



AGENDA

City Council/Public Financing Authority

Tuesday, May 7, 2024

4:30 PM Closed Session

6:00 PM Regular Meeting

Council Chambers

2000 Main Street

Huntington Beach, CA 92648

MAYOR AND CITY COUNCIL

GRACEY VAN DER MARK, Mayor

PAT BURNS, Mayor Pro Tem

RHONDA BOLTON, Councilmember

DAN KALMICK, Councilmember

CASEY McKEON, Councilmember

NATALIE MOSER, Councilmember

TONY STRICKLAND, Councilmember

STAFF

ERIC G. PARRA, Interim 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 HDTV 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.

PRESENTATION MATERIAL: Presentations/AV materials shall be submitted to staff no later than 9AM the day of the meeting to PublicPresentations@huntingtonbeachca.gov. Members of the audience and speakers shall not wear or display signs that obstruct the view of other audience members. Signs shall remain with the holder and shall not be placed in adjacent seats or in common areas.

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. Sign-ups to Request to Speak will begin in person 30 minutes prior to the start of Study Session, Closed Session, or Regular City Council Meeting, whichever comes first. Sign-ups will be accepted until the commencement of the public comment period.

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.

4:30 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, Kalmick

CITY COUNCIL MEMBER 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 (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

1. [24-338](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Torres (Florence) v. City of Huntington Beach; OCSC Case No.: 30-2023-01334230-CU-PO-CJC.**

2. [24-339](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Flanders (Emily) v. City of Huntington Beach; OCSC Case No.: 30-2023-01328127-CU-PA-WJC.**

3. [24-340](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Clayton-Tarvin**

(Gina) v. City of Huntington Beach, Michael Gates, et al.; OCSC Case No.: 30-2023-01329927.

4. [24-342](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Garcia (Guadalupe Leticia), et al. v. City of Huntington Beach, et al.; USDC Case No.: 8:23-cv-01771-FWS (ADSx).
5. [24-343](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Daniels (Enda) v. City of Huntington Beach; OCSC Case No.: 30-2023-01315163.
6. [24-344](#) 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.
7. [24-357](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Bixby (Mark) v. Robin Estanislau, et al.; OCSC Case No.: 30-2023-01366664-CU-WM-CJC.
8. [24-360](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). People of the State of California/Bonta v. City of Huntington Beach, et al.; Case No. 30-2024-01393606-CU-WM-NJC.
9. [24-345](#) CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; and Sunny Han, Chief Financial Officer. Employee Organization: Management Employees Organization (MEO).
10. [24-359](#) CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E.

**Gates, City Attorney; and Sunny Han, Chief Financial Officer.
Employee Organization: Non-Represented Employees (N/A).**

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, Kalmick

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.

11. [24-332](#) 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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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 TREASURER'S REPORT

12. [24-317](#) **Receive and File the City Treasurer's Quarterly Investment Report for March 2024**

Recommended Action:

Receive and File the City Treasurer's Quarterly Investment Report for March 2024, pursuant to Section 18.0 of the Investment Policy of the City of Huntington Beach.

CONSENT CALENDAR (Items 13-24)

City Clerk

13. [24-322](#) **Approve and Adopt Minutes**

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting minutes of April 16, 2024.

14. [24-323](#) **Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies - April 2024**

Recommended Action:

Receive and File.

City Manager

15. [24-310](#) **Consider positions on legislation pending before the State Legislature, as recommended by the Intergovernmental Relations**

Committee (IRC)

Recommended Action:

Approve the legislative positions taken by IRC on April 17, 2024:

A) OPPOSE AB 1886 (Alvarez). Housing Element law: substantial compliance: Housing Accountability Act.

B) OPPOSE SB 450 (Atkins) Housing development: approvals

C) OPPOSE SB 1037 (Wiener) Planning and zoning: housing element: enforcement

D) OPPOSE SB 1211 (Skinner) Land use: accessory dwelling units: ministerial approval

E) SUPPORT AB 2081 (Davies) Substance abuse: recovery and treatment programs.

