



AGENDA

City Council/Public Financing Authority

Tuesday, June 21, 2022

5:00 PM Closed Session

6:00 PM Regular Meeting

Council Chambers

2000 Main Street

Huntington Beach, CA 92648

--or--

Virtual via Zoom Webinar

MAYOR AND CITY COUNCIL

BARBARA DELGLEIZE, Mayor

MIKE POSEY, Mayor Pro Tem

RHONDA BOLTON, Councilmember

KIM CARR, Councilmember

DAN KALMICK, Councilmember

NATALIE MOSER, Councilmember

ERIK PETERSON, Councilmember

STAFF

SEAN JOYCE, Interim City Manager

MICHAEL E. GATES, City Attorney

ROBIN ESTANISLAU, City Clerk

ALISA BACKSTROM, City Treasurer

IN-PERSON PUBLIC PARTICIPATION/ZOOM ACCESS: Members wishing to attend the meeting in person are encouraged to wear a face covering.

Assembly Bill 361 (AB 361) authorizes public meetings to take place via teleconference (i.e., virtual using Zoom), or in person if in part, State and Local officials continue to recommend measures to promote social distancing. In addition to this hybrid format, alternate ways to view City Council meetings live or on-demand remain: livestreamed on HBTB Channel 3 (replayed on Wednesday's at 10:00 a.m. and Thursday's at 6:00 p.m.); live and archived meetings for on-demand viewing accessed from <https://huntingtonbeach.legistar.com/calendar>; or, from any Roku, Fire TV or Apple device by downloading the Cablecast Screenweave App and searching for the City of Huntington Beach channel.

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 by completing a **Request to Speak** form delivered to the City Clerk, or from a virtual location by entering **Zoom Webinar ID 971 5413 0528** via computer device, or by phone at **(669) 900-6833**. The **Zoom Webinar** can be accessed here: <https://huntingtonbeach.zoom.us/j/97154130528>. Instructions for those utilizing computer devices to request to speak are provided in each section of the agenda where public comments are accepted.

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 via email at SupplementalComm@Surfcity-hb.org, or City.Council@surfcity-hb.org. Supplemental Communications are public record, and if received by 2:00 PM 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 following the 2:00 PM deadline will be incorporated into 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, Bolton, Posey, Delgleize, Carr, Moser, Kalmick

Councilmember Peterson has requested permission to be absent pursuant to Resolution No. 2001-54

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEM (3 Minute Time Limit) - At approximately 5:00 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 delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to 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. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted. 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.

RECESS TO CLOSED SESSION

CLOSED SESSION

1. [22-550](#) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: Litigation threatened in December 21, 2021 letter from Cole/Huber, LLP.**

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

ROLL CALL

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

Councilmember Peterson has requested permission to be absent pursuant to Resolution No. 2001-54

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.

2. [22-315](#) **Pat Goodman of the Self-Help Interfaith Program and member of the Greater Huntington Beach Interfaith Council**

CLOSED SESSION REPORT BY CITY ATTORNEY

AWARDS AND PRESENTATIONS

3. [22-467](#) **Mayor Delgleize to call on participants from the City's 2022 Citizens Academy and present them with completion certificates**
4. [22-521](#) **Mayor Delgleize to call on Mr. Robert Mayer to acknowledge his \$50k donation for the 4th of July fireworks over the Pier**
5. [22-468](#) **Mayor Delgleize to present commendation to Collin Crilly for his quick actions in saving a life at a water polo tournament at Ocean View High School**
6. [22-520](#) **Mayor Delgleize to proclaim support of the HEARTSafe HB Initiative and encourage staff to proceed with their efforts in pursuit of the HEARTSafe Community designation from the Citizen CPR Foundation**
7. [22-505](#) **Mayor Delgleize to call on Boy Scout Troop #1226 to recognize four young men for achieving their Eagle Scout Award**
8. [22-546](#) **Mayor Delgleize to call on Council Member Natalie Moser and third grade students and teachers from Kinetic Academy to be recognized for their creativity in a mock project to redesign the City Seal**
9. [22-511](#) **Mayor Delgleize to thank Sean Joyce for his leadership and management while serving as the City's Interim City Manager**

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 delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to 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. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted but they may remain in Webinar attendance for the duration of the meeting. 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.

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

10. [22-531](#) 2022 Fourth of July Festivities Update

CONSENT CALENDAR

11. [22-509](#) Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular, and Housing Authority special meeting minutes dated June 7, 2022.

12. [22-541](#) Reaffirm the appointment/re-appointment of Councilmember Dan Kalmick as Huntington Beach primary representative to the Orange County Power Authority (OCPA) and resignation as alternate, and accept/re-accept Mayor Pro Tem Mike Posey resignation as OCPA Board representative and re-appointment as the alternate member, and update the 2022 Council Liaison List, and notify the OCPA in writing of these appointments per OCPA JPA section 3.2.

