



AGENDA

City Council/Public Financing Authority

Tuesday, June 20, 2023

Special Meeting of the Housing Authority

****AGENDA REVISED - 06/13/2023****

Administrative Item #15 (23-522) Revised

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:

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 comment on agendized or non-agendized 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.

4:00 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.

RECESS TO CLOSED SESSION

CLOSED SESSION

1. [23-528](#) **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
(Gov. Code section 54956.9(d)(2).): Number of matters: One (1).

2. [23-520](#) **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).**

3. [23-519](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to Government Code §54957 for performance evaluation of the City Manager.

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.

4. [23-508](#) Huntington Beach Police Chaplain James Pike

CLOSED SESSION REPORT BY CITY ATTORNEY

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3-Minute Time Limit)

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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

CITY ATTORNEY'S REPORT

5. [23-531](#) City Attorney's Update on the Community Prosecutor Program

CONSENT CALENDAR

City Clerk

6. [23-509](#) Approve and Adopt Minutes

Recommended Action:

A) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of June 6, 2023; and

B) Approve and adopt the City Council/Public Financing Authority special meeting minutes of June 13, 2023; and

City Manager

7. [23-495](#) Approve the re-appointments of KC Fockler, Kathleen McGowan, Bud Benneman, Joan Siegal, and Eric Bornstein to the Environmental & Sustainability Board as recommended by City Council Liaisons Rhonda Bolton and Natalie Moser

Recommended Action:

Approve the re-appointment of the following current ESB members: KC Fockler and Kathleen McGowan for a 2-year term of July 1, 2023 through June 30, 2025; Bud

Benneman, Joan Siegal, and Eric Bornstein for a 4-year term of July 1, 2023 through June 30, 2027.

8. [23-503](#) **Approve and authorize execution of Professional Services Contracts with Dorado Creative, Inc., Tripepi Smith and Associates, and Marketworks for On-Call Video Production Services for a two-year contract term**

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute, "Professional Services Contract Between the City of Huntington Beach and Dorado Creative, Inc. for On-Call City of Huntington Beach Video Production Services"; and/ or

B) Approve and authorize the Mayor and City Clerk to execute, "Professional Services Contract Between the City of Huntington Beach and Tripepi Smith and Associates for On-Call City of Huntington Beach Video Production Services"; and/ or

C) Approve and authorize the Mayor and City Clerk to execute, "Professional Services Contract Between the City of Huntington Beach and Marketworks for On-Call City of Huntington Beach Video Production Services"; and/ or

Community and Library Services

9. [23-459](#) **Approve reappointments to the Historic Resources Board (HRB), with terms to expire June 30, 2027, as recommended by City Council Liaisons, Gracey Van Der Mark and Pat Burns**

Recommended Action:

Approve the reappointments of Susan Nguyen, David Wentworth, Sr., and Joseph Santiago for an additional term to the Historic Resources Board, effective July 1, 2023 through June 30, 2027.

Public Works

10. [23-455](#) **Accept the lowest responsive and responsible bid, approve appropriations, and authorize execution of a construction contract with All American Asphalt in the amount of \$1,559,316 for the Saybrook Lane Rehabilitation Project, CC-1690.**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by All American Asphalt in the amount of \$1,559,316.00, and;

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

11. [23-467](#) **Approve and authorize execution of a Cooperative Agreement with the Orange County Flood Control District for the East Garden Grove-Wintersburg Channel Flood Wall Improvements at Warner Avenue, Springdale Street, and Edwards Street Bridges**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute “Cooperative Agreement Between Orange County Flood Control District and City of Huntington Beach for Funding, Construction, and Maintenance of the East Garden Grove-Wintersburg Channel (C05) Bridges at Warner Avenue, Springdale Street, and Edwards Street Improvements Project.”

