



AGENDA - Revised**

City Council/Public Financing Authority

Tuesday, May 2, 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>; or, from any Roku, Fire TV or Apple device by downloading the Cablecast Screenweave App and searching for the City of Huntington Beach channel.

PUBLIC COMMENTS: Individuals wishing to provide a comment on agenda-related items, including Study Session, Closed Session, and Public Hearing, may do so in person by completing a **Request to Speak** form delivered to the City Clerk.

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.

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 FOR STUDY AND CLOSED SESSION ITEMS (Received After Agenda Distribution)

PUBLIC COMMENTS REGARDING STUDY AND CLOSED SESSION ITEMS (3-Minute Time Limit)

At this time, the City Council will receive comments from members of the public regarding any topic, including items on the Study Session and/or Closed Session agendas. Individuals wishing to provide a comment on item(s) may do so in person by filling out a Request to Speak form delivered to the City Clerk. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

Please note that the Brown Act does not allow discussion or action on topics that are not on the agenda. Members of the public who would like to speak directly with a Councilmember on an item not on the agenda may consider scheduling an appointment by contacting the City Council's Administrative Assistant at (714) 536-5553 or emailing the entire City Council at city.council@surfcity-hb.org.

STUDY SESSION

1. [23-328](#) **OneHB Customer Service Excellence Training for the City Council and City Leadership Team**
2. [22-845](#) **Oak View Library and Community Center Master Plan**

RECESS TO CLOSED SESSION

CLOSED SESSION

3. [23-364](#) **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; 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 Officers' Association (POA)

4. [23-402](#) 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; 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)
5. [23-389](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to Government Code §54957 for performance evaluation of the City Manager
6. [23-343](#) 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.
7. [23-344](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: City of Huntington Beach, et al. v. Gavin Newsom, et al.; Case No. 8:23-CV-00421
8. [23-345](#) 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 and Todd McClung; OCSC Case No.: 30-2021-01235807
9. [23-346](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Bottoms (Mark) v. City of Huntington Beach, et al.; OCSC Case No. 30-2021-01196342
10. [23-347](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:

**Gapezzani (Gary) v. John Romero, City of Huntington Beach; OCSC
Case No.: 30-2021-01225030**

11. [23-363](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.
(Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:
Thomas Shaw v. City of Huntington Beach, Workers' Comp. Case No.
COHB-20-0339**
12. [23-398](#) **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

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.

13. [23-360](#) **Huntington Beach Police and Fire Department Chaplain Roger Wing**

CLOSED SESSION REPORT BY CITY ATTORNEY

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS
(Received After Agenda Distribution)**

PUBLIC COMMENTS (3-Minute Time Limit)

At this time, the City Council will receive comments from members of the public regarding any topic, including items on the open session agenda. Individuals wishing to provide a comment may do so in person by filling out a Request to Speak form delivered to the City Clerk. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

Please note that the Brown Act does not allow discussion or action on topics that are not on the agenda. Members of the public who would like to speak directly with a Councilmember on an

item not on the agenda may consider scheduling an appointment by contacting the City Council's Administrative Assistant at (714) 536-5553 or emailing the entire City Council at city.council@surfcity-hb.org.

While the City Council welcomes public involvement and supports and defends free speech, the City Council rejects comments from anyone that are discriminatory, defamatory or otherwise not protected free speech. Those comments will not inform nor be considered by the City Council and may be cause for the Mayor to interrupt the public speaker. Such public comments will not be consented to or otherwise adopted by the City Council in its discussions and findings for any matter tonight.

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS

Councilmembers may make brief announcements on any appointments made to a board, committee, or commission. Councilmembers may not discuss or take any action on these announcements. Announcements are limited to 1 minute.

AB 1234 REPORTING

Per AB 1234 (Government Code Section 53232.3(d)) Councilmembers who attend a meeting, conference, or similar event at the expense of the City must provide a brief report of the meeting, conference, or similar event during the next regular City Council meeting. Reports are limited to 1 minute.

****OPENNESS IN NEGOTIATION DISCLOSURES**

Councilmembers must publicly disclose any meetings or communications with City employee associations, related to the negotiations of labor agreements. Disclosures are limited to 1 minute and must be made by the next regular City Council Meeting.

CITY MANAGER'S REPORT

14. [23-405](#) April update from Orange County Mosquito and Vector Control (OCMVC)

CITY CLERK'S REPORT

15. [23-167](#) Mayor Strickland to call on Miss Huntington Beach Princess Roslyn Brown-Bilyeu and Princess Coral Gangitano to assist with conducting the 4th of July fireworks stand lottery drawing

CONSENT CALENDAR

OFFICE OF THE CITY CLERK

16. [23-316](#) Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting minutes of April 4, 2023.

17. [23-397](#) **Request to receive and file a revision to the 2023 City Council Liaison List - Citizen Boards, Commissions, Committees and Task Forces**

Recommended Action:

Receive and file the revised 2023 City Council Liaison List that assigns Councilmember McKeon as Alternate to the West Orange County Water Board.

