendment No. 1 to the Employment Agreement between the City of Huntington Beach and Scott Haberle” (Attachment 7); and

H) Adopt Resolution No. 2022-75, “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Firefighters’ Association (HBFA) by Adopting the Side Letter of Agreement” (Attachment 8); and

I) Authorize the City Manager to take all administrative and budgetary actions necessary to implement the Classification and Compensation Study.

22. [22-962](#) Approve Fiscal Year 2021/22 Year-End and Budget Adjustments and Inter-Fund Transfers

Recommended Action:

A) Approve the year-end inter-fund transfers for the FY 2021/22 Revised Budget in the funds and by the amounts contained in Attachment 1 and carry the remaining appropriations into FY 2022/23; and,

B) Increase appropriations for the FY 2021/22 Revised Budget by \$12,423,138 in the funds and amounts contained in Attachment 1 and associated FY 2022/23 carryovers to reconcile the budget with actual expenses incurred; and,

C) Approve the FY 2022/23 appropriation of \$5 million of grant revenues and expenditures into Fund 1277 for the Oak View Neighborhood Cleanup and Beautification Project received through the Clean California Local Grant Program; and,

D) Approve and authorize the Mayor and City Clerk to execute “Amendment No. 3 to Agreement between the City of Huntington Beach and Winbourne Consulting, LLC for Consulting Services for CAD Mobile Law RMS Replacement Services” (Attachment 2).

23. [22-969](#) Direct staff to draft a Zoning Text Amendment (ZTA) to delete the cannabis prohibition and to permit cannabis activities consistent with the Council’s Ad Hoc Committee’s recommendations

Recommended Action:

Request the City Manager (or designee) to draft a Zoning Text Amendment (ZTA) to the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to delete the existing cannabis prohibition and add necessary language to allow cannabis activities consistent with the Council's Ad Hoc Committee's recommendations.

24. [22-971](#) **Approve recommendations regarding the City's procurement policies as they pertain to formal bid thresholds, approval levels, and reporting to City Manager and City Council; direct staff to prepare ordinances for City Council approval**

Recommended Action:

A) Approve recommended bid thresholds, approval levels, and reporting to City Manager and City Council, and;

B) Direct staff to incorporate recommended changes and prepare ordinances as part of Phase 2 of the Procurement Project for City Council approval.

COUNCILMEMBER ITEMS

25. [22-934](#) **Submitted by Councilmember Kalmick - Sign Code Update (HBZSO Section 233)**

Recommended Action:

Direct the City Manager and City Attorney's office to review our Sign Code (HBZSO Section 233) for compliance with these two Supreme Court rulings and any other rulings not listed here and bring back any necessary Zoning Text Amendments to the Planning Commission and City Council in Q1 2023. Additionally, direct staff to bring back by the end of the 2023 an analysis of our noncommercial sign policy and make any recommendations for modification.

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

A special meeting of the Huntington Beach City Council/Public Financing Authority has been scheduled at 4:00 PM, Tuesday, November 29, 2022 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, December 6, 2022, at 4:00 PM 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>**