



AGENDA (Revised Final)

CITY COUNCIL/PUBLIC FINANCING AUTHORITY

**Monday, May 20, 2019
Council Chambers
2000 Main Street
Huntington Beach, CA 92648**

**Study Session - 4:00 PM / Closed Session - 5:00 PM
Regular Meeting - 6:00 PM**

MAYOR AND CITY COUNCIL

*ERIK PETERSON, Mayor
LYN SEMETA, Mayor Pro Tem
PATRICK BRENDEN, Councilmember
KIM CARR, Councilmember
BARBARA DELGLEIZE, Councilmember
JILL HARDY, Councilmember
MIKE POSEY, Councilmember*

STAFF

*LORI ANN FARRELL HARRISON, Interim City Manager
MICHAEL E. GATES, City Attorney
ROBIN ESTANISLAU, City Clerk
ALISA BACKSTROM, City Treasurer*

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, or request assistance from the staff or Sergeant-at-Arms at the meeting.

PUBLIC COMMENTS: To address the legislative body on items of interest not scheduled for public hearing, *Request to Speak* forms will be made available at the meeting and are collected by the staff or Sergeant at Arms. Some legislative bodies may provide different *Request to Speak* forms for public hearing items.

AUDIO/VIDEO ACCESS TO BROADCASTED MEETINGS: City Council and Planning Commission meetings are televised live on HBTv-3 Channel 3, and can be viewed via live or archived website at <https://huntingtonbeach.legistar.com>.

4:00 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit)

STUDY SESSION

1. 19-224 Discussion of Fiscal Year 2019/20 Proposed Budget, Finance Commission actions, discussions and recommendations, and Capital Improvement Program (CIP)

RECESS TO CLOSED SESSION

CLOSED SESSION ANNOUNCEMENT(S)

2. [19-615](#) ~~Mayor Peterson to Announce: Pursuant to Government Code § 54957.6, the City Council shall recess into Closed Session to meet with its designated labor negotiator: Lori Ann Farrell, Interim City Manager; also in attendance: Gilbert Garcia, Chief Financial Officer, Michele Warren, Director of Human Resources regarding labor negotiations with: City Treasurer~~

CLOSED SESSION

3. 19-597 Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Frankie Choyeski v. City of Huntington Beach; Workers' Compensation Claim No. COHB-18-0026.
4. 19-598 Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Thomas Wilson v. City of Huntington Beach; Workers' Compensation Claim No. COHB-16-0346.

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5. 19-599 Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Bedel (Richard) v. City of Huntington Beach, et al.; OCSC Case No. 30-2017-00958740.
6. 19-605 Pursuant to Government Code §54956.9(d)(2), the City Council shall recess into Closed Session to confer with the City Attorney regarding potential litigation. Number of cases, three (3).
7. 19-614 ~~Pursuant to Government Code § 54957.6, the City Council shall recess into Closed Session to meet with its designated labor negotiator: Lori Ann Farrell, Interim City Manager; also in attendance: Gilbert Garcia, Chief Financial Officer, Michele Warren, Director of Human Resources regarding the following: City Treasurer.~~

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING ROLL CALL

Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy

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. 19-539 Kelly Frankiewicz of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY AWARDS AND PRESENTATIONS

9. 19-554 Mayor Peterson to call on Victoria Alberty to present the Adoptable Pet of the Month.
10. 19-434 Mayor Peterson to proclaim National Public Works Week May 19 through 25 and present proclamation to Public Works Director Travis Hopkins.
11. 19-556 Mayor Peterson to call on Kevin Elliott from Code Four who will present a check for \$10,000 from the Cherry Blossom Festival to the City's Sister City Association.
12. 19-425 Mayor Peterson to call on City Clerk Robin Estanislau to present the Mayor's Award to Donna Switzer, Deputy City Clerk.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3 Minute Time Limit)

**COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS, AB 1234 REPORTING, AND
OPENNESS IN NEGOTIATIONS DISCLOSURES**

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

13. 19-612 City Attorney to report on status of Council Member Mike Posey's initiative to explore options to challenge CalPERs (investment strategy).

CONSENT CALENDAR

14. 19-577 Approve the interim appointment of David Kiff to the position of City Manager until the ongoing national recruitment process is completed

Recommended Action:

Approve and authorize the appointment of David Kiff to the position of Interim City Manager.

