



## **AGENDA**

### **CITY COUNCIL/PUBLIC FINANCING AUTHORITY**

**Tuesday, October 19, 2021**

**Council Chambers**

**2000 Main Street**

**Huntington Beach, CA 92648**

**No Study Session / Closed Session 4:00 PM**

**Regular Meeting - 6:00 PM**

#### **MAYOR AND CITY COUNCIL**

*KIM CARR, Mayor*

*BARBARA DELGLEIZE, Mayor Pro Tem*

*RHONDA BOLTON, Councilmember*

*DAN KALMICK, Councilmember*

*NATALIE MOSER, Councilmember*

*ERIK PETERSON, Councilmember*

*MIKE POSEY, Councilmember*

#### **STAFF**

*OLIVER CHI, 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**

Peterson, Bolton, Delgleize, Carr, Posey, Moser, Kalmick

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

**PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit) - At approximately 4:00 PM, individuals wishing to provide a comment on item(s) scheduled for Closed Session may do so either in person by filling out a Request to Speak form, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833 (see agenda cover sheet for request to speak instructions). Zoom Webinar participants wishing to speak should "raise their hands," and will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. All speakers are encouraged, but not required to identify themselves by name. Speakers providing comments in person will be called to speak first, and each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.**

**RECESS TO CLOSED SESSION**

**CLOSED SESSION ANNOUNCEMENT(S)**

1.     [21-765](#)     **Mayor Carr to Announce: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators: 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 Firefighters' Association (HBFA), Fire Management Association (FMA), Police Management Association (PMA), Marine Safety Management Association (MSMA), Management Employees' Organization (MEO) and Huntington Beach Municipal Teamster (HBMT)**
  
2.     [21-782](#)     **Mayor Carr to Announce: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators: Oliver Chi, City Manager and Travis Hopkins, Assistant City Manager, who will be participating in today's Closed Session discussion of the public employment of the**

Police Chief

CLOSED SESSION

3.     [21-766](#)     **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 Firefighters' Association (HBFA), Fire Management Association (FMA), Police Management Association (PMA), Marine Safety Management Association (MSMA), Management Employees' Organization (MEO) and Huntington Beach Municipal Teamsters (HBMT)**
  
4.     [21-767](#)     **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Bob Guzman v. City of Huntington Beach, Worker's Comp. Case Nos. 1) COHB-20-0333, (2) COHB-19-0169, (3) COHB-15-0294, and (4) COHB-13-0053.**
  
5.     [21-768](#)     **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Brian Schrieber v. City of Huntington Beach, Worker's Comp. Case No. COHB-20-0341.**
  
6.     [21-769](#)     **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Larry Pitcher v. City of Huntington Beach, Worker's Comp. Case No. COHB-19-029.**
  
7.     [21-770](#)     **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Robert Dalton v. City of Huntington Beach, Worker's Comp. Case No. COHB-18-0341.**
  
8.     [21-776](#)     **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: California Renters Legal Advocacy and Education Fund/THDT Investment, Inc. v. City of Huntington Beach; OCSC Case No.:**

**30-2020-01140855.**

9.     [21-777](#)     **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**  
(Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:  
Californians for Homeownership, Inc. v. City of Huntington Beach  
(RPI THDT Investment, Inc.); OCSC Case No. 30-2019-01107760.
  
10.    [21-778](#)     **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**  
(Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:  
Merz (Michael) v. City of Huntington Beach, et al.; USDC Case No.:  
8:21-cv-00105-CJC (KEXx).
  
11.    [21-779](#)     **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.**  
Significant Exposure to Litigation Pursuant to Paragraph (2) of  
Subdivision (d) of Section 54956.9: Number of cases, two (2).
  
