



AGENDA

City Council/Public Financing Authority

Tuesday, September 3, 2024

4:30 PM - Closed Session

6:00 PM - Regular Meeting

****AGENDA REVISED- 8/29/2024****

Added File #24-629 - Awards and Presentations

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

Council Chambers

2000 Main Street
Huntington Beach, CA 92648

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 STUDY/CLOSED SESSION ITEMS (Received After Agenda Distribution)

PUBLIC COMMENTS PERTAINING TO STUDY SESSION/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. [24-607](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Clayton-Tarvin (Gina) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2023-01329927.**
2. [24-608](#) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 60 Main Street, Huntington Beach, CA 92648
City Negotiators: Eric Parra, Interim City Manager; Travis Hopkins, Assistant City Manager; Kriss Casanova, Economic Development Manager; Steve Holtz, Deputy Director of Community Development;**

Jennifer Villasenor, Director of Community Development; William Krill, Real Estate Project Manager.

Negotiating parties: Persons to be negotiated with: (Not Present)

Tina Viray and Nelson Wescott DBA The Surf City Store

Under negotiation: Price and terms of lease

3. [24-609](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 61 Main Street, Huntington Beach, CA 92648

City Negotiators: Eric Parra, Acting City Manager; Travis Hopkins,

Assistant City Manager; Kriss Casanova, Economic Development

Manager; Steve Holtz, Deputy Director of Community Development;

Jennifer Villasenor, Director of Community Development; William

Krill, Real Estate Project Manager.

Negotiating parties: Persons to be negotiated with: (Not Present)

Dave Shenkman DBA Kite Connection International Incorporated

Under negotiation: Price and terms of lease

4. [24-610](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 21091 Pacific Coast Highway, Huntington Beach, CA, 92648
(APN 024-281-16).

Agency Negotiators: Eric Parra, Interim 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

5. [24-626](#)

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.

6:00 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.

6. [24-554](#) Huntington Beach Police Chaplain Bob Ewing

CLOSED SESSION REPORT BY CITY ATTORNEY

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

AWARDS AND PRESENTATIONS

NEW [24-629](#) September National Service Club Month Declaration

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.

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 (Items 7 - 18)

City Clerk

7. [24-553](#) **Approve and Adopt Minutes**

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting minutes of August 6, 2024.

8. [24-555](#) **Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies - August 2024**

Recommended Action:

Receive and File.

City Manager

9. [24-572](#) **Adopt Resolution No. 2024-45 appointing David Cain as Interim Chief Financial Officer and approving the Employment Agreement**

Recommended Action:

A) Adopt Resolution No. 2024-45, "A Resolution of the City Council of the City of Huntington Beach Appointing David Cain as Interim Chief Financial Officer;" and

B) Approve and Authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and David Cain."

Community and Library Services

10. [24-597](#) **Approve and authorize execution of a Lease Agreement between the City of Huntington Beach and HBSC Partners, LLC, for operation of two food concessions at the Huntington Beach Sports Complex located at 19260 Goldenwest Street and 7300 Talbert Avenue**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the “Lease Agreement Between the City of Huntington Beach and HBSC Partners, LLC, for Operation of Food Concessions at the Huntington Beach Sports Complex.”

11. [24-593](#) **Approve the naming of the area located on the upper east side of Huntington Central Park commonly referred to as “The Nature Plateau,” to “Huntington Central Park Nature Plateau” as recommended by the Community & Library Services Commission**

Recommended Action:

Approve the naming of the area of Huntington Central Park referred to as “The Nature Plateau,” to “Huntington Central Park Nature Plateau” as recommended by the Community & Library Services Commission.

Community Development

12. [24-592](#) **Approve the Huntington Beach Downtown Business Improvement District’s (District) Annual Report and Budget for Fiscal Year (FY) 2024-2025 and Adopt Resolution No. 2024-41 to continue levying an Annual Assessment on businesses within the District, with a public hearing scheduled for October 1, 2024**

Recommended Action:

A) Approve the Huntington Beach Downtown Business Improvement District Annual Report and Proposed Budget for FY 2024-2025; and,

B) Adopt Resolution No. 2024-41, “A Resolution of the City Council of the City of Huntington Beach Declaring the City’s Intention to Levy an Annual Assessment for FY 2024-2025 within the Huntington Beach Downtown Business Improvement District”, which sets a public hearing for October 1, 2024 to consider continuation of the Huntington Beach Downtown Business Improvement District.

Fire

13. [24-534](#) **Approve and authorize execution of a Professional Services Contract with Hoag Clinic for medical/wellness blood cancer and ultrasound screening**

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute a Professional Services Contract between the City of Huntington Beach and Hoag Clinic for medical/wellness blood cancer and ultrasound screening for an amount not to exceed \$158,720 .