15. 19-379 Accept bid and authorize execution of a construction contract with California Professional Engineering, Inc. in the amount of \$643,490 for the traffic signal modifications at the intersection of Main Street and Utica Avenue/17th Street, and the installation of a new traffic signal at the intersection of Bolsa Chica Street and Pearce Drive - CC-1488; and, appropriate Traffic Impact funds for construction and authorize change orders not to exceed 15 percent

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by California Professional Engineering, Inc. in the amount of \$643,490; and,
- B) Appropriate \$125,739 from the undesignated Traffic Impact Fee fund balance to Traffic Impact Fee account 20690007.82700; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- D) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs or \$96,524.

16. 19-381 Accept bid and authorize execution of a construction contract with Elecnor Belco Electric, Inc. in the amount of \$320,055 for the traffic signal modification at the intersection of Gothard Street and Center Avenue - CC-1489; and, appropriate Traffic Impact funds for construction and authorize change orders not to exceed 15 percent

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Elecnor Belco Electric, Inc. in the amount of \$320,055; and,

- B) Appropriate \$45,209 from the undesignated Traffic Impact Fee fund balance to Traffic Impact Fee account 20690007.82700; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- D) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs or \$48,008.

- 17. 19-451 Accept bid and authorize execution of a construction contract with Calpromax Engineering, Inc. in the amount of \$229,000 for the traffic signal modification at the intersection of Newland Street and Slater Avenue - CC-1490; and, appropriate Traffic Impact funds for construction and authorize change orders not to exceed 15 percent**

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Calpromax Engineering, Inc. in the amount of \$229,000; and,
- B) Appropriate \$112,150 of undesignated Traffic Impact funds to Traffic Impact project account 20690007.82700; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- D) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs or \$34,350.

- 18. 19-453 Accept bid and authorize execution of a construction contract with Alfaro Communications Construction, Inc. in the amount of \$289,075 for the traffic signal modification at the intersection of Newland Street and Ellis Avenue, CC-1491; and appropriate Traffic Impact funds for construction and authorize change orders not to exceed 15 percent**

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Alfaro Communications Construction, Inc. in the amount of \$289,075; and,
- B) Appropriate \$100,404 of undesignated Traffic Impact funds to Traffic Impact project account 20690007.82700; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- D) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs or \$43,361.

- 19. 19-454 Accept bid and authorize execution of a construction contract with International Line Builders, Inc. in the amount of \$269,016 for the traffic signal modification at the intersection of Goldenwest Street and Heil Avenue, CC-1492; and, appropriate Traffic Impact funds for construction and approve change orders not to exceed 15 percent**

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by International Line Builders, Inc. in the amount of \$269,016; and,
- B) Appropriate \$130,680 of undesignated Traffic Impact Fee Fund Balance to account 20690007.82700; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- D) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs or \$40,352.

- 20. 19-441 Accept bid and authorize execution of a construction contract with Alfaro Communications Construction, Inc. in the amount of \$298,872 for the traffic signal modification at the intersection of Gothard Street and Slater Avenue, CC-1493; and, appropriate Traffic Impact funds for construction and authorize change orders not to exceed 15 percent**

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Alfaro Communications Construction, Inc. in the amount of \$298,872; and,
- B) Appropriate \$49,325 of undesignated Traffic Impact Fee fund balance to Traffic Impact Fee account 20690007.82700; and,
- C) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- D) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs or \$44,830.

- 21. 19-495 Accept bid and authorize execution of a construction contract with Select Electric, Inc. in the amount of \$308,803 for the traffic signal interconnect on Newland Street from Ellis Avenue to Warner Avenue, CC-1494; and, authorize change orders not to exceed 15 percent**

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Select Electric, Inc. in the amount of \$308,803; 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 \$46,320.

22. 19-560 Award and authorize execution of a construction contract with PALP, Inc. dba Excel Paving Company in the amount of \$2,916,192 for the Edinger Avenue Rehabilitation, Algonquin Street Rehabilitation, and Delaware Street Rehabilitation Project, CC-1575

Recommended Action:

- A) Accept the lowest responsive and responsible base bid submitted by PALP, Inc. dba Excel Paving Company in the amount of \$2,916,192.00; and,
- B) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

23. 19-478 Accept the lowest responsive and responsible bid and authorize execution of a construction contract with All American Asphalt in the amount of \$3,012,239 for the Residential Overlay of Maintenance Zone 6, CC-1579; and, appropriate additional Gas Tax and Measure M funds for construction

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by All American Asphalt Company in the amount of \$3,012,239; and,
- B) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,
- C) Appropriate \$175,000 from the undesignated Gas Tax (207) fund balance to 20790056.82300; and,
- D) Appropriate \$775,000 from the undesignated Measure M (213) fund balance to account 21390002.82300.

