



## AGENDA

### City Council/Public Financing Authority

Tuesday, September 20, 2022

#### 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 agenda-related or non-agenda-related 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. [22-730](#) Ocean View Estates Leases

**CLOSED SESSION ANNOUNCEMENT(S)**

2. [22-790](#) Mayor Delgleize to Announce: Pursuant to Government Code § 54957.6., the City Council takes this opportunity to publicly introduce and identify labor negotiators: Al Zelinka, City Manager; also in attendance: Brittany Mello, Director of Administrative Services, regarding the following: Huntington Beach Municipal Teamsters (HBMT), Management Employees' Organization (MEO), Police Officers' Association (POA), Police Management Association (PMA), Huntington Beach Firefighters' Association (HBFA), Fire Management Association (FMA), Marine Safety Management Association (MSMA), Surf City Lifeguard Employees' Association (SCLEA), and Non-Represented (Non-Associated) Employees (NA)

**RECESS TO CLOSED SESSION**

**CLOSED SESSION**

3. [22-786](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**  
(Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:  
Tabares (Tiffany) v. City of Huntington Beach/Eric Esparza, OCSC  
Case No.: 30-2021-01200297
  
4. [22-787](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.**  
(Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:  
Whitaker (Brittany) v. City of Huntington Beach; OCSC Case No.:  
30-2021-01235807
  
5. [22-791](#) **CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section  
54957.6.) Agency designated representatives: Al Zelinka, City  
Manager; also in attendance: Brittany Mello, Director of  
Administrative Services, regarding the following: Huntington Beach  
Municipal Teamsters (HBMT), Management Employees' Organization  
(MEO), Police Officers' Association (POA), Police Management  
Association (PMA), Huntington Beach Firefighters' Association  
(HBFA), Fire Management Association (FMA), Marine Safety  
Management Association (MSMA), Surf City Lifeguard Employees'  
Association (SCLEA), and Non-Represented (Non-Associated)  
Employees (NA)**
  
6. [22-798](#) **CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code  
section 54956.9(d)(4).): Number of Cases, one (1) - Oil Spill**

**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.

7. [22-698](#) Jynene Johnson of the Huntington Beach Stake of The Church of Jesus Christ of Latter-day Saints and member of the Greater Huntington Beach Interfaith Council

**CLOSED SESSION REPORT BY CITY ATTORNEY**

**AWARDS AND PRESENTATIONS**

8. [22-667](#) Mayor Delgleize to call on Lisa Rudy and Mel Williams to recognize them for their contributions to the July 13, 2022 Neighborhood Watch Public Safety meeting and other crime prevention measures in the Huntington Harbour area
9. [22-668](#) Mayor Delgleize to call on Jeremy Johnson and the Walmart Team from Store 5601 for their continued support of the Huntington Beach Fire Department and their recent donation of \$3,000 for the purchase of essential equipment for the Department's Hazardous Materials Response Team
10. [22-784](#) Mayor Delgleize to proclaim September as National Service Dog Month and present commendation to volunteer puppy raiser Doreen Mayo of Canine Companions and puppy, Brisket
11. [22-758](#) Mayor Delgleize to present the August Mayor's HB Excellence Award to Sergeant Scott Marsh with HBPD

**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**

- 12. [22-788](#) **Glen Mar Arterial Landscape Rehabilitation**
- 13. [22-789](#) **Review the First Year of Operations for the Be Well OC in Huntington Beach Mobile Crisis Response Program**

**CITY CLERK'S REPORT**

- 14. [22-710](#) **City Clerk to Announce National Voter Registration Day - Tuesday, September 20, 2022**

**CONSENT CALENDAR**

- 15. [22-776](#) **Approve and Adopt Minutes**

**Recommended Action:**

Approve and adopt the City Council/Public Financing Authority regular meeting minutes and the Housing Authority special meeting minutes of September 6, 2022.

- 16. [22-238](#) **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."

- 17. [22-746](#) **Adopt Resolution 2022-37 Declaring a Certain Public Easement Area Exempt Surplus Land Pursuant to the Surplus Lands Act (SLA)**

**Recommended Action:**

A) Declare a portion of the City-owned public right of way easement located near the intersection of Huntington Street and Atlanta Avenue as “exempt surplus land” as defined by Government Code Section 54221(f); and,

B) Adopt Resolution No. 2022-37, “A Resolution of the City Council of the City of Huntington Beach Declaring That an Undeveloped Portion of an Existing Street and Public Utility Easement Along the Eastside of 102 & 104 Huntington Street, Huntington Beach, is Exempt Surplus Land Pursuant to Government Code Sections 54221 (F) (1) (B) and 54221 (F) (1) (E), and Making a Finding of Exemption Under CEQA,” including written findings, supporting the declaration.

18. [22-735](#) **Approve and authorize execution of Professional Services Contracts for On-Call General Engineering Consulting Services with Aztec Engineering, EXP US Services, GHD Inc., Harris & Associates, Psomas, and Tetra Tech**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute \$1,500,000 “Professional Services Contract Between the City of Huntington Beach and Aztec Engineering for On-Call General Engineering Consulting;” and,

B) Approve and authorize the Mayor and City Clerk to execute \$1,500,000 “Professional Services Contract Between the City of Huntington Beach and EXP US Services for On-Call General Engineering Consulting;” and,

C) Approve and authorize the Mayor and City Clerk to execute \$1,500,000 “Professional Services Contract Between the City of Huntington Beach and GHD Inc. for On-Call General Engineering Consulting;” and,

D) Approve and authorize the Mayor and City Clerk to execute \$1,500,000 “Professional Services Contract Between the City of Huntington Beach and Harris & Associates for On-Call General Engineering Consulting;” and,

E) Approve and authorize the Mayor and City Clerk to execute \$1,500,000 “Professional Services Contract Between the City of Huntington Beach and Psomas for On-Call General Engineering Consulting;” and,

F) Approve and authorize the Mayor and City Clerk to execute \$1,500,000 “Professional Services Contract Between the City of Huntington Beach and Tetra Tech for On-Call General Engineering Consulting.”

