



AGENDA

City Council/Public Financing Authority

Tuesday, June 6, 2023

2:00 PM - Study Session/Closed 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 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>, <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 public 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. 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.

2:00 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 (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. 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.

STUDY SESSION

1. [23-468](#) Parking Study

RECESS TO CLOSED SESSION

CLOSED SESSION

2. [23-472](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to Government Code §54957 for performance evaluation of the City Manager.
3. [23-494](#) CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, 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; Eric Parra, Chief of Police; and Sunny Han, Acting Chief Financial Officer. Employee Organization: Police Management Association (PMA).

4. [23-473](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Tater/Stankis v. City of Huntington Beach, et al.; USDC Case No. 8:20-cv-01772-MEMF (JDEx).
5. [23-474](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Tabares (Tiffany) v. City of Huntington Beach/Eric Esparza; OCSC Case No.: 30-2021-01200297.
6. [23-475](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Briscoe (John) v. Robin Estanislau, et al.; OCSC Case No. 30-2022-01273424.
7. [23-476](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Kennedy Commission, et al. v. City of Huntington Beach, et al.; OCSC Case No. 30-2015-00801675.
8. [23-486](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: People of the State of California/Bonta v. City of Huntington Beach/Zelinka; Case No. 30-2023-01312235.

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.

9. [23-464](#) **Huntington Beach Police & Fire Chaplain Roger Wing**

CLOSED SESSION REPORT BY CITY ATTORNEY

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

MAYOR'S ANNOUNCEMENT

10. [23-477](#) **Mayor Strickland to recognize May 23rd as "Sammy Hagar Day," acknowledging the rock star and his investment in Huntington Beach via the new Cabo Wabo Beach Club at the Waterfront Beach Resort**

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

- 11. [23-466](#) May 2023 Vector Control Board AB 1234 Report
- 12. [23-493](#) Quality of Life Community Survey Results Presentation

CITY ATTORNEY'S REPORT

- 13. [23-484](#) Update on the City of Huntington Beach v. State, Department of Finance lawsuit
- 14. [23-485](#) Update on the Pacific Airshow v. City of Huntington Beach lawsuit and settlement

CITY CLERK'S REPORT

- 15. [23-458](#) May Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies

Recommended Action:

None. Monthly updates are for informational purposes only.

CONSENT CALENDAR

OFFICE OF THE CITY CLERK

- 16. [23-457](#) Approve and Adopt Minutes

Recommended Action:

A) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of May 16, 2023; and,

B) Approve and adopt the City Council/Public Financing Authority special meeting minutes of May 16, 2023.

POLICE DEPARTMENT

17. [23-462](#) **Annual Military Equipment Use Report (AB 481)**

Recommended Action:

A) Find that each type of military equipment identified in that report attached hereto as Attachment 1 complies with the following standards for approval: 1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. 2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties. 3. Any future purchased equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety. 4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance; and,

B) Renew Ordinance No. 4255 authorizing the continued use of the listed military equipment by the Police Department (Annual Military Equipment Use Report (AB 481), Exhibit 3).

PUBLIC WORKS DEPARTMENT

18. [23-434](#) **Approve and authorize execution of a Professional Services Contract in the amount of \$1,350,000 over 3 years with Enterprise Automation to provide On Call Engineering Services for Water and Wastewater SCADA Systems**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and Enterprise Automation for On-Call Engineering Services for Water and Wastewater SCADA Services.

19. [23-437](#) **Accept bid and authorize execution of a construction contract with Crosstown Electrical & Data, Inc. in the amount of \$445,480.00 for the construction of fiber optic communications along Garfield Avenue (CC-1682), and authorize change orders (as needed) not to exceed 15 percent**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by Crosstown Electrical & Data, Inc., in the amount of \$445,480.00; and,

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

C) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the construction costs, or \$66,822.

20. [23-447](#) **Accept bid and authorize execution of a construction contract with International Line Builders, Inc. in the amount of \$250,656.00 for the construction of Fiber Optic Communications to the Oak View Community Center and water well, CC-1636 and authorize change orders not to exceed 15 percent**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by International Line Builders, Inc. in the amount of \$250,656.00; and,

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

C) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the construction contract, or \$37,598.

21. [23-460](#) **Accept bid and authorize execution of a construction contract with Crosstown Electrical & Data, Inc., in the amount of \$625,650 for the construction of fiber optic communications along Gothard Street (CC-1692), issuance of change orders not to exceed 15 percent (as needed), and the appropriation of \$149,805 from the undesignated Traffic Impact Fee fund balance**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by Crosstown Electrical & Data, Inc., in the amount of \$625,650.00; and,

B) Appropriate \$149,805 of undesignated Traffic Impact Fee balance to Traffic Impact Fee account 20685201.82700; and,

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

D) Authorize the Director of Public Works to execute change orders (as needed) not to exceed a total of 15 percent of the construction contract, or \$93,848.

22. [23-461](#) **Approve the Infrastructure Fund Annual Report for FY 2021/22**

Recommended Action:

Approve the Infrastructure Fund Annual Report for FY 2021/22.

23. [23-463](#) **Accept bid and authorize execution of a construction contract with Elecnor Belco Electric, Inc. in the amount of \$145,763 for the construction of Fiber Optic Communications to the Central Library,**

CC-1722, and authorize change orders not to exceed 15 percent

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Elecnor Belco Electric, Inc. in the amount of \$145,763; and,
- B) Appropriate \$90,815 of undesignated Public Education and Government Access (PEG) funds to PEG fund business unit 24385101.82800; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- D) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the construction contract, or \$21,864.

