

AGENDA

City Council/Public Financing Authority

Tuesday, September 5, 2023

SUCCESSOR AGENCY SPECIAL MEETING

Council Chambers 2000 Main Street Huntington Beach, CA 92648

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 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://huttingtonbeach.legistar.com/calendar, https://https//http

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 communication to submit written (supplemental) to the Council via email at а 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 Communications received after the 9:00 AM deadline will be incorporated into meetina. 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.

3:30 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 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 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. <u>23-709</u> 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. <u>23-710</u> CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section

54957.6.) Agency designated representatives: AI 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. <u>23-724</u> CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters: One (1) - Confer with City Attorney regarding a request to provide Amicus support with regard to Gloria Johnson, et al. v. City of Grants Pass; United States Court of Appeals for the Ninth Circuit Case Nos. 20-35752;20-35881; United States District Court for the District of Oregon Case No. 1:18-cv-01823-CL. 4. 23-683 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. 5. 23-684 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Segal-Kaloski (Pamela) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2021-01222791. 6. 23-698 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Whitaker (Brittany) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2021-01235807. 7. 23-702 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). 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 AND CALL TO ORDER SPECIAL MEETING OF THE SUCCESSOR AGENCY

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.

8. <u>23-720</u> Huntington Beach Police Chaplain Bob Ewing

CLOSED SESSION REPORT BY CITY ATTORNEY

AWARDS AND PRESENTATIONS

9. <u>23-678</u> Mayor Strickland to call on the Friends of the Library for presentation of a check in the amount of \$250,000 to Community & Library Services Director Ashley Wysocki

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3-Minute Time Limit)

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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

- 10. <u>23-718</u> Quarterly Homeless Report
- 11. <u>23-723</u> August update from Orange County Mosquito and Vector Control (OCMVC)

CITY ATTORNEY'S REPORT

12. <u>23-739</u> In response to Dec 20, 2022 City Council direction, report on history of authorized actions in the Moore v. City, Gates lawsuit and report on review of RWG involvement

CONSENT CALENDAR

CITY CLERK

13. <u>23-694</u> Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting minutes of August 1, 2023.

14. <u>23-719</u> August Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies

Recommended Action:

Receive and File.

CITY MANAGER

15. <u>23-673</u> Consider Intergovernmental Relations Committee (IRC) recommendation to approve and authorize execution of Professional Services Contracts with Kahn, Soares, & Conway LLP for State Legislative Advocacy Services and with Stapleton & Associates for Federal Legislative Advocacy Services

Recommended Action:

A) As recommended by the Intergovernmental Relations Committee, approve and authorize the Mayor and City Clerk to execute a Professional Services Contract between the City of Huntington Beach and Kahn, Soares, & Conway LLP for State Legislative Advocacy Services; and

B) As recommended by the Intergovernmental Relations Committee, approve and authorize the Mayor and City Clerk to execute a Professional Services Contract between the City of Huntington Beach and Stapleton & Associates for Federal Legislative Advocacy Services.

16. <u>23-741</u> Redirect staff to return to City Council on October 17, 2023 with actionable policy options regarding City library materials and safeguards

Recommended Action:

Amend the June 20, 2023 Council direction by directing staff to return with actionable policy options related to safeguards over City library materials on October 17, 2023.

17. <u>23-742</u> Authorize the City Manager to approve a contract with Paradigm Management Services, LLC ("Paradigm") to undertake medical management responsibilities related to a workers' compensation claim

Recommended Action:

Authorize the City Manager to approve a contract, approved to form by the City Attorney, with Paradigm Management Services, LLC to undertake medical management responsibilities related to a workers' compensation claim, in an amount not-to-exceed \$2.8M.

COMMUNITY DEVELOPMENT

18. <u>23-674</u> Approve the Huntington Beach Downtown Business Improvement District's Annual Report and Proposed Budget for Fiscal Year (FY) 2023-2024, and Adopt Resolution No. 2023-37 declaring the City's Intention to Levy an Annual Assessment for FY 2023-2024 at a public hearing scheduled for October 3, 2023

Recommended Action:

A) Approve the Huntington Beach Downtown Business Improvement District Annual Report and Proposed Budget for FY 2023-2024; and,

B) Adopt Resolution No. 2023-37, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for FY 2023-2024 within the Huntington Beach Downtown Business Improvement District", which sets a public hearing for October 3, 2023 to consider continuation of the Huntington Beach Downtown Business Improvement District; and,

C) Authorize the revenue appropriation of \$3,200 in account 71000710.40500 and an expenditure appropriation of \$3,200 in account 71080101.69505, for a net zero impact to the fund.

19.23-712Approve Responses to the 2022-2023 Orange County Grand Jury
Reports Related to Animal Welfare, School Safety, and Group Homes

Recommended Action:

A) Approve the City's responses to findings and recommendations posed by the Orange County Grand Jury related to animal welfare, school shootings, and group homes; and

B) Approve not responding to the Orange County Grand Jury report on the California drought; and

C) Authorize the City Manager to submit the City's responses to the Presiding Judge of the Superior Court.

