



## AGENDA

### City Council/Public Financing Authority

Tuesday, November 7, 2023

#### 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://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 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](mailto: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](mailto: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 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](mailto:city.council@surfcity-hb.org).

**RECESS TO CLOSED SESSION**

1. [23-950](#) **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: The Huntington Beach Firefighters' Association (HBFA).**
  
2. [23-951](#) **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).

3. [23-964](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Whitaker (Brittany) v. City of Huntington Beach and Todd McClung; OCSC Case No.: 30-2021-01235807.
4. [23-967](#) PUBLIC EMPLOYEE APPOINTMENT (Gov. Code section 54957(b)(1).) Title: City Manager.
5. [23-966](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to Government Code §54957 for performance evaluation of the City Manager.
6. [23-965](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(2).): Number of matters: One (1).

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.

7. [23-900](#) Huntington Beach Police and Fire 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](mailto: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**

**CONSENT CALENDAR**

**CITY CLERK**

8. [23-924](#) Approve and Adopt Minutes

**Recommended Action:**

A) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of October 17, 2023; and

B) Approve and adopt the City Council/Public Financing Authority special meeting minutes of October 23, 2023.

9. [23-956](#) **October Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies**

**Recommended Action:**

Receive and File.

10. [23-955](#) **Request to receive and file the revised 2023 City Council Liaison List to Citizen Boards, Commissions and Committees (BCCs) updated November 2023**

**Recommended Action:**

Receive and file the revised 2023 City Council Liaison List to Citizen Boards, Commissions and Committees updated November 2023.

**CITY MANAGER**

11. [23-954](#) **Approve submittal of a Letter of Interest and application for CalOptima Health's Street Medicine Program to provide preventive health, urgent care, and social services directly to homeless individuals at no direct cost to the City**

**Recommended Action:**

A) Approve the submission of the City's Letter of Interest and application to CalOptima Health's Street Medicine Program; and

B) Authorize the City Manager to execute and submit all application documents on behalf of the City.

**COMMUNITY DEVELOPMENT**

12. [23-849](#) **Approve Huntington Beach Tourism Business Improvement District (HBTBID) Annual Report for Fiscal Year (FY) 2023-24**

**Recommended Action:**

Approve the Huntington Beach Tourism Business Improvement District (HBTBID) Annual Report for FY 2023-24.

13. [23-940](#) **Approve and authorize execution of a Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Chamber of Commerce to formally establish a**

**partnership that defines the roles and responsibilities of both parties**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute a Memorandum of Understanding Between the City of Huntington Beach and the Huntington Beach Chamber of Commerce.

**FINANCE**

14. [23-957](#) **Approve FY 2022/23 Budget Adjustment for the City's Various Unfunded Liabilities and Year-End Audit Entries**

**Recommended Action:**

A) Increase appropriations for the FY 2022/23 Revised Budget by \$119,243 in the funds and amounts contained in Attachment 1 to reconcile the budget with actual expenses incurred; and,

B) Approve the appropriation and transfers for the FY 2022/23 Revised Budget in the funds and by the amounts contained in Attachment 1; and,

C) Approve the appropriation and transfer of \$12,620,000 into the Workers' Compensation, General Liability, Retirement Supplemental, and Infrastructure Funds from the General Fund year-end balances (see Attachment 1).

**FIRE**

15. [23-936](#) **Adopt Resolution No. 2023-54 to approve the updated Emergency Operations Plan (EOP) that includes the management, concepts, and response procedures relative to large-scale disasters**

**Recommended Action:**

Adopt Resolution No. 2023-54, "A Resolution of the City Council of the City of Huntington Beach Approving the City's Emergency Operations Plan."

16. [23-939](#) **Approve and authorize execution of a contract between the City of Huntington Beach and Wittman Enterprises, LLC to provide billing services for emergency paramedic and ambulance services**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and Wittman Enterprises, LLC for Billing Services for Emergency Paramedic and Ambulance Service" in an amount not to exceed \$1,400,000 over three years.

17. [23-949](#) **Approve and authorize execution of an agreement between the California Department of Health Care Services (DHCS) and City of**

**Huntington Beach; authorize designated City staff to execute the agreement; and, approve an appropriation of \$2,282,450 for the agreement during FY 23/24**

**Recommended Action:**

- A) Approve and authorize execution of an agreement between the California Department of Health Care Services (DHCS) and City of Huntington Beach; and
- B) Authorize the designation of the City Manager, Chief Financial Officer, and/or Fire Chief to execute the agreement; and
- C) Approve an appropriation of \$2,282,450 to business unit 10065403 as required by the agreement.

**HUMAN RESOURCES**

- 18. [23-962](#) **Adopt Resolution No. 2023-57 authorizing the City Manager to submit disability applications for all members of the Public Employees Retirement System (PERS) and make determinations of disability for local safety members**

**Recommended Action:**

Adopt Resolution No. 2023-57, "A Resolution of the City Council of the City of Huntington Beach authorizing the City Manager to submit disability applications for all members of the Public Employees Retirement System and make determinations of disability for local safety members", and repeal Resolution No. 2016-43.

**PUBLIC WORKS**

- 19. [23-909](#) **Approval of a License Agreement with Huntington Gateway Industrial II, LLC to install and maintain all landscaping and landscaping improvements within the public rights-of-way for the Huntington Gateway Phase II Industrial Project**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute and record the "License Agreement between the City of Huntington Beach and Huntington Gateway Industrial II, LLC to Provide Installation and Maintenance of Landscaping and Landscaping Improvements in the Public Right-of-Way" for the Huntington Gateway Phase II industrial project (Attachment 1).

