



AGENDA - *Revised

City Council/Public Financing Authority Regular Meeting

Monday, February 1, 2021 at 6:00 PM

MAYOR AND CITY COUNCIL

KIM CARR, Mayor

TITO ORTIZ, Mayor Pro Tem

BARBARA DELGLEIZE, Councilmember

DAN KALMICK, Councilmember

NATALIE MOSER, Councilmember

ERIK PETERSON, Councilmember

MIKE POSEY, Councilmember

Virtual Location

Huntington Beach, CA

STAFF

OLIVER CHI, City Manager

MICHAEL E. GATES, City Attorney

ROBIN ESTANISLAU, City Clerk

ALISA BACKSTROM, City Treasurer

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows a local legislative body to hold public meetings via teleconferencing, and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body.

PUBLIC PARTICIPATION/ZOOM ACCESS: In keeping with the Governor's mandate to limit in-person gatherings that can spread COVID-19, the Monday, February 1, 2021 meeting of the Huntington Beach City Council will be held virtually.

The City offers several ways to view City Council meetings live or on-demand. Council meetings are livestreamed on HBTU Channel 3 (replayed on Tuesday's at 10:00 a.m., and Wednesday's at 6:00 p.m.). In addition, live and archived meetings for on-demand viewing can be accessed from <https://huntingtonbeach.legistar.com/calendar>, or from any Roku or Apple device by downloading the Cablecast Screenweave App and searching for the City of Huntington Beach channel.

PUBLIC COMMENTS: At 6:00 PM, individuals wishing to attend the meeting to provide a comment on agenda items may enter **Zoom Webinar ID 971 5413 0528** via computer device, or by phone at **(669) 900-6833**. The Webinar can be accessed here: <https://huntingtonbeach.zoom.us/j/97154130528>. Attendees utilizing computer devices to request to speak may select the "Raise Hand" feature in the Webinar Controls section. Attendees entering the Webinar and requesting to speak by phone can enter *9 to enable the "Raise Hand" feature, followed by the *6 prompt that unmutes their handheld device microphone. Attendees will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. Speakers are encouraged, but not required to identify themselves by name. Each person may have up to 3 minutes to speak, but the Mayor, at her discretion, may reduce the time allowance if warranted by the volume of calls. The Public Comment process will only be active during designated portions of the agenda (Public Comment and/or Public Hearing). After a speaker concludes their comment, their microphone will be muted, but they may remain in Webinar attendance for the duration of the meeting.

Members of the public unable to attend the Zoom Webinar but interested in communicating with the City Council on agenda-related items, are encouraged to submit a written (supplemental) communication via email at SupplementalComm@Surfcity-hb.org, or City.Council@surfcity-hb.org. Supplemental Communications received by 2:00 PM on Monday, February 1, 2021 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. All Supplemental Communications will be included in the administrative record.

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.

5:00 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

Peterson, Kalmick, Ortiz, Carr, Posey, Moser, Delgleize

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS ON CLOSED SESSION ITEMS
(Received After Agenda Distribution)**

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit) - Anyone wishing to provide a comment on a Closed Session item may join Zoom Webinar ID 971 5413 0528 via computer device, or by calling (669) 900-6833 (see agenda cover sheet for request to speak instructions). Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. Speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes to speak; however, the time allowance may be reduced if warranted by the volume of speakers.

RECESS TO CLOSED SESSION

CLOSED SESSION ANNOUNCEMENT(S)

- 1. 21-104 Mayor Carr to announce: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated representatives: Oliver Chi, City Manager, and Travis Hopkins, Assistant City Manager, who will be participating in today's Closed Session discussions regarding labor negotiations with: Huntington Beach Municipal Teamsters (HBMT) and Management Employees' Organization (MEO).**

CLOSED SESSION

- 2. 21-086 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: Number of cases, one (1) - Appeal of Southern California Association of Governments (SCAG) Final Regional Housing Needs Assessment (RHNA) Methodology for the Sixth Housing Element Cycle.**
- 3. 21-087 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**

(Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Brewster (Terri Lynn) v. City of Huntington Beach; OCSC Case No. 30-2020-01160094.