12.    [21-780](#)     **CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section**  
**54957.6.) The City Council shall recess into Closed Session to meet**  
**with its designated labor negotiator, Oliver Chi, City Manager; also in**  
**attendance: Travis Hopkins, Assistant City Manager to discuss the**  
**public employment of the Police Chief.**

**6:00 PM – COUNCIL CHAMBERS**

**RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING**

**ROLL CALL**

Peterson, Bolton, Delgleize, Carr, Posey, Moser, 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.

13.    [21-774](#)     **Rev. Patricia Mercado of Center of Spiritual Living in Huntington**  
**Beach and member of the Greater Huntington Beach Interfaith**  
**Council**

**CLOSED SESSION REPORT BY CITY ATTORNEY**

**AWARDS AND PRESENTATIONS**

14.    [21-761](#)        Mayor Carr to call on Victoria Albery to present the Adoptable Pet of the Month
  
15.    [21-762](#)        Mayor Carr to proclaim October as Breast Cancer Awareness Month and present proclamation to Dr. Richard Reitherman, Medical Director of Breast Imaging at MemorialCare Orange Coast Medical Center, and Cindy Callaghan, Director of Imaging and Breast Center Services
  
16.    [21-763](#)        Mayor Carr to present the Mayor's HB Excellence Award for August 2021 to Patricia Albers, Senior Personnel Analyst
  
17.    [21-764](#)        Mayor Carr to honor the memory of longtime Library Page Holly Freese with the Mayor's HB Excellence Award for September 2021
  
18.    [21-792](#)        Mayor Carr to proclaim October as National Disability Employment Awareness Month

**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 do so either in person by filling out a Request to Speak form, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833). Zoom Webinar participants wishing to speak will be provided a 15-minute window to "raise their hands," and prompted to speak when the Clerk announces their name or the last three digits of their phone number. All speakers are encouraged, but not required to identify themselves by name. Speakers providing comments in person will be called to speak first, and each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

While the City Council welcomes public involvement and free speech, it rejects comments from anyone that are discriminatory, defamatory or otherwise not protected 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 - APPOINTMENTS - LIAISON REPORTS, AB 1234 REPORTING, AND  
OPENNESS IN NEGOTIATIONS DISCLOSURES**

**CITY MANAGER'S REPORT**

19.    [21-785](#)       **Oil Spill Response Update**

**CONSENT CALENDAR**

20.    [21-610](#)       **Consider Adopting Resolution No. 2021-48, Terminating the City's  
Local Emergency Declaration in Response to COVID-19**

**Recommended Action:**

Adopt Resolution No. 2021-48, "A Resolution of the City Council of the City of Huntington Beach Proclaiming the Termination of the Local Emergency Declared on March 16, 2020."

21.    [21-788](#)       **Adopt Resolution No. 2021-59 amending the Fiscal Year 2021/22  
Budget to carry over unspent appropriations from Fiscal Year  
2020/21 for the continuation of Capital Improvement Program (CIP)  
Projects**

**Recommended Action:**

Adopt Resolution No. 2021-59, "A Resolution of the City Council of the City of Huntington Beach Amending the Fiscal Year 2021/22 Budget to Carry Over Unspent Appropriations from Fiscal Year 2020/21", which incorporates and references the continuation of funding. Exhibit A lists individual capital improvement projects and their respective carryover amounts totaling \$21,692,325.

22.    [21-630](#)       **Approve and authorize execution of a Memorandum of  
Understanding (MOU) between the City of Huntington Beach and the  
Huntington Beach Council on Aging (HBCOA) to enhance the dignity  
and quality of life of the City's senior citizens**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute an updated "Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Council on Aging."

23.    [21-716](#)       **Approve and authorize execution of a three-year agreement with the  
San Diego County Sheriff's Department to participate in Operation  
Stone Garden (OPSG)**

**Recommended Action:**

A) Approve and authorize Interim Police Chief Julian Harvey to execute the "Agreement for Fiscal Year 2020 Operation Stonegarden (OPSG);" and,

B) Appropriate \$192,900 in grant funding for Operation Stone Garden.