CITY MANAGER'S OFFICE

18. [23-388](#) **Consider positions on legislation pending before the State Legislature, as recommended by the Intergovernmental Relations Committee (IRC)**

Recommended Action:

Approve one or more of the following positions on State legislation:

- A) Oppose AB 480 (Ting/Umberg)
- B) Support SB 747 (Caballero)
- C) Oppose AB 1035 (Muratsuchi)
- D) Oppose SB 4 (Wiener)
- E) Oppose AB 1485 (Haney/Wiener)
- F) Oppose AB 68 (Ward)
- G) Oppose SB 423 (Wiener)
- H) Watch SB 222 (Nguyen)
- I) Watch SB 1175 (Quirk-Silva)
- J) Oppose SB 252 (Gonzalez)

COMMUNITY AND LIBRARY SERVICES DEPARTMENT

19. [23-212](#) **Approve and authorize License Agreement between the City of Huntington Beach and Subhash and Sushil Patel, Individuals, dba One Fine Blend for operation of food and beverage kiosk located at**

the Huntington Beach Central Library

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "License Agreement between the City of the City of Huntington Beach and Subhash and Sushil Patel, dba One Fine Blend" for a food and beverage kiosk located at the Huntington Beach Central Library.

COMMUNITY DEVELOPMENT DEPARTMENT

20. [23-357](#) **Approve and Authorize Execution of a License Agreement between the City of Huntington Beach and the Huntington Beach Credit Union for ATM Services at City Hall**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Non-Exclusive License Agreement between the City of Huntington Beach and the Huntington Beach Credit Union for ATM Services at City Hall."

FINANCE DEPARTMENT

21. [23-325](#) **Approve the escheatment of Unclaimed Funds pursuant to Government Code Sections 50050-50057**

Recommended Action:

Review and approve the transfer of \$9,575.48 of unclaimed funds from the City's Unclaimed Funds Liability Account to the City's Miscellaneous Revenue Account 10000100.48550 in compliance with Government Code Sections 50050-50057.

22. [23-400](#) **Authorize the City Manager or designee to purchase 112 3M Scott Self-Contained Breathing Apparatus (SCBA) Replacement Units in the amount of \$1,088,199 through a sole source procurement, two (2) Triple Combination Pumper Engines in the amount of \$1,212,623 each, one (1) 100-foot Aerial Quint Truck in the amount of \$2,151,085; and authorize the City Manager or designee to enter into all documents necessary to acquire and finance the purchase of these items and other vehicles and capital equipment for a total not to exceed \$7,742,143 at an interest rate not to exceed 3.837%**

Recommended Action:

Authorize the City Manager or designee to purchase 112 3M Scott Self-Contained Breathing Apparatus (SCBA) Replacement Units in the amount of \$1,088,199 through a sole source procurement from AllStar Fire Equipment; approve the purchase of two (2) Triple Combination Pumper Engines in the amount of \$1,212,623 each, one (1) 100-foot Aerial Quint Truck in the amount of \$2,151,085 from Rosenbauer America; and authorize the City Manager or designee to enter into all documents necessary to acquire and finance

the purchase of these items and other vehicles and capital equipment for a total not to exceed \$7,742,143 at an interest rate not to exceed 3.837%.

POLICE DEPARTMENT

23. [23-303](#) **Approve and authorize execution of contract agreements with Best Towing, LLC and Mandic Motors, Inc. for Police Directed Vehicle Towing and Storage Services, and adopt Resolution 2023-11, revising the fees for towing services and garage impounds**

Recommended Action:

A) Approve and authorize execution by the Mayor and City Clerk of the "Agreement Between the City of Huntington Beach and Best Towing, LLC, services for Police Directed Towing and Storage Services," including the "Tow Rate Schedule for Best Towing, LLC, services for Police Directed Towing and Storage Services;"

B) Approve and authorize execution by the Mayor and City Clerk of the "Agreement Between the City of Huntington Beach and Mandic Motors, Inc., services for Police Directed Towing and Storage Services," including the "Tow Rate Schedule for Mandic Motors, Inc., services for Police Directed Towing and Storage Services;" and,

C) Adopt Resolution 2023-11, "A Resolution of the City Council of the City of Huntington Beach Revising the Fees for Towing Services and Garage Impounds."

PUBLIC WORKS DEPARTMENT

24. [23-342](#) **Adopt Ordinance No. 4286 amending Huntington Beach Municipal Code Chapter 10.12 relating to speed limits
Approved for Introduction on 4/4/2023 - Vote: 7-0**

Recommended Action:

Adopt Ordinance No. 4286 "An Ordinance of the City of Huntington Beach Amending Chapter 10.12.080 of the Huntington Beach Municipal Code Relating to Speed Limits."