PUBLIC HEARING

- 24. [23-481](#) **Consider Adopting Resolution No. 2023-24 to Adopt a Budget for the City for Fiscal Year 2023/2024 and Authorize the Corresponding Appropriation and Transfer of \$4.9 Million of AES Reserves and \$3.9 Million of Equipment Replacement Reserves and Return to a 12-year Paving Cycle; Resolution No. 2023-25 Establishing the Gann Appropriation Limit for Fiscal Year 2023/2024; Resolution No. 2023-23 Levying a Retirement Property Tax for Fiscal Year 2023/2024 to Pay for Pre-1978 Employee Retirement Benefits; Resolution No. 2023-27 Amending the City’s Classification Plan by Adding the Classifications of Graphic Designer, Multimedia Officer, and Municipal Records Manager; Resolution No. 2023-28 to Adopt a Revised General Fund Reserve Policy; Resolution No. 2023-26 Acknowledging Receipt of a Report Made by the Fire Chief of the Huntington Beach Fire Department Regarding the Inspection of Certain Occupancies Required to Perform Annual Inspections in such Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code; Approve and Authorize the execution of Amendment No. 2 to the Agreement between the City of Huntington Beach and Mind OC for Pilot Mobile Crisis Response Program; and Approve and Authorize the Execution of Professional Services Contract between the City of Huntington Beach and National Council for Community Development (NDC) for Technical Assistance Services**

Recommended Action:

- A) Adopt Resolution No. 2023-24, “A Resolution of the City Council of the City of

Huntington Beach Adopting a Budget for the City for Fiscal Year 2023/2024” (Attachment 2); and,

B) Authorize the Professional Services included in the FY 2023/24 budget to be representative of the services projected to be utilized by departments in FY 2023/24 (Attachment 3); and,

C) Authorize the appropriation and transfer of the full balance (\$4.9 million) of the AES Reserve from the General Fund to the AES Mitigation Fund 1284; and,

D) Authorize the appropriation and transfer of \$3,903,803 from the General Fund Equipment Replacement Reserve to the Equipment Replacement Fund 324; and,

E) Approve the return to a 12 year paving cycle; and,

F) Adopt Resolution No. 2023-25, “A Resolution of the City Council of the City of Huntington Beach Establishing the Gann Appropriation Limit for Fiscal Year 2023/2024” of \$1,171,687,773” (Attachment 4); and,

G) Adopt Resolution No. 2023-23, “A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2023/2024 to Pay for Pre-1978 Employee Retirement Benefits” (Attachment 5); and,

H) Adopt Resolution No. 2023-27, “A Resolution of the City Council of the City of Huntington Beach Amending the City’s Classification Plan by Adding the Classifications of Graphic Designer, Multimedia Officer, and Municipal Records Manager” (Attachment 6); and,

I) Adopt Resolution No. 2023-28, “A Resolution of the City Council of the City of Huntington Beach Adopting a Revised General Fund Reserve Policy” (Attachment 7) and authorize the City Manager or designee to execute all administrative and budgetary actions necessary to consolidate certain General Fund Assigned Fund Balances to the Economic Uncertainties Reserve in order to meet the City’s two-month Emergency Reserve requirement; and,

J) Adopt Resolution No. 2023-26, “A Resolution of the City Council of the City of Huntington Beach, California Acknowledging Receipt of a Report Made by the Fire Chief of the Huntington Beach Fire Department Regarding the Inspection of Certain Occupancies Required to Perform Annual Inspections in such Occupancies Pursuant to

Sections 13146.2 and 13146.3 of the California Health and Safety Code” (Attachment 8); and,

K) Approve and authorize the Mayor and City Clerk to execute “Amendment No. 2 to Agreement between the City of Huntington Beach and Mind OC for Pilot Mobile Crisis Response Program” (Attachment 9); and,

L) Approve and authorize the Mayor and City Clerk to execute “Professional Services Contract between the City of Huntington Beach and National Council for Community Development (NDC) for Technical Assistance Services” (Attachment 10).

ADMINISTRATIVE ITEMS

25. [23-488](#) **Introduction of the Proposed Memorandum of Understanding Between the Huntington Beach Police Officers’ Association and the City of Huntington Beach for July 1, 2023 through June 30, 2025**

Recommended Action:

Approve introduction of the proposed Memorandum of Understanding Between the Huntington Beach Police Officers’ Association and the City of Huntington Beach for the period July 1, 2023 through June 30, 2025.

COUNCILMEMBER ITEMS

26. [23-480](#) **Submitted by Council Member Burns - Request to Form a Charter Review Ad Hoc Council Committee to Recommend Proposed Charter Amendments**

Recommended Action:

A) Designate Mayor Tony Strickland to lead an ad hoc committee of himself and two other City Council Members of his choice to work with the City Attorney’s Office, if necessary, and to return to City Council at a regular City Council meeting in July of this year with recommendations for proposed Charter Amendments; and,

B) It is also requested that the City Clerk, who is our local elections official, provide a timeline of events or deadlines the City is required to meet in order to get any proposed City Charter Amendments on the ballot for the March 5, 2024 election.

27. [23-497](#) **Submitted by Council Member McKeon - Decertification of Beach Edinger Corridor Specific Plan Environmental Impact Report**

Recommended Action:

Direct the City Attorney and City Manager to return to the City Council with a plan for decertification of the BECSP EIR and vacate all associated findings.

ADJOURNMENT

A special meeting of the Huntington Beach City Council will be held at 9:00 AM in Rooms C&D of the Huntington Central Library, 7111 Goldenwest Street, Huntington Beach, California on Thursday, June 8, 2023.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, June 20, 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>