19. [22-777](#) **Consider for approval the City’s responses to Grand Jury Report “How Is Orange County Addressing Homelessness?”**

**Recommended Action:**

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Approve the City's responses to the findings and recommendations in the Orange County Grand Jury report "How is Orange County Addressing Homelessness?" and authorize the Mayor to sign the attached transmittal letter to The Honorable Erick L. Larsh, Presiding Judge of the Superior Court of Orange County and the Orange County Grand Jury.

20. [22-719](#) **Approve a Service Agreement between the City of Huntington Beach and American Asphalt South for Residential Zone Slurry Maintenance in Maintenance Zones 2 and 5**

**Recommended Action:**

Approve the Interagency Service Agreement for American Asphalt South to provide residential slurry seal maintenance services for Maintenance Zones 5 and 2.

21. [22-743](#) **Approve and authorize execution of a Professional Services Agreement with PFM Group Consulting LLC for Consulting Services Related to Management System Reviews, Citywide Standard Operational Procedure Updates, and Procurement Process Improvements**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute "Professional Service Agreement Between the City of Huntington Beach and PFM Group Consulting for On-Call Consulting Services."

B) Approve the one-time appropriation of \$180,000 from General Fund balance to FY2022-23 City Manager's Office Budget and Account 10030101.69365.

22. [22-773](#) **Adopt Ordinance No. 4260 amending Chapter 17.56 of the Huntington Beach Municipal Code relating to the Fire Code  
Approved for introduction 9/6/2022 - Vote: 7-0**

**Recommended Action:**

Adopt Ordinance No. 4260, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 17.56 of the Huntington Beach Municipal Code Relating to the Fire Code."

23. [22-774](#) **Adopt Ordinance No. 4261 authorizing the assignment of a Franchise Agreement with Focus Media Group for Transit Shelter Services  
Approved for introduction 9/6/2022 - Vote: 7-0**

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute a "Franchise Agreement Between City of Huntington Beach and Focus Media Group Inc., for Transit Shelter Services;" and,

B) Adopt Ordinance No. 4261, "A Non-Codified Ordinance of the City of Huntington Beach Providing Consent to the Assignment of the Transit Shelter Services Franchise to Focus Media Group, Inc."

24. [22-775](#) **Adopt Ordinance No. 4266 amending Chapter 15.32 of the Huntington Beach Municipal Code relating to nonproducing and idle oil wells Approved for introduction 9/6/2022 - Vote: 6-0-1 (Delgleize out of room)**

**Recommended Action:**

Adopt Ordinance No. 4266, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 15.32 of the Huntington Beach Municipal Code Relating to Nonproducing and Idle Wells."

**PUBLIC HEARING**

For the benefit of the public, prior to a public hearing item, each member of the City Council will disclose any ex parte communications they may have had pertaining to the item. In simple terms, public hearings are quasi-judicial proceedings and the information used by the City Council to make its decisions should be limited to that which is obtained during the public hearing. Ex parte communications, then, means any information obtained outside of a public hearing. In such public hearing proceedings, the City Council must uphold constitutional and statutory due process rights of present and non-present parties by disclosing ex parte communications. Ex parte communications include oral and written information, as well as visual or auditory information obtained during a site visit.

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.

25. [22-740](#) **Public Hearing to consider acceptance of the Fiscal Year 2021-2022 Consolidated Annual Performance & Evaluation Report**

**Recommended Action:**

A) Conduct the Public Hearing to hear comments and approve the FY 2021-2022



Consolidated Annual Performance and Evaluation Report for Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Federal funds; and,

B) Authorize the City Manager to transmit this report to HUD by September 28, 2022.

**ADMINISTRATIVE ITEMS**

26. [22-780](#) **Approve the dedication of the central hallway wall at the Senior Center in Central Park, in recognition of Michael E. Rodgers and name the former Senior Outreach Center building at 17th Street Park as Memorial Community Hall as recommended by the Community & Library Services Commission**

**Recommended Action:**

A) Approve the recommendation by the Community & Library Services Commission to formally dedicate the central hallway wall at the Senior Center in Central Park in recognition of Michael E. Rodgers; and,

B) Approve the recommendation by the Community & Library Services Commission to formally name the former Senior Outreach Building located at 1718 Orange Avenue as Memorial Community Hall.

27. [22-794](#) **Approve plan to effectuate three recommendations provided in the Richards, Watson, & Gershon (RWG) independent review of the City's handling of the Moore-Field litigation**

**Recommended Action:**

Approve plan to implement three recommendations provided in RWG's independent review of the City's handling of the Moore-Field Litigation.

**COUNCILMEMBER COMMENTS (Not Agendized)**

**ADJOURNMENT in memory of Robert L. Mayer, Sr.**

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, October 4, 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>