COMMUNITY AND LIBRARY SERVICES

20. <u>23-665</u> Approve and execute a five-year Memorandum of Understanding between the City of Huntington Beach and Friends of the Shipley Nature Center

Recommended Action:

Authorize the Mayor and City Clerk to execute and approve a Memorandum of Understanding between the City of Huntington Beach and Friends of Shipley Nature Center.

FINANCE

21. <u>23-727</u> Adopt Successor Agency Resolution No. 2023-03 approving an Amended Recognized Obligation Payment Schedule 23-24B for the FY 2023-24 Fiscal Period of January 1, 2024 to June 30, 2024, Subject to Submittal to, and Review by the Oversight Board and the State Department of Finance under California Health and Safety Code,

Division 24, Part 1.85; and, Authorizing the Posting and Transmittal of the ROPS

Recommended Action:

Adopt Successor Agency Resolution No. 2023-03, "A Resolution of The Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving an Amended Recognized Obligation Payment Schedule 23-24B for the FY 2023-24 Fiscal Period of January 1, 2024 to June 30, 2024, Subject to Submittal to, and Review by the Oversight Board and the State Department of Finance under California Health and Safety Code, Division 24, Part 1.85; and, Authorizing the Posting and Transmittal of the ROPS."

22. <u>23-726</u> Authorize the Appropriation and Transfer of \$3,650,000 of Litigation Reserves and \$181,000 of FY 2023/24 General Fund Available Surplus to the General Liability Fund to fund the payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California

Recommended Action:

Approve the appropriation and transfer of \$3,831,000 from the General Fund to the General Liability Fund business unit no. 55240101 to fund the payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California.

PUBLIC WORKS

23. <u>23-687</u> Accept the lowest responsive and responsible bid, and authorize execution of a construction contract with Elegant Construction Inc. in the amount of \$1,680,000.00 for the Police Department Communications Center Renovation Project, CC-1677

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by Elegant Construction Inc. in the amount of \$1,680,000; and

B) Authorize the Director of Public Works to execute change orders not to exceed 20% of the contract costs, or \$336,000.

24.23-699Approve Amendment No. 1 to an Agreement with KOA Corporation
for On-call Grant Writing and Administrative Consulting Services and
Approve an Appropriation of \$50,000

Recommended Action:

A) Approve Amendment No. 1 to the agreement with KOA Corporation for on-call grant writing and administrative consulting services, extending the term by one year and increasing the not-to-exceed agreement amount by \$50,000; and

B) Appropriate \$50,000 from the undesignated Traffic Congestion Relief Prop 42 fund balance to Account 21985201.69365

25. <u>23-701</u> Approve the Execution of a Subdivision Agreement with NASH -Holland 18750 Delaware Investors, LLC and Accept Securities for the 18750 Delaware Residential Project

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute and record a Subdivision Agreement between the City and NASH - Holland 18750 Delaware Investors, LLC to construct public improvements for the 18750 Delaware residential project (Attachment 1); authorize the City Clerk to record the agreement; and

B) Accept the Faithful Performance Bond No. DVHNSU0832094 (Attachment 2), Labor and Material Bond No. DVHNSU0832094 (Attachment 3) and Monument Bond No. DVHNSU0832094 (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. <u>23-707</u> Reject bid for the Admiralty Drive Bridge Rehabilitation Project, CC-1450 and re-advertise the project

Recommended Action:

Reject the bid received from Beador for the Admiralty Drive Bridge Rehabilitation Project, CC-1450 and re-advertise the Project.

27. <u>23-704</u> Cancel contract award for the Humboldt Sewer Lift Station Replacement Project, CC-1634; reject all remaining bids and re-bid the project in accordance with City Charter requirements

Recommended Action:

Cancel the award of construction contract to Mehta for the Humboldt Sewer Lift Station Replacement Project, CC-1634; reject all remaining bids and rebid the project in accordance with City Charter requirements and State Law.

28. <u>23-733</u> Cancel contract award for the Fiscal Year 2022/23 Sewer Lining Project, CC-1728; reject all remaining bids and re-bid the project in accordance with City Charter requirements

Recommended Action:

Cancel the award of construction contract to Sancon Technologies, Inc. for the Fiscal Year 2022/23 Sewer Lining Project, CC-1728; reject all remaining bids and rebid the project in

accordance with City Charter requirements and State Law.

ORDINANCES FOR INTRODUCTION

29. <u>23-708</u> Approve for introduction Ordinance No. 4293 Amending the Huntington Beach Municipal Code (HBMC) by adding new Chapter 10.82 regarding pedestrian use of center medians

Recommended Action:

Approve for introduction Ordinance No. 4293, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding New Chapter 10.82 Entitled 'Center Medians.'"

ADMINISTRATIVE ITEMS

30. <u>23-700</u> Consider the submission of 3 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 2023-42, "A Resolution of the City Council of the City of Huntington Beach, California, Call for the Holding of a Special Municipal Election to be held on Tuesday, March 5, 2024, for the Submission to Voters Questions Relating to City Charter Amendments," and

C) Adopt Resolution 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 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 Analysis," and

E) Adopt Resolution 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 \$1,200,000 in General Funds to business unit 10010201.