24. 19-565 Award and authorize execution of a construction contract in the amount of \$65,170.00 to MK Construction, Inc. for the Ocean View Estates (OVE) Parking Lot Expansion Project, CC-1580

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by MK Construction, Inc., in the amount of \$65,170.00; and,

- B) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

- 25. 19-569 Authorize an additional \$35,745 in expenditures for MSC-520 Youth Shelter ADA Improvements and Roof Replacement project**

Recommended Action:

Authorize Public Works to expend up to \$71,490, an additional \$35,745, in contingency funds to complete the construction of MSC-520 Youth Shelter ADA Improvements and Roof Replacement.

- 26. 19-407 Adopt Resolution No. 2019-24 amending the City's Classification Plan by adding the Job Classification of Risk Management Analyst and establishing the compensation**

Recommended Action:

Adopt Resolution No. 2019-24, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Classification of Risk Management Analyst," and establish the compensation.

- 27. 19-471 Adopt Resolution No. 2019-25 authorizing the City to levy the Annual Retirement Property Tax For Fiscal Year 2019/20 to pay for Pre-1978 Employee Retirement Benefit Levels**

Recommended Action:

Adopt Resolution No. 2019-25, "A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2019/20 to Pay for Pre-1978 Public Employee Retirement Benefits" of \$0.01500 per \$100 of assessed valuation. The tax rate of \$0.01500 would continue the tax rate included in the current Fiscal Year 2018/19 Adopted Budget.

- 28. 19-559 Adopt and authorize recordation of Resolution No. 2019-26 ordering the Summary Vacation of an existing Walkway Easement to the former Franklin School Site**

Recommended Action:

- A) Adopt Resolution No. 2019-26, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of a Public Service Easement for Pedestrian Walkway Purposes Generally Located Between Spa Drive and the Former Franklin School in the City of Huntington Beach" (Attachment 1); and ,
- B) Instruct the City Clerk to record Resolution No. 2019-26 and the attached exhibits with the Orange County Recorder.

- 29. 1-584 Adopt Resolution 2019-34 amending Resolution No. 2007-71 to expand the permitted uses of the Affordable Housing Trust Fund**

Recommended Action:

Adopt Resolution 2019-34 "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2007-71 to Expand the Permitted Uses of the Affordable Housing Trust Fund."

- 30. 19-607 Adopt Resolution No. 2019-38 modifying benefits for Non-Represented Employees including the elected City Attorney, City Clerk and City Treasurer**

Recommended Action:

Adopt Resolution No. 2019-38, "A Resolution of the City Council of the City of Huntington Beach Modifying Benefits for Non-Represented Employees Including the Elected City Attorney, City Clerk and City Treasurer."

- 31. 19-563 Approve and authorize execution of a Professional Services Contract with Bartel Associates, LLC in the amount of \$122,200 to perform Actuary Consulting Services**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Professional Service Contract Between the City of Huntington Beach and Bartel Associates, LLC for Actuary Consulting Services."

- 32. 19-570 Approve and authorize execution of a three year Professional Service Contract with Davis Farr LLP in the amount of \$151,120 to perform Financial Audit Services**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Professional Service Contract Between the City of Huntington Beach and Davis Farr LLP for Financial Audit Services."

- 33. 19-572 Approve and authorize execution of a Non-Exclusive License Agreement between the City of Huntington Beach and Continuing Development Incorporated (CDI) at 17241 Oak Lane for child development programs**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Non-Exclusive License Agreement Between the City of Huntington Beach and Continuing Development Incorporated."

- 34. 19-575 Approve and authorize execution of Second Amendment to Site License Agreement between the City of Huntington Beach and T-Mobile West Tower, LLC at Murdy Park**

Recommended Action:

- A) Approve "Second Amendment to Site License Agreement" between the City of Huntington Beach and T-Mobile West Tower, LLC; and,

- B) Authorize the City Manager, and City Clerk to execute the Second Amendment to Site License Agreement and other related documents.

35. 19-576 Approve and authorize execution of a five-year License Agreement with Southern California Edison (SCE) for Gisler Park

Recommended Action:

Approve the "License Agreement" with Southern California Edison for the use of 10.5 acres of property known as Gisler Park (Contract No.9.2247), and authorize the Mayor and City Clerk to execute any and all documents necessary to conclude this transaction.

