



AGENDA

City Council/Public Financing Authority

Tuesday, January 17, 2023

Special Meeting of the Successor Agency

3:30 PM Closed Session / 5:00 PM Study Session

6:00 PM Regular Meeting

MAYOR AND CITY COUNCIL

TONY STRICKLAND, Mayor
GRACEY VAN DER MARK, Mayor Pro Tem
RHONDA BOLTON, Councilmember
PAT BURNS, Councilmember
DAN KALMICK, Councilmember
CASEY McKEON, Councilmember
NATALIE MOSER, Councilmember

Council Chambers

**2000 Main Street
Huntington Beach, CA 92648**

--or--

Virtual via Zoom Webinar

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, 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.

3:30 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, Burns

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit) - The Mayor will facilitate a voluntary opportunity for members of the Huntington Beach City Council to individually make brief comments to the public. Please note that the Brown Act does not allow for lengthy comments, discussion, or action on topics that are not on the agenda.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3 Minute Time Limit)

At this time, the City Council will receive comments from members of the public regarding any topic, including items on the Study Session and/or Closed Session agendas. Please note that the Brown Act does not allow discussion or action on topics that are not on the agenda. Members of the public who would like to speak directly with a Councilmember on an item not on the agenda may consider scheduling an appointment by contacting the City Council's Administrative Assistant at (714) 536-5553 or emailing the entire City Council at city.council@surfcity-hb.org.

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.

CLOSED SESSION ANNOUNCEMENT(S)

1. [23-037](#) Mayor Strickland to announce: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators, Al Zelinka, City Manager and Peter Brown Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager, Travis Hopkins, Assistant

City Manager; Michael E. Gates, City Attorney; Mike Vigliotta, Chief Assistant City Attorney; Eric Parra, Chief of Police; and Sunny Rief, Assistant Chief Financial Officer, who will be participating in today's Closed Session discussions regarding labor negotiations with: Huntington Beach Police Officers' Association (HBPOA).

RECESS TO CLOSED SESSION

CLOSED SESSION

2. [23-032](#) Police Department representatives to conduct active shooter training with Council Members and City staff (Council Chambers)

3. [23-022](#) CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Mike Vigliotta, Chief Assistant City Attorney; Eric Parra, Chief of Police; and Sunny Rief, Assistant Chief Financial Officer. Employee Organization: Police Officers' Association (POA).

4. [23-023](#) CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters: One (1) - Challenge to State's RHNA.

5. [23-030](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(2).): Number of matters: One (1).

6. [23-035](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Nicholas Vella v. City of Huntington Beach, Workers' Comp. Case No. COHB-22-0063.

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

STUDY SESSION

7. [23-031](#) Housing Element

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALL TO ORDER THE SPECIAL MEETING OF THE SUCCESSOR AGENCY

ROLL CALL

Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, Burns

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.

8. [22-1116](#) Pat Goodman of Self-Help Interfaith Program (SHIP) and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

PUBLIC COMMENTS (3 Minute Time Limit)

At this time, the City Council will receive comments from members of the public regarding any topic, including items on the open session agenda. Please note that the Brown Act does not allow discussion or action on topics that are not on the agenda. Members of the public who would like to speak directly with a Councilmember on an item not on the agenda may consider scheduling an appointment by contacting the City Council's Administrative Assistant at (714) 536-5553 or emailing the entire City Council at city.council@surfcity-hb.org.

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 supports and defends free speech, the City Council rejects comments from anyone that are discriminatory, defamatory or otherwise not protected free 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 APPOINTMENT ANNOUNCEMENTS

Councilmembers may make brief announcements on any appointments made to a board, committee, or commission. Councilmembers may not discuss or take any action on these announcements. Announcements are limited to 1 minute.

AB 1234 REPORTING

Per AB 1234 (Government Code Section 53232.3(d)) Councilmembers who attend a meeting, conference, or similar event at the expense of the City must provide a brief report of the meeting, conference, or similar event during the next regular City Council meeting. Reports are limited to 1 minute.

OPENNESS IN NEGOTIATION DISCLOSURES

Councilmembers must publicly disclose any meetings or communications with City employee associations, related to the negotiations of labor agreements. Disclosures are limited to 1 minute and must be made by the next regular City Council Meeting.

CITY MANAGER'S REPORT

9. [22-695](#) Welcome to New OneHB Team Members

10. [23-025](#) Update on Downtown Street Closure

CITY TREASURER'S REPORT

11. [22-916](#) Adopt Resolution No. 2023-03 approving the 2023 Investment Policy

Recommended Action:

Adopt Resolution No. 2023-03, "A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy 2023."

CITY ATTORNEY'S REPORT

12. [23-041](#) Air Show Environmental Review

CONSENT CALENDAR

Office of City Clerk

13. [22-1125](#) Approve and Adopt Minutes

Recommended Action:

A) Approve and adopt the City Council/Public Financing Authority regular meeting minutes of December 6, 2022; and,

B) Approve and adopt the City Council/Public Financing Authority regular meeting and the Housing Authority, Parking Authority and Successor Agency special meeting minutes of December 20, 2022.

14. [22-792](#) Annual Review of the City Code of Ethics

Recommended Action:

Direct the City Clerk to record in the official minutes that the City Code of Ethics was presented to the City Council, City Manager, Chairpersons, and City Department Directors for their review and distribution as required by Resolution No. 2016-73.