14. [24-600](#) **Approve and authorize execution of Amendment No. 1 to the**

American Integrated Services, Inc. agreement for the Miley Keck Tank Farm Lease Closure and approve an appropriation of \$241,039

Recommended Action:

A) Approve and authorize Mayor and City Clerk to execute Amendment No. 1 to the American Integrated Services, Inc. agreement for the Miley Keck Tank Farm Lease Closure, in the amount of \$149,599 plus a 15% contingency; and,

B) Approve an appropriation of \$241,039 from HB Recovery Funds to the Oil Well Abandonment business unit 31465001.82800.

15. [24-599](#) **Approve and authorize execution of an agreement between the California Department of Health Care Services (DHCS) and City of Huntington Beach; Approve and authorize execution of a Health Plan-Provider Agreement - Intergovernmental Transfer Rate Range Program Agreement between CalOptima Health and the City of Huntington Beach; Authorize designated City staff to execute the agreements; and, Approve an appropriation of \$468,843 for the agreements during FY 2024/25**

Recommended Action:

A) Approve and authorize execution of an agreement between the California Department of Health Care Services (DHCS) and City of Huntington Beach;

B) Approve and authorize Mayor and City Clerk to execute the Health Plan-Provider Agreement - Intergovernmental Transfer Rate Range Program Agreement between CalOptima Health and City of Huntington Beach;

C) Authorize the designation of the City Manager, Chief Financial Officer, and/or Fire Chief to execute the agreements; and

D) Approve an appropriation of \$468,843 to business unit 10065403 for the agreements during FY 24/25.

Human Resources

16. [24-590](#) **Adopt Resolution No. 2024-44 Amending the Memorandum of Understanding Between the City and Huntington Beach Management Employees' Organization by Adopting a Side Letter of Agreement**

Recommended Action:

Adopt Resolution No. 2024-44, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Management Employees' Organization (MEO) by Adopting a Side Letter of Agreement."

Public Works

17. [24-567](#) **Approve and authorize the execution of the Cooperative Agreement for Disaster-Related Debris Management Services with DRC Pacific, Inc.**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the Cooperative Agreement for Disaster-Related Debris Management Services with DRC Pacific, Inc.

18. [24-577](#) **Accept the lowest responsive and responsible bid and authorize execution of a construction contract with TTS Engineering Inc in the amount of \$174,624 for the Retaining Wall Rehabilitation Project, CC-1770**

Recommended Action:

A) Accept the lowest responsive and responsible bid submitted by TTS Engineering in the amount of \$174,624; and,

B) Authorize the Mayor and City Clerk to execute a construction contract in a 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 \$26,194.

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.

19. [24-551](#) **Approve Zoning Map Amendment No. 23-001 by adopting Ordinance No. 4306; Approve Zoning Map Amendment No. 23-002 by adopting Ordinance No. 4316; Approve Zoning Map Amendment No. 24-001 by**

adopting Ordinance No. 4321; Approve Zoning Map Amendment No. 24-003 by adopting Ordinance No. 4323; Approve Zoning Map Amendment No. 24-004 by adopting Ordinance No. 4324; Approve Zoning Map Amendment No. 24-005 by adopting Ordinance No. 4325; Approve Local Coastal Program Amendment No. 24-001 by adopting Resolution No. 2024-14

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 adopt 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 adopt 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 adopt 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 adopt 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 adopt 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 adopt 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).

ORDINANCES FOR INTRODUCTION

20. [24-622](#) **Approve for Introduction Ordinance No. 4326 Adding Chapter 1.23 of the Huntington Beach Municipal Code Relating to Parents’ Right to Know City**

Recommended Action:

Approve for introduction Ordinance No. 4326, “An Ordinance of the City Council of the City of Huntington Beach Adding Chapter 1.23 of the Huntington Beach Municipal Code Relating to Parents’ Right to Know City.”

COUNCIL MEMBER ITEMS

21. [24-617](#) **Item Submitted by Mayor Pro Tem Burns - Establishing a Flagpole at Baca Park in Honor of Vietnam Veteran Medal of Honor Recipient John P. Baca**

Recommended Action:

A) Direct the City Manager and Public Works Director to provide and install an approximate 35-45 foot flagpole for an American Flag to be displayed at John Baca Park; and,

B) Consider displaying the Medal of Honor flag, for ceremonial purposes only, for John Baca on a separate mobile or temporary pole at a dedication ceremony. Per City Charter Section 806, “the City may display any other flag in addition to those already enumerated, but only if authorized by a unanimous vote of all members of the City Council.”

22. [24-624](#) **Item Submitted by Council Member McKeon - Establish Tobacco Retailer Regulations**

Recommended Action:

Direct the City Manager to work with the City Attorney to prepare an Ordinance for introduction at a future City Council Meeting to amend the Huntington Beach Zoning and Subdivision Ordinance to establish regulations for tobacco retailers Citywide .

23. [24-628](#) **Item Submitted by Council Members Bolton, Kalmick, and Moser - Supervisor Andrew Do - Demand to Resign**

Recommended Action:

Vote to Demand that Supervisor Andrew Do resign his seat immediately.

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, September 17, 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>