- 20. [23-911](#) **Award and authorize the execution of a construction contract with Big Ben Engineering in the amount of \$3,970,850 for the Edinger Avenue Sewer Replacement Project, CC-1662; and, authorize appropriation of funds**

**Recommended Action:**

- A) Approve a budget transfer of \$1,337,325 from Account 51189021.82600 (PCH Restroom Sewer Lift Station Project) to Account 51189019.82600 (Edinger Sewer Project) to fully fund the Edinger Sewer Project; and,
- B) Accept the lowest responsive and responsible bid submitted by Big Ben Engineering, in the amount of \$3,970,850; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract with Big Ben Engineering in a form approved by the City Attorney.

21. [23-912](#)      **Accept the lowest responsive and responsible bid and authorize execution of a construction contract with Sancon Technologies, Inc. in the amount of \$1,432,642 for the Fiscal Year 22/23 Sewer Lining Project, CC-1728**

**Recommended Action:**

- A) Accept the lowest responsive and responsible bid submitted by Sancon Technologies, Inc. in the amount of \$1,432,642; and,
- B) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

22. [23-913](#)      **Award and authorize execution of a construction contract with Vido Artukovich & Son Inc./Vidmar, Inc. A JV, in the amount of \$4,193,450 for the Humboldt Sewer Lift Station Replacement Project, CC-1634; and, authorize appropriation of funds**

**Recommended Action:**

- A) Accept the lowest responsive and responsible bid submitted by Vido Artukovich & Son Inc./Vidmar, Inc. A JV, in the amount of \$4,193,450; and,
- B) Approve a budget transfer of \$933,082 from Account 51189021.82600 (PCH Restroom Sewer Lift Station Project) to Account 51189017.82600 (Humboldt Sewer Lift Station Project) to fully fund the Humboldt Sewer Lift Station Replacement Project; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

23. [23-926](#)      **Appropriate \$210,000 from the Drainage Fund (211) to repair damage to the Hamilton Flood Control Station and Slater Flood Control Station**

**Recommended Action:**

Appropriate \$210,000 from the Drainage Fund (211) to repair damage to the Hamilton



Flood Control Station and Slater Flood Control Station.

24. [23-942](#) **Adopt Resolution No. 2023-58 authorizing the City’s application for grant funds from the State Department of Parks and Recreation through the Habitat Conservation Fund Program to restore and realign portions of the existing trail at Shipley Nature Center**

**Recommended Action:**

Adopt Resolution 2023-58 “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds from the Habitat Conservation Fund Program.”

25. [23-941](#) **Approve and authorize execution of a Cooperative Agreement with the Orange County Transportation Authority (OCTA) for the implementation of the Countywide Signal Synchronization Baseline Project**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute “Cooperative Agreement No. C-3-2417 Between Orange County Transportation Authority and City of Huntington Beach for Countywide Signal Synchronization Baseline Project”.

**PUBLIC HEARING**

26. [23-841](#) **Adopt Resolution No. 2023-51 approving General Plan Amendment No. 21-004; approve for introduction Ordinance No. 4305 approving Zoning Map Amendment No. 21-003; adopt Resolution No. 2023-53 approving Zoning Text Amendment No. 22-005; adopt Resolution No. 2023-52 certifying Environmental Impact Report (EIR) No. 21-004; and, consider appeals by Council Member Burns and Brian Thienes of the Planning Commission’s approval of Conditional Use Permit No. 21-024 (Bolsa Chica Senior Living Community)**

**Recommended Action:**

A) Certify Final Environmental Impact Report No. 21-004 (Attachment No. 16) as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by approving City Council Resolution No. 2023-52, “A Resolution of the City Council the City of Huntington Beach Adopting Environmental Impact Report No. 21-004 for the Bolsa Chica Senior Living Community Project” (Attachment No. 2); and

B) Approve General Plan Amendment No. 21-004 and City Council Resolution No. 2023-51, “A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 21-004” (Attachment No. 3); and

C) Approve Zoning Map Amendment No. 21-003 and approve for introduction City

Council Ordinance No. 4305, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located on the Southwest Corner of Warner Avenue at Bolsa Chica Street from CG (Commercial General) to SP-19 (Bolsa Chica Senior Living Community Specific Plan)" (Attachment No. 4); and

D) Approve Zoning Text Amendment No. 22-005 and City Council Resolution No. 2023-53, "A Resolution of the City Council of the City of Huntington Beach Adopting Zoning Text Amendment No. 22-005 by Creating the Bolsa Chica Senior Living Community Specific Plan (SP-19) to Apply to Real Property at the Southwest Corner of Warner Avenue at Bolsa Chica Street" (Attachment No. 5); and

E) Deny two appeals and uphold the Planning Commission's approval of Conditional Use Permit No. 21-024 with findings and conditions of approval (Attachment No. 1).

### **ADMINISTRATIVE PUBLIC HEARING**

27. [23-751](#) **Appeal of the Planning Commission's denial of Administrative Permit No. 22-015 (Legacy Living LLC Sober Living Reasonable Accommodation)**

**Recommended Action:**

Deny the appeal and uphold the Planning Commission's denial of Administrative Permit No. 22-015 with findings of denial (Attachment No. 1).

### **ORDINANCES FOR INTRODUCTION**

28. [23-910](#) **Approve for introduction Ordinance No. 4303 and authorize requested changes to Huntington Beach Municipal Code Chapter 10.44.062 Relating to Parking - Time Limits**

**Recommended Action:**

Approve the introduction of Ordinance No. 4303, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking - Time Limits" to address special permits regarding parking time limits for recreational vehicles.

### **ADJOURNMENT**

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, November 21, 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>