31. <u>23-693</u> Adopt Resolution No. 2023-40 and approve for introduction

Ordinance Nos. 4296, 4295, 4298, 4299, 4297, 4300, and 4301 to amend the Huntington Beach Municipal Code to streamline, consolidate, and/or dissolve a select number of the City's Boards, Commissions, and Committees and Council Committees

Recommended Action:

A) Approve the official dissolution of the City Council Short-Term Rentals Ad Hoc Committee, Housing/RHNA Ad Hoc Committee, and Cannabis Regulation and Policy Ad Hoc Committee by minute action; and/or

B) Approve renaming of the Urban Design Study Ad Hoc Council Committee to the Downtown and Beach Front Ad Hoc Council Committee and broadening their scope of work by minute action; and/or

C) Adopt Resolution No. 2023-40, "A Resolution of the City Council of the City of Huntington Beach repealing Resolutions 2002-106 and 2021-66, and dissolving the Human Relations Committee;" and/or

D) Approve for Introduction Ordinance No. 4296, "An Ordinance of the City of Huntington Beach repealing Ordinance No. 4168 and delete Chapter 2.104 of the Huntington Beach Municipal Code dissolving the Jet Noise Commission;" and/or

E) Approve for Introduction Ordinance No. 4295, "An Ordinance of the City of Huntington Beach repealing Ordinance No. 3332 and delete Chapter 2.112 of the Huntington Beach Municipal Code dissolving the Mobile Home Advisory Board;" and/or

F) Approve for Introduction Ordinance No. 4298, "An Ordinance of the City of Huntington Beach deleting Chapter 2.102 of the Huntington Beach Municipal Code and dissolving the Environmental and Sustainability Board;" and/or

G) Approve for Introduction Ordinance No. 4299, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by amending Chapter 2.111 thereof related to Citizen Infrastructure Advisory Board/Public Works Commission"; and approve the official dissolution of the Smart Cities and Technology Council Committee by minute action; and/or

H) Approve for Introduction Ordinance No. 4297, "An Ordinance of the City of Huntington Beach deleting Chapter 2.108 of the Huntington Beach Municipal Code and dissolving the Huntington Beach Youth Board;" and/or

I) Approve for Introduction Ordinance No. 4300, "An Ordinance of the City of Huntington Beach amending the Huntington Beach Municipal Code by amending Chapter 2.106 thereof related to Fourth of July Executive Board;" and/or

J) Approve for Introduction Ordinance No. 4301, "An Ordinance of the City of Huntington Beach amending the Huntington Beach Municipal Code by amending Chapter 13.54

thereof related to Specific Events;" and/or

K) Approve the official dissolution of the City Council Boards, Commissions, and Committees Review Ad Hoc Committee upon approval of recommended actions above.

32. <u>23-734</u> Consider the Ad Hoc Committee's proposed Policy on Human Dignity

Recommended Action:

- A) Consider the Ad Hoc Committee's amended Policy on Human Dignity, and
- B) Formally dissolve the Ad Hoc Committee.

COUNCILMEMBER ITEMS

33. <u>23-732</u> Submitted by Council Members McKeon and Burns - Develop Proposal for E-Bike Licensure and Use Regulations

Recommended Action:

While this is a concept in development, direct the City Manager to work with the Police Department and the City Attorney to develop a proposal for e-bike licensure and use regulations. The proposal should return to City Council in November. The following concepts should be addressed, if possible, in the proposal that returns to Council:

- Require a city license to operate an electric bicycle within city limits unless the rider possesses a valid driver's license.
 - Establish a fee for license (akin to a business license)
- Mandate rental businesses to require customers renting e-bikes to view a safety video in order to have a one-day license or show proof of a valid driver's license.
- Explore enforcement options for PD
 - Revising current HBMC to assist officers with enforcement efforts see if our HBMC can "follow" or "borrow" rules and enforcement from the California Vehicle Code.
 - New HBMC for "pocket bikes" (Surrons)
 - Higher fine structures, bike impounding etc.

34.23-731Submitted by Mayor Strickland and Council Members Burns and
McKeon - Move to Censure Council Member Moser

Recommended Action:

By Minute Order, or majority vote of City Council tonight, censure Councilwoman Moser for the aforementioned statements and hostile/personal escalation made at the Council Meeting on August 1, 2023; that those statements and hostile/personal escalation be deemed "inappropriate," declare that they are not the views/statements of the City Council, and serve as a reminder that those types of statements and hostile/personal escalations do not meet either professional decorum required at City Council nor the goals of the Declaration of Policy of Human Dignity.

35. <u>23-738</u> Submitted by Mayor Pro Tem Van Der Mark - Resolution Declaring City to be a "No Mask and No Vaccine Mandate" City

Recommended Action:

The City ban broad (universal) mask and vaccine mandates; City Manager to return to Council with a Resolution at the next regular meeting declaring the City to be a "no mask and no vaccine mandate City" as a response to COVID-19 or any variants. Individuals, whether at City Hall or in the private sector, should have a right to choose whether to wear a mask or get vaccinated or boosted.

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, September 19, 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