4. 21-088 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Oliver Chi, City Manager and Travis Hopkins, Assistant City Manager. Employee Organizations: Huntington Beach Municipal Teamsters (HBMT) and Management Employees' Organization (MEO).

- *New 21-108 CONFERENCE WITH LEGAL COUNSEL— Name of case: City of Huntington Beach v. State of California, et al; OCSC Case No. 30-2019-01044945

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

Peterson, Kalmick, Ortiz, Carr, Posey, Moser, Delgleize

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.

5. 21-103 Janet Ewell, Member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY

AWARDS AND PRESENTATIONS

6. 21-090 Mayor Carr to recognize Black History Month throughout the month of February 2021
7. 21-091 Mayor Carr to present information about the City's various Town Hall Series on topics including COVID-19, Community Choice Energy, and Homelessness

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3 Minute Time Limit) - At approximately 6:00 PM, individuals wishing to provide a comment on agendized or non-agendized items may join Zoom Webinar ID 971 5413 0528 via computer device, or by calling (669) 900-6833 (see agenda cover sheet for request to speak instructions). Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. Public comments will only be heard during this portion of the agenda. Speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes to speak; however, the time allowance may be reduced if warranted by the volume of speakers. To accommodate the amount of business provided on tonight's agenda, speakers will be provided a 15-minute window to raise their hands.

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

8. 21-083 Approve Amendment to the 2021 Council Liaison List

Recommended Action:

Approve amendment to the 2021 Council Liaison List as presented by Mayor Carr.

CITY MANAGER'S REPORT

9. 21-094 Update of the City COVID-19 Response Plan and Vaccination Update

10. 21-098 Downtown Outdoor Dining Program Update

CITY TREASURER'S REPORT

11. 21-051 Receive and File the City Treasurer's December 2020 Quarterly Investment Summary Report

Recommended Action:

Motion to receive and file the City Treasurer's Quarterly Investment Report for December 2020, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

CONSENT CALENDAR

12. [21-042](#) Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting minutes dated January 19, 2021, as written and on file in the office of the City Clerk.

13. 21-063 Adopt Resolution No. 2021-08 approving the 2021 Investment Policy

Recommended Action:

Adopt Resolution No. 2021-08, "A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy 2021."

14. **21-101 Consider positions on Local, State and Federal Issues, as recommended by the City Council Intergovernmental Relations Committee (IRC)**

Recommended Action:

- A) Adopt Resolution No. 2021-11, "A Resolution Expressing Support for Actions that will Further Strengthen Local Governance and Authority Over Housing-Related Issues in Huntington Beach"; and/or
- B) Approve a letter of support for the Federal Communications Commission's Emergency Broadband Benefit Program; and/or
- C) Approve a letter in opposition to oil and gas drilling off Southern California coast through the Bureau of Ocean Energy Management's National Outer Continental Shelf Oil and Gas Leasing Program.

15. **21-099 Consider adoption of the 2021 City Council Work Plan**

Recommended Action:

Adopt the 2021 City Council Work Plan.

16. **21-089 Approve the COVID-19 Small Business Micro Grant Program**

Recommended Action:

Approve the COVID-19 Small Business Micro Grant Program.

17. **21-056 Approve Agreement for Professional Engineering and Environmental Consulting Services between the City of Huntington Beach and Moffatt & Nichol for the Davenport Bridge Project in Huntington Harbour**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the Agreement for Professional Engineering and Environmental Consulting Services between the City of Huntington Beach and Moffatt & Nichol in the amount of \$487,314.70.