25. [23-312](#) **Approve the Execution of a Subdivision Agreement with Huntington Gateway Industrial III, LLC and Accept Securities for the Huntington Gateway Phase III Industrial Project.**

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute and record the Subdivision Agreement by and between the City of Huntington Beach and Huntington Gateway Industrial III, LLC to construct public improvements for the Huntington Gateway Phase III industrial project (Attachment 1); and,

B) Accept the Faithful Performance Bond No. 1001047762 (Attachment 2), Labor and

Material Bond No. 1001047762 (Attachment 3) and Monument Bond No. 1001047763 (Attachment 4), the securities furnished for installation of the required public improvements; and,

C) Instruct the City Clerk to file the bonds with the City Treasurer.

26. [23-317](#) **Adopt Resolution 2023-17 identifying a list of projects that will be funded with SB 1: The Road Repair and Accountability Act of 2017 in Fiscal Year 2023/24**

Recommended Action:

Adopt Resolution 2023-17, "A Resolution of the City Council of the City of Huntington Beach Adopting a List of Projects for Fiscal Year 2023/24 Funded by SB 1: The Road Repair and Accountability Act."

27. [23-318](#) **Adopt Resolution No. 2023-18 authorizing an Application for Funds for the Environmental Cleanup, Tier 1 Grant Program under the Orange County Transportation Authority Environmental Cleanup Program**

Recommended Action:

Adopt Resolution No. 2023-18, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Funds for the Environmental Cleanup, Tier 1 Grant Program Under Orange County Transportation Ordinance No. 3 for the Huntington Beach Trash Removal Project, Phase 3."

28. [23-149](#) **Approve Sole Source Procurement Request with Murcal Incorporated (Murcal) for Flood Control Station Controllers and Related Equipment**

Recommended Action:

Approve the sole source procurement request with Murcal for programmable logic controllers (PLCs) and other flood control station equipment.

29. [23-372](#) **Approve and authorize the execution of Amendment No. 1 to the Agreement between the City of Huntington Beach and GHD Inc., for On-Call Water Engineering, Wastewater Engineering, Stormwater Engineering, and Engineering Consulting Services**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to the Agreement Between the City of Huntington Beach and GHD Inc., for On-Call Water Engineering, Wastewater Engineering, Stormwater Engineering, and Consulting Services

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 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.

30. [23-288](#) **2023-2024 Annual Action Plan for Federal Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Entitlement Grant Programs and an Amendment (Substantial) to the 2020/21-2024/25 Citizen Participation Plan**

Recommended Action:

Staff recommends that the City Council approve and authorize the following in compliance with the Consolidated Plan Procedures of 24 CFR Part 91:

- A) Conduct a public hearing for the 2023-2024 Action Plan and an Amendment (Substantial) to the 2020/21-2024/25 Citizen Participation Plan; and,
- B) Adopt Resolution No. 2023-19, "A Resolution of the City Council of the City of Huntington Beach, California, Approving the 2023-2024 Action Plan for Federal Community Development Block Grant and Home Investment Partnerships Programs, and Approving the Amendment (Substantial) to the 2020/21-2024/25 Citizen Participation Plan"; and,
- C) Authorize the City Manager to sign all necessary related documents.

31. [23-399](#) **Consider adopting Resolution No. 2023-21, adopting an updated Master Fee And Charges Schedule by amending Resolution 2016-59, as amended by Resolution Nos. 2017-28, 2017-44, 2017-46, 2018-01, 2018-29, 2018-48, 2018-55, 2019-07, 2019-19, 2019-87, 2020-37, 2021-17, 2021-18, 2021-36, 2021-78 and 2022-35, which established a Consolidated Comprehensive Citywide Master Fee And Charges Schedule (Supplemental Fee Resolution No. 17); and, approve for introduction Ordinance No. 4292 amending Huntington Beach Municipal Code Chapter 10.60 relating to On-Street Parking Meter**

Zones

Recommended Action:

A) Adopt Resolution No. 2023-21, "A Resolution of the City Council of the City of Huntington Beach Adopting An Updated Master Fee And Charges Schedule By Amending Resolution No. 2016-59, As Amended By Resolution Nos. 2017-28, 2017-44, 2017-46, 2018-01, 2018-29, 2018-48, 2018-55, 2019-07, 2019-19, 2019-87, 2020-37, 2021-17, 2021-18, 2021-36, 2021-78 and 2022-35, Which Established A Consolidated Comprehensive Citywide Master Fee And Charges Schedule (Supplemental Fee Resolution No. 17);" and,

B) Approve for introduction Ordinance No. 4292, "An Ordinance of the City of Huntington Beach Amending Chapter 10.60 of the Huntington Beach Municipal Code Relating To On-Street Parking Meter Zones"

ADMINISTRATIVE PUBLIC HEARING

32. [23-313](#) **Conduct Administrative Public Hearing for the 2023 Annual Weed Abatement Program and authorize the Director of Public Works to proceed with abatement**

Recommended Action:

A) Open a public hearing for any objections to the proposed removal of weeds and rubbish; and,

B) Authorize the Director of Public Works to proceed with the abatement of the nuisance.

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, May 16, 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>