36. 19-590 Adopt Ordinance No. 4180 repealing Ordinance No. 4130 and adding Chapter 3.50 to the Huntington Beach Municipal Code relating to State Video Franchises

Approved for introduction May 6, 2019 - Vote: 7-0

Recommended Action:

Adopt Ordinance No.4180, "An Ordinance of the City Council of the City of Huntington Beach Repealing Ordinance No. 4130 and Adding Chapter 3.50 to the Huntington Beach Municipal Code Relating to State Video Franchises."

PUBLIC HEARING

37. 19-492 Adopt Resolution No 2019-31 to set municipal utility rates for water meters; Adopt Resolution No 2019-32 to set municipal utility rates for water commodity charges; and Adopt Resolution 2019-30 to set municipal utility rates for sewer service charges

Recommended Action:

- A) Adopt Resolution 2019-31, "A Resolution of the City Council of the City of Huntington Beach Adjusting Water Meter Rates, including a Capital Surcharge Pursuant to Section 14.12.040 of the Huntington Beach Municipal Code" and,
- B) Adopt Resolution 2019-32, "A Resolution of the City Council of the City of Huntington Beach Readopting the City's Water Commodity Rates;" and,
- C) Adopt Resolution 2019-30, "A Resolution of the City Council of the City of Huntington Beach Adjusting Sewer Service User Charges Pursuant to Section 14.54.020 of the Huntington Beach Municipal Code."

***FIVE AFFIRMATIVE VOTES ARE REQUIRED TO ADOPT THE RESOLUTIONS**

ADMINISTRATIVE ITEMS

- 38. 19-613 Create a new Chief Assistant City Attorney position; Adopt Resolution No. 2019-36 amending Non-Associated Salary Schedule for City Attorney and Chief Assistant City Attorney; Adopt Resolution No. 2019-35 increasing the salary of the City Attorney; and, delegate authority to execute employment agreements for Chief Assistant City Attorney**

Recommended Action:

- A) Create a new Chief Assistant City Attorney position in the City Attorney's Office; and,
- B) Adopt Resolution No. 2019-36, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees by Changing the Compensation of the Chief Assistant City Attorney Classification" amending Non-Associated Resolution 2016-50 Salary Schedule for City Attorney and Chief Assistant City Attorney; and,
- C) Adopt Resolution No. 2019-35, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary of the Elected City Attorney;" and,
- D) Delegate authority to the City Manager/Interim City Manager and City Attorney to execute employment agreements for the Chief Assistant City Attorneys.

- 39. 19-580 Adopt Resolution No. 2019-33 to modify the compensation of the Elected City Treasurer to more appropriately align it with the responsibilities and duties of the position and bring it into alignment with comparable positions within the City**

Recommended Action:

Adopt Resolution No. 2019-33, "A Resolution of the City Council of the City of Huntington Beach Modifying the Salary and Benefits for Non-Represented Employees Including the City Treasurer."

ORDINANCES FOR INTRODUCTION

- 40. 19-594 Create a new Assistant Chief Financial Officer position by approving for introduction Ordinance No. 4181; adopt Resolution No. 2019-37 amending the Non-Associated Salary Resolution to add the classification of Assistant Chief Financial Officer and the compensation; and delegate authority to execute the employment agreement for the Assistant Chief Financial Officer**

Recommended Action:

- A) Approve for introduction Ordinance No. 4181, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Section 2.76.010 Thereof Related to Exclusions From the Competitive Service" by adding the Assistant Chief Financial Officer; and,

- B) Adopt Resolution No. 2019-37, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees By Adding the Assistant Chief Financial Officer Classification and Establishing the Compensation;" and,
- C) Delegate Authority to the City Manager/Interim City Manager and City Attorney to Execute Employment Agreements for the Assistant Chief Financial Officer.

COUNCILMEMBER ITEMS

41. 19-595 Submitted by Councilmembers Brenden and Posey - Staff Report on Current Status of Regional Housing Needs Assessment Process

Recommended Action:

Direct the City Manager/Interim City Manager to conduct, within 60 days, a Study Session on the RHNA 6th Cycle Planning process as it relates to Huntington Beach and to provide monthly updates throughout the remainder of the Planning Process.

Study Session needs to include:

- 1) Current status report of RHNA Subcommittee work.
- 2) General overview of the new 6th Cycle RHNA methodology.
- 3) Review of all pending legislation that could change the RHNA requirement from a simple zoning compliance question to an actual housing production requirement.
- 4) An assessment of potential options to expand City engagement in the RHNA Planning Process.
- 5) A discussion of the impact of the City's falling short of its 5th Cycle RHNA (SB35 exposure, SB2 funds, park grants, decertified Housing Element).

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, June 3, 2019, at 4:00 PM 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>