18. **21-061 Approve 3-Year Professional Services Contracts for As-Needed Environmental Engineering Services with Geosyntec Consultants, Inc., Environmental Engineering Contracting, Inc. (EEC Environmental), Huitt-Zollars, Inc., and CWE**

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute a 3-year (with optional 1 year extension), not-to-exceed \$600,000 Professional Services Contract between the City of Huntington Beach and Geosyntec Consultants, Inc. for As-Needed Environmental Engineering Services; and,

B) Approve and authorize the Mayor and City Clerk to execute a 3-year (with optional 1 year extension), not-to-exceed \$600,000 Professional Services Contract between the City of Huntington Beach and Environmental Engineering Contracting, Inc. for As-Needed Environmental Engineering Services; and,

C) Approve and authorize the Mayor and City Clerk to execute a 3-year (with optional 1 year extension), not-to-exceed \$600,000 Professional Services Contract between the City of Huntington Beach and Huitt-Zollars, Inc. for As-Needed Environmental Engineering Services; and,

D) Approve and authorize the Mayor and City Clerk to execute a 3-year (with optional 1 year extension), not-to-exceed \$600,000 Professional Services Contract between the City of Huntington Beach and CWE for As-Needed Environmental Engineering Services.

19. 21-073 Approve Final Tract Map No. 18068 and Subdivision Agreement for the Shorehouse Residential Subdivision by C3 DLG 414 Main Street, LLC at 414 - 424 Main Street

Recommended Action:

A) Approve Final Tract Map No. 18068 and accept the offer of easements pursuant to findings and requirements (Attachment No. 1); and,

B) Approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and C3 DLG 414 Main Street, LLC, Inc. (Attachment No. 6); and,

C) Accept Faithful Performance Bond No. PB02497501239, Labor and Material Bond No. PB02497501239 and Monument Bond No. PB02497501240 as sureties for the installation of the subdivision's required public improvements and survey monumentation (Attachment No. 7); and,

D) Instruct the City Clerk to file the respective bonds with the City Treasurer and notify the Surety, Philadelphia Indemnity Insurance Company of this action.

20. [21-076](#) Adopt Ordinance No. 4225 (Zoning Map Amendment No. 17-001), and

Ordinance No. 4226 (Development Agreement No. 19-001) - Magnolia Tank Farm

Approved for introduction 1/19/2021 - Vote: 5-2 (Peterson, Carr - No)

Recommended Action:

A) Adopt Ordinance No. 4225, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located on the Westside of Magnolia Street at Banning Avenue from PS-O-CZ (Public-Semipublic - Oil Production Overlay - Coastal Zone Overlay) to SP-18-CZ (Specific Plan - Coastal Zone Overlay)(Zoning Map Amendment No. 17-001);" and,

B) Adopt Ordinance No. 4226, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach and SLF-HB Magnolia, LLC (Developer)(Development Agreement No. 19-001)."

ADMINISTRATIVE ITEMS

21. **21-085 Consider Maintaining Membership with the Orange County Power Authority (OCPA), a Community Choice Energy (CCE) Joint Power Authority (JPA)**

Recommended Action:

The City Council has the following options:

A) Maintain membership in the Orange County Power Authority Community Choice Energy Joint Power Authority,

OR

B) Withdraw from the Orange County Power Authority, and direct staff to complete all requisite documents necessary to terminate our participation in the CCE JPA.

COUNCILMEMBER ITEMS

22. **21-096 Submitted by Councilmember Moser - Consider directing staff to prepare a temporary ordinance that limits the fees paid by restaurants to third party delivery services during the COVID-19 pandemic**

Recommended Action:

I recommend that the City Council direct staff to prepare a temporary ordinance that places a 15% cap on fees paid by restaurants and a 5% cap on non-delivery fees paid by customers until current COVID-19 restrictions on both indoor and outdoor dining are lifted.

- 23. 21-102 Submitted by Mayor Carr, Councilmember Posey, and Councilmember Kalmick - Consideration of a No Confidence Vote in Mayor Pro Tem Tito Ortiz, and Removing him from the Mayor Pro Tem Leadership Role**

Recommended Action:

We recommend that the City Council vote to do the following:

1. Conduct a City Council vote of no confidence in Mr. Ortiz.
2. Remove Mr. Ortiz from his current leadership role as Mayor Pro Tem.
3. Identify an alternate member of the City Council to serve as Mayor Pro Tem for the remainder of this year.

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, February 16, 2021, 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>