Recommended Action:

Reaffirm the appointment/re-appointment of Councilmember Dan Kalmick as Huntington Beach primary representative to the Orange County Power Authority (OCPA) and removal as alternate, and re-accept/accept Mayor Pro Tem Mike Posey resignation as OCPA Board representative and re-appointment as the alternate member as follows:

- (a) the Council re-accepts/accepts Mayor Pro Tem Mike Posey's and Council Member Dan Kalmick's proposed resignations as OCPA directors and alternates (respectively);
- (b) the City Council re-appoints/appoints Mr. Kalmick and Mr. Posey to their respective new OCPA roles; and
- (c) the City Council directs City staff to notify the OCPA immediately in writing of these appointments per OCPA JPA section 3.2.

13. [22-005](#) **Reaffirm adoption of Resolution No. 2021-62 finding a proclaimed state of emergency continues to impact the ability to meet safely in person, and allows meetings of the City Council and all City boards, commissions and committees to be conducted remotely as needed in compliance with new Brown Act provisions identified in Assembly Bill 361**

Recommended Action:

Reaffirm Resolution No. 2021-62, "A Resolution of the City Council of the City of Huntington Beach, California, finding that the proclaimed state of emergency continues to impact the ability to meet safely in person."

14. [22-420](#) **Adopt Resolution No. 2022-33 Amending the Settlement and Award Authority of the Risk Manager Related to Workers' Compensation Agreements**

Recommended Action:

Adopt Resolution No. 2022-33, "A Resolution of the City Council of the City of Huntington Beach Establishing Settlement and Award Authority of the Risk Manager and City Attorney."

15. [22-519](#) **Adopt Resolution No. 2022-36 to acknowledge receipt of a Fire Department report regarding the annual inspection of certain occupancies**

Recommended Action:

Adopt Resolution No. 2022-36: "A Resolution of the City Council of the City of Huntington Beach Acknowledging Receipt of a Report Made by the Fire Chief of the Huntington Beach Fire Department Regarding the Inspection of Certain Occupancies Required to Perform Annual Inspections in Such Occupancies Pursuant to Sections 13146.2 and

13146.3 of the California Health and Safety Code.”

16. [22-494](#) **Accept the lowest responsive and responsible bid, approve appropriations, and authorize execution of a construction contract with All American Asphalt in the amount of \$5,945,346.20 for the FY 21/22 Arterial Rehabilitation Project, CC-1639**

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by All American Asphalt in the amount of \$5,945,346.20; and,
- B) Appropriate \$1,400,000 from the Measure M Fund to account 21390032.82300; and,
- C) Appropriate \$194,880 from the Prop 42 Fund to account 21990008.82300; and,
- D) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

17. [22-503](#) **Award and authorize the execution of a construction contract with Orion Construction Corporation in the amount of \$2,594,343 for the Florida-Georgia Water Main Replacement Project, CC-1663 and Kiner-Gleada Water Main Improvement Project, CC-1664; declare CEM Construction Corporation and AID Builders Inc. as non-responsive and authorize appropriation of funds**

Recommended Action:

- A) Appropriate \$208,193 from the Water Master Plan Fund (507) to Account 50791006.82100, Water Improvement Fund; and,
- B) Declare the first apparent lowest bid from CEM Construction, Inc. and second lowest bid from AID Builders, Inc., as non-responsive; and,
- C) Accept the third lowest responsive and responsible bid submitted by Orion Construction Corporation, in the amount of \$2,594,343; and,
- D) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

18. [22-508](#) **Accept the lowest responsive and responsible bid and authorize execution of a construction contract with Sancon Technologies, Inc. in the amount of \$969,711.80 for the Fiscal Year 21/22 Sewer Lining project, CC-1694**

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by Sancon Technologies,

Inc. in the amount of \$969,711.80; and,

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

19. [22-510](#) **Adopt Ordinance No. 4257 approving Zoning Map Amendment No. 21-001 (Olson Townhomes located at Talbert Avenue and Newland Street)
Approved for introduction June 7, 2022 - Vote: 7-0**

Recommended Action:

Adopt Ordinance No. 4257, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Located at 8371 to 8461 Talbert Avenue from Residential Low Density (RL) to Residential Medium Density (RM)(Zoning Map Amendment No. 21-001)."

PUBLIC HEARING

Individuals wishing to provide a comment on an item scheduled for Public Hearing may do so either in person by filling out a Request to Speak form delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to 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. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted but they may remain in Webinar attendance for the duration of the meeting. 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.

