



## AGENDA

### City Council/Public Financing Authority

Tuesday, October 1, 2024

4:30 PM - Closed Session

6:00 PM - Regular Session

#### 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](mailto: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](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.

**4:30 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 ITEM(S) (Received After Agenda Distribution)**

**PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEM(S) (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**

**CLOSED SESSION**

1. [24-697](#) **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 David Cain, Interim Chief Financial Officer. Employee Organization: Huntington Beach Municipal Teamsters (HBMT).**
2. [24-698](#) **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 David Cain, Interim Chief Financial Officer. Marine Safety Management Association (MSMA).

3. [24-699](#) 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 David Cain, Interim Chief Financial Officer. Employee Organization: Management Employees' Organization (MEO).
4. [24-700](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Mirabal (Jonathan Andrew) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2024-01398616-CU-PA-CJC.
5. [24-701](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). 117 Walnut LLC v. PowerDriveOil & Gas Company, LLC, City of Huntington Beach, et al.; OCSC Case No.: 30-2024-01395732-CU-NP-CJC
6. [24-702](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 21091 Pacific Coast Highway, Huntington Beach, CA, 92648 (APN 024-281-16). Agency Negotiators: Eric Parra, Acting City Manager; Travis Hopkins, Assistant City Manager; Ashley Wysocki, Director of Community and Library Services; Chris Cole, Community and Library Services Manager; William Krill, Real Estate Project Manager. Negotiating Parties: (Not Present) Dave Clapp DBA Jack's Beach Concessions. Under negotiation: Price and terms of lease
7. [24-708](#) PUBLIC EMPLOYEE APPOINTMENT (Gov. Code section 54957(b)(1).) Title: Acting City Manager.

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.

**8. [24-705](#)      **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**

9. [24-707](#) Update on Police Department Staffing

**CITY ATTORNEY'S REPORT**

10. [24-694](#) State v. City of Huntington Beach re Housing Element

**CONSENT CALENDAR (Items 11-24)**

**City Clerk**

11. [24-688](#) Approve and Adopt Minutes

**Recommended Action:**

Approve and adopt the City Council/Public Financing Authority regular meeting minutes of September 17, 2024.

12. [24-689](#) Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies - September 2024

**Recommended Action:**

Receive and File.

**City Manager**

13. [24-678](#) Consider adoption of Resolution No. 2024-50 in Opposition to the Statewide Ballot Proposition 33, the Local Government Rent Control Expansion Act, as Recommended by the Intergovernmental Relations Committee (IRC)

**Recommended Action:**

A) Adopt Resolution No. 2024-50, "A Resolution of the City Council of the City of Huntington Beach in Opposition to Proposition 33, the Local Government Rent Control Expansion Act," which will set aside Resolution Nos. 4344 and 2024-23.

**Community Development**

14. [24-648](#) Approve and authorize execution of Amendment No. 2 to Schedule

**No. 2, and the Associated Lease Memorandum for Leased Property at Bushard Fire Station Between the City of Huntington Beach and T-Mobile West Tower LLC, for a Wireless Communications Facility**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute “Amendment No. 2 to Schedule No. 2 of Leased Property” between the City of Huntington Beach and T-Mobile West Tower LLC; and

B) Approve and authorize the Mayor and City Clerk to execute the “Memorandum of Amendment No. 2 to Schedule No. 2 of Leased Property” between the City of Huntington Beach and T-Mobile West Tower LLC

15. [24-656](#) **Approve and authorize execution and recordation of a Lease Agreement with Surf City Partners, LLC for 21 and 22 Main Street at the Huntington Beach Pier and Approve Building Fee Waivers**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute the “Lease Between the City of Huntington Beach and Surf City Partners, LLC;” and,

B) Direct the City Clerk to record lease agreement with the Orange County Clerk Recorder; and

C) Approve the waiver of up to \$50,000 in City permit fees related to plan check and building division inspection fees.

16. [24-687](#) **Approval of Huntington Beach Tourism Business Improvement District (HBTBID) Annual Report for Fiscal Year (FY) 2024-25**

**Recommended Action:**

Approve the HBTBID Annual Report for Fiscal Year 2024-25.

