



## AGENDA

### City Council/Public Financing Authority

Tuesday, July 19, 2022

4:00 PM Study Session / 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

*AL ZELINKA, 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](mailto:SupplementalComm@Surfcity-hb.org), or [City.Council@surfcity-hb.org](mailto: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.

**4:00 PM - COUNCIL CHAMBERS**

**CALL TO ORDER**

**ROLL CALL**

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

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

**PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) -** At approximately 4:00 PM, individuals wishing to provide a comment on item(s) scheduled for Study Session or 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.

**STUDY SESSION**

1.     [22-628](#)       Presentation on the Brown “Open Meetings” Act by the City Attorney’s Office
2.     [22-622](#)       Review of the Budget including the Revenues and Expenditures Report

**RECESS TO CLOSED SESSION**

**CLOSED SESSION**

3.     [22-621](#)       **CONFERENCE WITH LEGAL COUNSEL - LITIGATION (Gov. Code section 54956.9(d)(4).): Number of Matters: One (1) - City of Long Beach et. al v. Monsanto Company et. al. Case No. 2:16-cv-03493-FMO-AS.**

**6:00 PM – COUNCIL CHAMBERS**

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

**ROLL CALL**

Peterson, Bolton, Posey, Delgleize, Carr, 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.

4.     [22-515](#)         **Deacon Matt Calabrese with St. Simon & Jude Catholic Church and member of the Greater Huntington Beach Interfaith Council**

**CLOSED SESSION REPORT BY CITY ATTORNEY**

**AWARDS AND PRESENTATIONS**

5.     [22-594](#)         **Mayor Delgleize to call on the Huntington Beach Marine Safety Division to honor Junior Lifeguard Elizabeth Felten for her heroic act of saving the life of a six-year-old boy**
6.     [22-523](#)         **Mayor Delgleize to present the June Mayor's HB Excellence Award to Milan Vukoje, Supervisor of Parking / Camping Facility in the Community and Library Services Department**
7.     [22-607](#)         **Mayor Delgleize to present the July Mayor's HB Excellence Award to Jimmy Hoang, Code Enforcement Supervisor in the Community Development Department**

**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 agenda items or non-agenda 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**

**CONSENT CALENDAR**

**8. [22-615](#) Approve and Adopt Minutes**

**Recommended Action:**

Approve and adopt the City Council/Public Financing Authority regular meeting minutes dated July 5, 2022.

**9. [22-236](#) 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."

**10. [22-597](#) Appropriate funds for emergency maintenance repairs at Warner Fire Fuel Station located at 3831 Warner Avenue**

**Recommended Action:**

A) Appropriate \$550,000 in Transfers Out from FY2021/22 General Fund year-end surplus to the Infrastructure Fund; and,

B) Appropriate \$550,000 from the Infrastructure Fund to account 31440006.82800.

**11. [22-568](#) Approve one or more reappointments of Jet Noise Commissioners**

**Keith Bohr, Phil Burtis, Jeff Morin, Chris Kunze, Michael Bourgeault, David Porter, and Mario Tabernig, as recommended by City Council Liaisons Barbara Delgleize and Rhonda Bolton**

**Recommended Action:**

A) Approve the reappointment of Keith Bohr, Phil Burtis, and Mario Tabernig to the Jet Noise Commission as approved by Council Liaisons, Barbara Delgleize and Rhonda Bolton, with terms set to expire on December 31, 2024; and/or,

B) Approve the reappointment of Jeff Morin, Chris Kunze, Michael Bourgeault, and David Porter to the Jet Noise Commission as approved by Council Liaisons, Barbara Delgleize and Rhonda Bolton, with terms set to expire on December 31, 2026.

**ADMINISTRATIVE ITEMS**

12. [22-601](#) **Consider the Adoption of Resolution Nos. 2022-48, 2022-49, 2022-46, and 2022-47 to place Cannabis Business Regulation and Taxation Measures on the November 8, 2022 General Municipal Election Ballot for Voter Approval**

**Recommended Action:**

A) Consider two proposed cannabis ballot measures (for regulation and taxation) and ballot language for placement on the November 8, 2022 General Municipal Election ballot; and,

B) Adopt Resolution No. 2022-48, "A Resolution of the City Council of the City of Huntington Beach, California, Ordering the Submission to the Qualified Electors of the City of a General Tax Measure for the Submission to the Qualified Voters of a Proposed Ordinance Adding Chapter 3.25 to Title 3 of the Huntington Beach Municipal Code, Establishing a General Tax on Cannabis Businesses Operating within the City of Huntington Beach and an Advisory Measure Regarding the Regulation of the Commercial Cannabis Businesses at the General Election to be held on Tuesday, November 8, 2022, as Called by Resolution No. 2022-39 "; and,

C) Adopt Resolution No. 2022-49, "A Resolution of the City Council of the City of Huntington Beach, California, Adding Two Additional Measures to the Request to the Board of Supervisors of the County of Orange to Consolidate A General Municipal Election to be held on November 8, 2022, with the Statewide General Election to be held on the Date Pursuant to § 10403 of the Elections Code"; and,

D) Adopt Resolution No. 2022-46, "A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments and Impartial Analyses Concerning Regulation and Taxation of the Commercial Cannabis Businesses within the City of Huntington Beach"; and,

E) Adopt Resolution No. 2022-47, "A Resolution of the City Council of the City of

Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Cannabis Regulation and Taxation Measures Submitted at Municipal Elections”; and,

F) Provide any additional direction on commercial cannabis regulatory framework as the Ad Hoc Subcommittee and City staff continue to work on regulatory and land use ordinances.

**COUNCILMEMBER COMMENTS (Not Agendized)**

**ADJOURNMENT**

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