F) SUPPORT SB 1102 (Nguyen) Personal income tax law: corporation tax law: oil spill: exclusion

G) SUPPORT SB 1214 California Commission on the United States Semiquincentennial

Fire

16. [24-321](#) **Approve and authorize execution of the termination of City of Huntington Beach Memorandum of Understanding between the City of Huntington Beach and Friends of the HB Junior Guards**

Recommended Action:

A) Approve and authorize the Interim City Manager to execute Termination of City of Huntington Beach Memorandum of Understanding with Friends of the HB Junior Guards (Att 1); and

B) Appropriate \$129,000 to business unit 10065205 for the purchase of Junior Lifeguard Program clothing, uniforms and merchandise from the Friends of the HB City Junior Guards.

17. [24-325](#) **Approve and authorize an agreement with Huntington Surf and Sport for Junior Lifeguard Program clothing, uniforms and merchandise**

Recommended Action:

Approve and authorize the Interim City Manager to execute the agreement with Huntington Surf and Sport for Junior Lifeguard Program clothing, uniforms and merchandise.

18. [24-311](#) **Approve and authorize execution of Amendment No. 1 to the Memorandum of Understanding (MOU) between the City of Huntington Beach and Huntington Beach Fire Outreach Foundation**

(HBFOF)

Recommended Action:

Approve and authorize the Interim City Manager to execute Amendment No. 1 to the Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Fire Outreach Foundation.

Police

19. **24-281** **Approve and authorize a three-year Service Agreement with the City of Newport Beach for supplemental law enforcement services**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Agreement for Supplemental Law Enforcement Services between the City of Huntington Beach and the City of Newport Beach" in an amount not to exceed \$120,000.

Public Works

20. **24-072** **Approve Agreement for Provision of Sewer Services for Tract 19245 in the City of Fountain Valley**

Recommended Action:

A) Approve and authorize the Mayor to execute the Agreement for Provision of Sewer Services (Attachment 2) between the City of Fountain Valley, the Developer, Bonanni Development Company VI, LLC, and the City of Huntington Beach for Tract 19245 in the City of Fountain Valley; and,

B) Instruct the City Clerk to record the Agreement for Provision of Sewer Services with the County of Orange Recorder's office.

21. **24-232** **Accept bid and authorize execution of a construction contract with Klassic Engineering & Construction, Inc. in the amount of \$273,425.90 for the LeBard Park Improvements Project, CC-1668 and authorize change orders not to exceed 15 percent**

Recommended Action:

A) Accept the next lowest responsive and responsible bid submitted by Klassic Engineering & Construction, Inc. in the amended amount of \$273,425.90; and,

B) Authorize the Mayor and City Clerk to execute a construction contract in the 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 contract construction costs, or \$41,013.89.

22. [24-253](#) **Approve AB 2766/MSRC Microtransit Service Grant Agreement with the South Coast Air Quality Management District (“SCAQMD”) to provide funding for the City’s downtown shuttle service agreement with Circuit Transit, Inc. (“Circuit”)**

Recommended Action:

A) Approve the AB 2766/MSRC Microtransit Service Grant Agreement with the South Coast Air Quality Management District for the downtown shuttle service agreement funding for Circuit Transit, Inc.; and

B) Grant permission to the Director of Public Works to execute the AB 2766/MSRC Microtransit Service Grant Agreement with the South Coast Air Quality Management District electronically; and

C) Approve a budget appropriation of \$279,186 for the AQMD/MSRC grant funds into business unit 129185101.69505.

23. [24-288](#) **Approve Amendment No. 3 to the City’s Professional Services Contract for On-Call Water and Engineering Services with HDR Engineering, Inc. to extend the contract term for an additional two years**

Recommended Action:

Approve Amendment No. 3 to Professional Services Contract for On-Call Water and Engineering Services with HDR Engineering, Inc.

24. [24-319](#) **Adopt Resolution No. 2024-21 authorizing an application for funds for the Environmental Cleanup, Tier 1 Grant Program under the Orange County Transportation Authority (OCTA) Environmental Cleanup Program**

Recommended Action:

Adopt Resolution No. 2024-21, “A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Grant Funds for the Environmental Cleanup Tier 1 Grant Program Under the Orange County Transportation Authority Environmental Cleanup Program.”

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.

25. [24-247](#) Consideration of the 2024-2025 Annual Action Plan for Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Entitlement Grant Programs

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 2024-25 Action Plan; and,
- B) Adopt Resolution No. 2024-17, "A Resolution of the City Council of the City of Huntington Beach, California, Approving the 2024-2025 Annual Action Plan for Federal Community Development Block Grant and HOME Investment Partnerships Programs"; and,
- C) Authorize the City Manager to sign all necessary related documents.