**Community and Library Services**

17. [24-691](#) **Approve the appointment of Alan Ray to the Huntington Beach Historic Resources Board as recommended by City Council Liaisons Mayor Gracey Van Der Mark and Mayor Pro Tem Pat Burns**

**Recommended Action:**

Approve the appointment of Alan Ray to the Huntington Beach Historic Resources Board for a term set to expire June 30, 2025, as recommended by City Council Liaisons Mayor Gracey Van Der Mark and Mayor Pro Tem Pat Burns.

**Fire**

18. [24-695](#) **Approve and authorize execution of Amendment No. 1 with Excalibur Well Services, Corp; approve additional funding and appropriation of funds for the Civic Center Oil Well Abandonment Project**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute “Amendment No. 1 to Service Agreement between the City of Huntington Beach and Excalibur Well Services, Corp. for Civic Center Well Abandonment;” and,

B) Approve an appropriation of \$1,150,000 from HB Recovery Funds to the Oil Well Abandonment business unit 31465001.82800.

**Human Resources**

19. [24-677](#) **Approve and authorize execution of Three-Year Professional Services Contracts for Workers’ Compensation Managed Care Services with Lien On Me, Inc. for Bill Review, and Arissa Cost Strategies, LLC for Utilization Review**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute “Professional Services Contract Between the City of Huntington Beach and Lien On Me, Inc. for medical Bill Review services of the City’s Workers’ Compensation claims” in an amount not to exceed \$525,000 for the three-year period, and

B) Approve and authorize the Mayor and City Clerk to execute “Professional Services Contract Between the City of Huntington Beach and Arissa Cost Strategies, LLC, for Utilization Review services of the City’s Workers’ Compensation claims” in an amount not to exceed \$300,000 for the three-year period.

**Police**

20. [24-676](#) **Approve and authorize execution of a one-year grant agreement with the California Highway Patrol to provide overtime funding to combat impaired driving, adopt Resolution No. 2024-48 accepting grant funds and appropriation of funds.**

**Recommended Action:**

A) Approve and authorize the City Council to execute the grant agreement for “FY24/25 CTFGP Law Enforcement - Huntington Beach Police Department”

B) Adopt Resolution No. 2024-48, “A Resolution of the City Council of the City of Huntington Beach Authorizing the Chief of Police to Accept Grant Funds from the State of

California Department of California Highway Patrol for DUI Saturation Patrols and Standardized Field Sobriety Test (SFST) Training”

C) Appropriate grant funds in the amount of \$84,480 to a new grant account for separate tracking.

21. [24-692](#) **Approve and authorize execution of a Memorandum of Understanding (MOU) with the Huntington Beach Police Officers’ Foundation (HBPOF)**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute the "Memorandum of Understanding between the Huntington Beach Police Officers’ Foundation and the City of Huntington Beach."

**Public Works**

22. [24-640](#) **Approve and authorize the execution of a Cooperative Agreement with the Mesa Water District in the amount of \$75,000 for a Feasibility Study for an Interagency Water Transfer**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute the Cooperative Agreement with the Mesa Water District in the amount of \$75,000 for a Feasibility Study for an Interagency Water Transfer.

23. [24-655](#) **Approve and authorize the execution and recordation of a Storm Water Detention and Landscape Maintenance Agreement with the Roman Catholic Bishop of Orange for the Good Shepherd Cemetery Located at 8301 Talbert Avenue**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute the “Storm Water Detention and Landscape Maintenance Agreement, between the City of Huntington Beach and Roman Catholic Bishop of Orange;” and,

B) Instruct the City Clerk to record said Storm Water Detention and Landscape Maintenance Agreement (and attachments) with the Orange County Clerk Recorder.

24. [24-660](#) **Approve and authorize execution of an Agreement for sharing consultant costs for completion of Joint Hazard Mitigation Plans and the America’s Water Infrastructure Act of 2018 Update Projects with the Municipal Water District of Orange County (MWDOC)**

**Recommended Action:**



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Approve and authorize the Interim City Manager to execute an Agreement for sharing consultant costs for completion of Joint Hazard Mitigation Plans and the America's Water Infrastructure Act of 2018 Update Projects with the Municipal Water District of Orange County.

**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. [24-663](#) Public Hearing to Adopt Resolution No. 2024-42 for Annual Assessment Approval in the Huntington Beach Downtown Business Improvement District for Fiscal Year (FY) 2024-2025**

**Recommended Action:**

A) Conduct the Public Hearing; and,

B) If written protests of at least 50% or more of the total assessments are not received, adopt Resolution No. 2024-42, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment within the Huntington Beach Downtown Business Improvement District for FY 2024-2025."