20. [22-424](#) **Adopt Resolution No. 2022-19 approving General Plan Amendment (GPA) No. 20-003, approve for introduction Ordinance No. 4256 approving Zoning Text Amendment (ZTA) No. 20-003, and adopt Resolution 2022-26 approving Environmental Assessment No. 20-003 (Addendum No. 1 to the Holly-Seacliff Specific Plan Environmental Impact Report No. 89-1) (Holly Triangle Townhomes - 19070 Holly Lane)**

Recommended Action:

A) Approve Environmental Assessment No. 20-003 (Addendum No. 1 to the Holly-Seacliff Specific Plan Environmental Impact Report [EIR] No. 89-1; Attachment No. 9) as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by approving City Council Resolution No. 2022-26, "A Resolution of the City

Council of the City of Huntington Beach Adopting Addendum No. 1 to the Holly-Seacliff Specific Plan Environmental Impact Report No. 89-1 for the Holly Triangle Townhomes Project” (Attachment No. 2); and,

B) Approve General Plan Amendment No. 20-003 and City Council Resolution No. 2022-19, “A Resolution of the City Council of City of Huntington Beach Approving General Plan Amendment No. 20-003” (Attachment No. 3); and,

C) Approve Zone Text Amendment No. 20-003 and City Council Ordinance No. 4256, “An Ordinance of the City of Huntington Beach Amending the Holly-Seacliff Specific Plan to Rezone the Real Property Located at 19070 Holly Lane from Commercial (C) to Residential Medium Density (RM) (Zoning Text Amendment No. 20-003)” (Attachment No. 4).

21. [22-493](#) **Approve for introduction Ordinance No. 4259 approving Zoning Text Amendment (ZTA) No. 22-002 establishing regulations for SB 9 development projects**

Recommended Action:

A) Find that Zoning Text Amendment No. 22-002 is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), which state the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 65852.21 and 66411.7 regulating urban lot splits and two unit residential projects is not a project under CEQA; and,

B) Approve Zoning Text Amendment No. 22-002 with findings and approve for introduction Ordinance No. 4259, “An Ordinance of the City Council of the City of Huntington Beach Establishing Objective Standards for Urban Lot Splits and Housing Units Built in Accordance with Senate Bill 9, and Making a Finding of Exemption Under CEQA.” (Attachment No.2)

ADMINISTRATIVE ITEMS

22. [22-470](#) **Approve and authorize execution of an Agreement for Sale of Surplus Real Property by and between the City of Huntington Beach and Bonanni Development Company for the sale of City-owned property located near Holly Lane and Main Street (APN 159-281-04)**

Recommended Action:

Authorize the Mayor and City Clerk to execute an “Agreement for Sale of Surplus Real Property by and Between the City of Huntington Beach and Bonanni Development Company IV” (the “Agreement”) and all other related documents to convey ownership of the Property to the Buyer.

23. [22-530](#) **Consider placing Charter amendments on ballot measures for voter approval during the November 2022 General Elections; recognize**

**the completion of the Charter Revision Committee's scope of work
and dissolve the Committee accordingly**

Recommended Action:

- A) Approve one or more Charter amendments for placement on a ballot measure for voter approval during the November 8, 2022 General Election; and,
- B) Direct staff to prepare and return ballot measure language and all other materials required for submittal to the County for City Council consideration; and,
- C) Recognize the Committee's work and dissolve the Committee per HBMC 2.100.010.

24. [22-444](#) Request for City Council direction on regulatory framework and ordinances on commercial cannabis activities

Recommended Action:

- A) Direct staff to prepare and return to the City Council for adoption a resolution placing a City-sponsored ballot measure on the November 8, 2022 General Election, asking voters if the City should allow and regulate cannabis retailers and non-retailers for medical and recreational to operate in areas zoned for cannabis commercial activity within Huntington Beach; and,
- B) Direct staff to prepare and return to the City Council regulatory and zoning ordinances regarding commercial business activities for City Council adoption and the City's Commercial Cannabis Regulations to be adopted by City Council resolution; and,
- C) Direct staff to prepare and return to the City Council for adoption a resolution placing a City-sponsored cannabis general tax measure, at the same rates as presented to voters on June 7, on the November 8, 2022 General Election ballot as a General Tax.

COUNCILMEMBER ITEMS

25. [22-548](#) Submitted by Councilmember Kalmick and Councilmember Moser - Senior Mobile Home Rental Assistance Program

Recommended Action:

Direct staff to phase out the current TBRA program with existing nonprofit service providers and come back to Council within 60 days with (a) policies and procedures for a Senior Mobile Home Rental Assistance Program, (b) any amendments required by HUD to redirect the existing TBRA program to senior mobile home residents, and (c) a staffing plan or a potential nonprofit partner to administer the new program.

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, July 5, 2022, 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>