24. [21-725](#) **Approve and authorize execution of Amendment No. 1 to Professional Services Contract with Sierra Analytic Laboratory, Inc. for Water Quality Sampling and Analysis in the amount of \$120,000**

**Recommended Action:**

Authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Sierra Analytic Laboratory for Water Quality Sampling and Analysis."

25. [21-742](#) **Approve and authorize the Mayor and City Clerk to execute Amendments No. 1 to Professional Services Contracts with Dakota Communications and Barrios & Associates, LLC, for On-Call Public Affairs Services**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Dakota Communications for On-Call Public Affairs Specialists to Support the Public Information Office;" and

B) Approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Barrios & Associates, LLC. for On-Call Public Affairs Specialists to Support the Public Information Office."

26. [21-756](#) **Approve and authorize execution of a Professional Services Contract with LSA Associates, Inc. in the amount of \$241,250, for preparation of the Bella Terra Residential Project Environmental Impact Report (EIR); approve and authorize execution of a reimbursement agreement with Bella Terra Associates, LLC in the amount of \$241,450 to fund the EIR; approve an increase in the Community Development Department's Professional Services listing authority by \$241,450 and appropriate fund to be fully reimbursed**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute a "Professional Services Contract" between the City of Huntington Beach and LSA Associates, Inc. for the Bella

Terra Units Environmental Impact Report” in the amount of \$241,450 as prepared by the City Attorney (Attachment No. 1); and,

B) Approve and authorize the Mayor and City Clerk to execute a “Reimbursement - Planning - Agreement Between the City of Huntington Beach and Bella Terra Associates, LLC for Costs Incurred for the Bella Terra Units Environmental Impact Report” in the amount of \$241,450 as prepared by the City Attorney (Attachment No. 2); and,

C) Approve an increase in the Community Development Department’s professional services listing authority by \$241,450 for the preparation of the Bella Terra Units Environmental Impact Report to ensure compliance with Administrative Regulation Number 228, Section 7.1; and,

D) Appropriate funds as revenues are received in the amount of \$241,450 from the General Fund to the Community Development Department Professional Services Account 10060201.69365 for the Professional Services Contract between the City and LSA Associates, Inc., which is funded by a reimbursement agreement.

## **PUBLIC HEARING**

Individuals wishing to provide a comment on items scheduled for public hearing may do so either in person by filling out a Request to Speak form, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833). Zoom Webinar participants wishing to speak are encouraged to “raise their hands,” and will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. All speakers are encouraged, but not required to identify themselves by name. Speakers providing comments in person will be called to speak first, and each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

27.     [21-718](#)           **Approve Mitigated Negative Declaration No. 20-002, Resolution No. 2021-51 approving General Plan Amendment No. 20-002, and Ordinance No. 4236 approving Zoning Map Amendment No. 20-002 (Gisler Residential - 21141 Strathmoor Lane)**

### **Recommended Action:**

#### **PLANNING COMMISSION AND STAFF RECOMMENDATION:**

A) Approve Mitigated Negative Declaration No. 20-002 with findings (Attachment No. 1) and mitigation measures;

B) Approve General Plan Amendment No. 20-002 by adopting City Council Resolution No. 2021-51, “A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 20-002” (Attachment No. 2); and,



C) Approve Zoning Map Amendment No. 20-002 with findings (Attachment No. 1) and approve for introduction Ordinance No. 4236, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Located at 21141 Strathmoor Lane from Public-Semipublic (PS) to Residential Low Density (RL) (Zoning Map Amendment No. 20-002.)" (Attachment No. 3)

**28.     [21-723](#)           Public Hearing to Consider Appeal by Councilmember Posey of the Planning Commission's approval of Entitlement Plan Amendment (EPA) No. 21-001 (Killarney's Rooftop Dining)**

**Recommended Action:**

Staff recommends the City Council take the following actions:

A) Find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15332 of the CEQA Guidelines; and,

B) Approve Entitlement Plan Amendment No. 21-001 with findings and conditions of approval (Attachment No. 1).