**26. [24-650](#) Approve Zoning Map Amendment No. 23-001 by introducing Ordinance No. 4306; Approve Zoning Map Amendment No. 23-002 by introducing Ordinance No. 4316; Approve Zoning Map Amendment No. 24-001 by introducing Ordinance No. 4321; Approve Zoning Map Amendment No. 24-003 by introducing Ordinance No. 4323; Approve Zoning Map Amendment No. 24-004 by introducing Ordinance No. 4324; Approve Zoning Map Amendment No. 24-005 by introducing Ordinance No. 4325; Approve Local Coastal Program Amendment No. 24-001 by adopting Resolution No. 2024-14 (Continued from September 3, 2024)**

**Recommended Action:**

A) Find the proposed project exempt from the California Environmental Quality Act

(CEQA) pursuant to Section 15183, Projects Consistent with a Community Plan or Zoning.

B) Approve the following:

1. Zoning Map Amendment No. 23-001 with findings (Attachment No. 1) and introduce Ordinance No. 4306, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 17 Parcels Consisting of City Parks and City Owned Property into Conformance with their General Plan Designations (Zoning Map Amendment No. 23-001)"; (Attachment No. 7)
2. Zoning Map Amendment No. 23-002 with findings (Attachment No. 2) and introduce Ordinance No. 4316, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 18 Parcels Consisting of Churches and Schools into Conformance with their General Plan Designations (Zoning Map Amendment No. 23-002)"; (Attachment No. 8)
3. Zoning Map Amendment No. 24-001 with findings (Attachment No. 3) and introduce Ordinance No. 4321, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 23 Parcels within the Coastal Zone to be in Conformance with their General Plan Designations (Zoning Map Amendment No. 24-001)"; (Attachment No. 9)
4. Zoning Map Amendment No. 24-003 with findings (Attachment No. 4) and introduce Ordinance No. 4323, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 42 Parcels Consisting of Utility Type Uses into Conformance with their General Plan Designations (Zoning Map Amendment No. 24-003)"; (Attachment No. 10)
5. Zoning Map Amendment No. 24-004 with findings (Attachment No. 5) and introduce Ordinance No. 4324, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 5 Parcels Consisting of Commercial Uses into Conformance with their General Plan Designations (Zoning Map Amendment No. 24-004)"; (Attachment No. 11)
6. Zoning Map Amendment No. 24-005 with findings (Attachment No. 6) and introduce Ordinance No. 4325, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 28 Inconsistently Zoned Parcels into Conformance with their Residential General Plan Designations (Zoning Map Amendment No. 24-005)";

(Attachment No. 12)

7. Local Coastal Program Amendment (LCPA) No. 24-001 with findings (Attachment No. 3) by adopting City Council Resolution No. 2024-14, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 24-001 and Requesting Certification by the California Coastal Commission"; (Attachment No. 9).

**27. [24-680](#) Approve Zoning Text Amendment No. 23-002 (Zoning Update) by Approving for Introduction Ordinance No. 4310**

**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;

B) Approve Zoning Text Amendment No. 23-002 with findings (Attachment No. 1) and approve for introduction 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. 2)

**ADMINISTRATIVE ITEMS**

**28. [24-621](#) Receive and file response to August 6, 2024, Council Member Item: Taxpayer Transparency - Evaluation of City Tax-Sharing**

**Recommended Action:**

Receive and file response to August 6, 2024, Councilmember Item: Taxpayer Transparency - Evaluation of City Tax-Sharing

**COUNCIL MEMBER ITEMS**

**29. [24-706](#) Item Submitted by Council Member McKeon, Mayor Van Der Mark, and Council Member Strickland - Support for AVX Network's Federal Funding Account Grant Application: Digital Equity for Avalon, Catalina Island, and Surrounding Waterways**

**Recommended Action:**

City Council support the AVX Network's Last Mile Federal Funding Account application: Digital Equity for Avalon, Catalina Island, and Surrounding Waterways, and authorize the Mayor to send a letter of support on behalf of the City of Huntington Beach.

**ADJOURNMENT**

**The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, October 15, 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>**