12. [23-478](#) **Accept bid and authorize execution of a construction contract with Elecnor Belco Electric, Inc., in the amount of \$308,008, for the construction of a traffic control signal at the Heil Avenue Fire Station (5891 Heil Avenue)(CC-1673)**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by Elecnor Belco Electric, Inc., in the amount of \$308,008;

B) Appropriate \$68,827 of undesignated Traffic Impact Fee balance to Traffic Impact Fee account 20690020.82700; and,

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

13. [23-482](#) **Adopt Resolution No. 2023-22 concerning the status and update of the Local Signal Synchronization Plan (LSSP) for the Measure M2 Program; adopt Resolution No. 2023-29 concerning the status and update of the Circulation Element and Mitigation Fee Program for the Measure M2 Program; and adopt a 7-Year Capital Improvement Program for the Fiscal Years 2023/24 through 2029/30 for compliance with the renewed Measure M eligibility requirements**

Recommended Action:

A) Adopt Resolution No. 2023-22, “A Resolution of the City Council of the City of Huntington Beach Concerning the Update of the Local Signal Synchronization Plan for the Measure M (M2) Program”;

B) Adopt Resolution No. 2023-29, “A Resolution of the City Council of the City of Huntington Beach Concerning the Status and Update of the Circulation Element, and Mitigation Fee Program for the Measure M (M2) Program”; and

C) Adopt the 7-year Capital Improvement Program (Fiscal Years 2023/24 through 2029/30) included as Attachment #4 for compliance with the renewed Measure M eligibility requirements.

PUBLIC HEARING

14. [23-521](#) Continued from June 6, 2023 with Public Hearing open - Request to 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

15. [23-522](#) ****Future Development of 17642 Beach Blvd.**

Recommended Action:

- A) Receive and file this report; and
- B) Provide direction to staff regarding future use of the Site.

16. [23-525](#) **Introduction of the Proposed Memorandum of Understanding Between the Huntington Beach Police Management Association (PMA) and the City of Huntington Beach for July 1, 2023 through June 30, 2026.**

Recommended Action:

Approve introduction of the proposed Memorandum of Understanding Between the Huntington Beach Police Management Association and the City of Huntington Beach for the period July 1, 2023 through June 30, 2026.

17. [23-524](#) **Adopt Resolution No. 2023-31 Approving and Implementing the Memorandum of Understanding (MOU) between the Huntington Beach Police Officers' Association (POA) and the City of Huntington Beach for July 1, 2023, through June 30, 2026; and authorize appropriation of funds.**

Recommended Action:

- A) Adopt Resolution No. 2023-31, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Police Officers' Association (POA) and the City for July 1, 2023, through June 30, 2026;" and,
- B) Authorize City Manager or designee to take all administrative and budgetary actions necessary for implementation of Resolution No. 2023-31.

COUNCILMEMBER ITEMS

18. [23-532](#) **Submitted by Mayor Pro Tem Van Der Mark - Selection, Display and Circulation of Library Books and Other Materials within Huntington Beach Public Libraries (HBPL)**

Recommended Action:

- A) Direct the City Manager to work with the City Attorney to return to the City Council in August of this year with a proposed Ordinance for the City's Libraries and other public facilities making obscene and/or pornographic materials, both in hard copy and digitally/electronically, unavailable to minors; with the City Attorney evaluating the materials under the First Amendment. The Ordinance should also present the policy for procurement, which would include new screening protocols for books/materials/content yet to be acquired by the Library or other City facilities that are intended for children at our public

facilities, by screened for obscenity and/or pornography. The Ordinance should also present findings and authorities for “obscenity” within the meaning of the First Amendment.

B) I would also like to direct our City Manager to look into the process to part ways with the American Library Association.

**19. [23-534](#) Submitted by Council Members Kalmick, Bolton, and Moser -
 Denouncing Hate in Huntington Beach**

Recommended Action:

Motion for a Minute Action (which shall be deemed a Council Resolution) that “The City Council of the City of Huntington Beach denounces antisemitism, white supremacy, and anti-LGBTQ hate.”

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Wednesday, July 5, 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>