**ADMINISTRATIVE ITEMS**

**29.     [21-593](#)           Recommendations to Reconfigure a Select Number of City Boards, Commissions, and Committees**

**Recommended Action:**

A) Consider the Ad-hoc Committee's ten recommendations to reform, consolidate and/or dissolve a select number of BCCs, as outlined in the staff report below; and,

B) After review, direct staff to develop the appropriate Resolution(s), Ordinance(s), and / or documents / reports necessary to implement City Council directed adjustments; and,

C) Direct City Council Liaisons and staff to review and enforce service terms for all citizen appointees; and,

D) Direct staff to plan an appropriate event annually to recognize citizen appointees who will be retiring for their contribution and provide continued trainings.

**30.     [21-687](#)           Adopt Resolution No. 2021-52 authorizing the establishment of 15 miles per hour school zone speed limit on Oak Lane between Cypress Drive to Mandrell Drive**

**Recommended Action:**

Adopt Resolution No. 2021-52, "A Resolution of the City Council of the City of Huntington

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Beach Authorizing the Establishment of 15 miles Per Hour School Zone Speed Limit on Oak Lane Between Cypress Drive and Mandrell Drive.”

**ORDINANCES FOR INTRODUCTION**

31.     [21-682](#)           **Approve for introduction Ordinance No. 4237 amending Huntington Beach Municipal Code Chapter 10.12 relating to speed limits on Atlanta Avenue between Huntington Street and Beach Boulevard**

**Recommended Action:**

Approve for introduction Ordinance No. 4237, “An Ordinance of the City of Huntington Beach Amending Chapter 10.12.080 of the Huntington Beach Municipal Code Relating to Speed Limits.”

32.     [21-753](#)           **Approve for Introduction Ordinance No. 4238 amending Chapter 5.120 of the Huntington Beach Municipal Code regulating Short-Term Rentals (STR)**

**Recommended Action:**

Approve for introduction Ordinance No. 4238, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 5.120 of the Huntington Beach Municipal Code Regulating Short-Term Rentals.” (Attachment No. 1)

**COUNCILMEMBER ITEMS**

33.     [21-745](#)           **Submitted by Mayor Carr and Councilmember Moser - Request that the City recognize October as National Bullying Prevention Month, while reaffirming our City’s commitment against bullying**

**Recommended Action:**

We recommend the City Council endorse an ongoing commitment to addressing bullying in all its forms by recognizing October as National Bullying Prevention Month, and that we reaffirm the City’s Commitment to its 2012 *Proclamation of the City Council Against Bullying*.

34.     [21-746](#)           **Submitted by Mayor Pro Tem Delgleize and Councilmember Kalmick - Update our Residential Street Paving Plan to enhance our Street Maintenance Cycles**

**Recommended Action:**

We recommend that the City Council direct the City Manager to begin working with Public Works on updating the City’s existing street zone maintenance program, with an emphasis placed on finding ways to reduce the number of years between street maintenance cycles while maintaining a high PCI.

35. [21-794](#) **Submitted by Councilmember Posey - Evaluate the Feasibility of Monetizing City Owned Street Light and Traffic Signal Pole Infrastructure**

**Recommended Action:**

I recommend that the City Council direct the City Manager to evaluate the feasibility of monetizing our vertical infrastructure assets through use of private sector partnerships.

36. [21-795](#) **Submitted by Mayor Carr and Councilmember Moser - Support for a Permanent Ban on New Offshore Oil, Gas Drilling, and Similar Exploration Activities off the Coast of California**

**Recommended Action:**

We recommend that the City Council set aside City Council Manual procedure to adopt the attached Resolution in support of a permanent ban on new offshore oil, gas drilling and similar exploration activities off our coasts and vote to adopt it, as is.

**COUNCILMEMBER COMMENTS (Not Agendized)**

**ADJOURNMENT**

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, November 2, 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>**