26. [24-299](#) Approve Zoning Text Amendment No. 23-002 (Zoning Update) by approving for introduction Ordinance Nos. 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314 and Resolution No. 2024-22; and, Approve for introduction Ordinance No. 4322 amending Title 3 of the Huntington Beach Municipal Code (HBMC) titled Revenue and Finance

Recommended Action:

- A) Find Zoning Text Amendment No. 23-002 exempt from the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density and in accordance with the BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009. Pursuant to CEQA Guidelines Section 15162 and 15163, no subsequent EIR or supplement to the EIR need be prepared for this ZTA and no further environmental review or documentation is required;
- B) Approve Zoning Text Amendment No. 23-002 with findings (Attachment No. 1) and approve for introduction:

1. Ordinance No. 4307, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 Definitions of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No.2)
2. Ordinance No. 4308, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 210 Residential Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 3)
3. Ordinance No. 4309, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 211 C Commercial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 4)
4. Ordinance No. 4310, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 212 I Industrial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 5)
5. Ordinance No. 4311, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 218 M Mixed Use-Transit Center District of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 6)
6. Ordinance No. 4312, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 Site Standards of the Huntington Beach Zoning Code and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 7)
7. Ordinance No. 4313, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 231 Off-Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 8)
8. Ordinance No. 4314, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 241 Conditional Use Permits and Variances - Temporary Use Permits-Waiver of Development Standards of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 9)
9. Resolution No. 2024-22, "A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Beach and Edinger Corridors Specific Plan (SP 14) (Zoning Text Amendment No. 23-002)"; (Attachment No. 10) and

C) Find the Municipal Code Amendment exempt from the California Environmental Quality

Act Approve Municipal Code Amendment and approve for introduction: Ordinance No. 4322, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding New Chapter 3.60 Entitled "Joint Exercise of Power Agreements." (Attachment No. 11)

ADMINISTRATIVE PUBLIC HEARING

27. [24-316](#) **Conduct Administrative Public Hearing for the 2024 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.

28. [24-313](#) **Receive Public Comment Pursuant to CA Government Code - GOV § 54954.6 Regarding the Modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District**

Recommended Action:

Receive and file public comment related to the proposed modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District per adopted Resolution No. 2024-13.

COUNCIL MEMBER ITEMS

29. [24-337](#) **Item Submitted by Council Member Kalmick - Sign Code Update (HBZSO Section 233) - Request Action**

Recommended Action:

- A) Direct the City Manager to present a Zoning Text Amendment to strike Row 2 of Huntington Beach Zoning and Subdivision Ordinances Section 233.08 (O) - Temporary Signs, entitled "Non-Commercial signs in the public right-of-way", by the July 16, 2024 City Council Meeting to ensure enough time to have the amended ordinance go into effect before the November 2024 election, as originally envisioned two years prior; and
- B) Direct the City Attorney's Office to return to the City Council within 60 days with a legal memo on the Sign Code as was proffered in February of 2024.

30. [24-350](#) **Item Submitted by Council Members Bolton, Kalmick, and Moser - HB Public Library: Vote of the People to Privatize/Outsource (Charter Amendment) and Postpone/Terminate RFP Process Until After Vote**

Recommended Action:

Direct the City Manager, City Attorney and City Clerk to prepare resolutions, ordinances, and any other materials necessary to place two items for consideration on the November 5, 2024 General Election ballot and agendize for a vote at our June 4, 2024 City Council Meeting:

- 1) A Charter Amendment to require a majority vote of the City Council and a majority vote of the electors of Huntington Beach to approve any proposal that would change the wholesale management of the library, and/or any proposal to operate the library with a private contractor that would employ library staff to achieve cost savings; and,
- 2) An advisory vote of the electors of Huntington Beach on whether to hire a third-party contractor to operate the HBPL; a replacement of the current management structure, as proposed by the City Council at its March 19, 2024 meeting.

Additionally, direct the City Manager to cease any further work on the Request for Proposals (RFP) as it relates to the action taken at the March 19, 2024 meeting.

COMMENTS AND MOMENT OF SILENCE TO HONOR THE PASSING OF FORMER MAYOR SHIRLEY DETTLOFF

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, May 21, 2024, 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>