15. [21-385](#) Adopt Resolution No. 2023-01 Amending the Conflict of Interest Code

Recommended Action:

Adopt Resolution No. 2023-01, "A Resolution of the City Council of the City of Huntington Beach Amending its Conflict of Interest Code."

Finance Department

16. [23-018](#) Adopt Successor Agency Resolution Nos. 2023-01 and 2023-02 approving the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Huntington Beach Successor Agency for the period of July 1, 2023, through June 30, 2024, in accordance with Health and Safety Code Section 34177 and related actions

Recommended Action:

A) Adopt Resolution No. 2023-01, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Successor Agency Administrative Budget for the Period July 1, 2023, through June 30, 2024;" and,

B) Adopt Resolution No. 2023-02, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Recognized Obligation Payment Schedule for the Period July 1, 2023 - June 30, 2024 ('ROPS 23-24')."

Police Department

17. [22-1114](#) Volunteer Release & Waiver of Liability Agreement

Recommended Action:

Staff recommends City Council approve use of the Volunteer Release & Waiver of Liability Agreement (Attachment) as drafted and approved by the City Attorney.

ADMINISTRATIVE ITEMS

18. [23-028](#) Comprehensive report on City resources used to address homelessness and proposed 90-day plan to enforce City and State laws relating to homelessness

Recommended Action:

A) Receive and file this report; and,

B) Approve the proposed 90-Day Plan and appropriate one-time funding of \$500,000 in the FY 2022/23 General Fund budget.

19. [23-042](#) Consider selection of Huntington Beach's Orange County Power Authority (OCPA) Default Energy Product Rate and the City of Huntington Beach's Municipal Accounts Rate Selection.

Recommended Action:

The following options are available to the City Council for the default energy product for new OCPA Customers in Huntington Beach:

A) Take no action. The current, default energy offering of 100% Renewable will remain for all new OCPA customers;

B) Select the Smart Choice option (at least 69% renewable energy) as the default offering for new OCPA customers; or

C) Select the Basic Choice option (at least 38.5% renewable energy) as the default offering for new OCPA customer.

The following options are available to the City Council for City of Huntington Beach municipal accounts.

A) Take no action, and retain the current energy offering of 100% Renewable for municipal accounts;

B) Select Smart Choice (at least 69% renewable energy) for municipal accounts; or

C) Select Basic Choice (at least 38.5% renewable energy) for municipal accounts.

20. [23-012](#) **Approve for Introduction Ordinance No. 4276 Amending Chapter 2.07 of the HBMC Relating to Campaign Reform**

Recommended Action:

Approve for Introduction Ordinance No. 4276, "An Ordinance of the City of Huntington Beach Amending Chapter 2.07 of the Huntington Beach Municipal Code Relating to Campaign Reform."

21. [23-017](#) **Approve for Introduction Ordinance No. 4277 Amending Chapter 1.18 of the Huntington Beach Municipal Code Relating to Anonymous Complaints**

Recommended Action:

Approve for Introduction Ordinance No. 4277, "An Ordinance of the City of Huntington Beach Amending Chapter 1.18 of the Huntington Beach Municipal Code Relating to Anonymous Complaints."

COUNCILMEMBER ITEMS

22. [23-038](#) **Submitted by Mayor Strickland - Develop a proposal for a Public Memorial honoring Don Andrews McAllister**

Recommended Action:

Direct staff to work with the Community and Library Services Commission and leadership of the Greater Huntington Beach Interfaith Council to develop a proposal for a public memorial honoring Don MacAllister on Tower Zero. Return to City Council within 90 days to present the proposal for consideration.

23. [23-049](#) **Submitted by Mayor Pro Tem Van Der Mark - Request to End Expanded Outdoor Dining and Retail on Main Street and other nearby areas in Downtown**

Recommended Action:

Direct the City Manager to work with staff to give the downtown businesses on Main St., who are occupying public areas with outdoor dining and retail, 30-days' notice to remove all expanded outdoor dining and to return Main St. to its pre-COVID-19 state. This reversal of the outdoor dining and retail expansions by small business will remain until the City Council makes a decision about a long-term revitalization plan. Additionally, direct the City Manager to require tenants who have expanded on public rights-of-way nearby Main Street as well as on private property to scale back to approved patio areas until they are permanently permitted for expansion. Lastly, direct the City Manager to reinstitute parking meters to their pre-Covid state on Main Street as well. We anticipate that this restoring of Main St., downtown to its pre-COVID-19 state will require support from Community Development, Community and Library Services, Police Department, and

Public Works.

24. [23-051](#) **Submitted by Mayor Pro Tem Van Der Mark - Request to Implement a Managed Hiring Process for Vacant City Staff Positions (with limited exceptions)**

Recommended Action:

Direct the City Manager to take necessary measures to develop and implement a “managed hiring” process for City staff position vacancies that results in only necessary hiring for public safety (including Police and Fire Departments), building inspection and code enforcement, legal services (City Attorney's Office), infrastructure maintenance and operation, essential support services, meeting Charter and Municipal Code requirements, filling interim/permanent Department Head vacancies, etc.

This “managed hiring” process is meant to be temporary and is designed to allow the City Manager to prepare and present a report for City Council at its regular meeting on February 21, 2023, about the state of the City’s budget and financial health, as well as staffing levels, vacancies, the costs of filling vacancies, and any other aspect of citywide reorganization or planned increase in fiscal responsibility and economic efficiency.

25. [23-029](#) **Submitted by Councilmember McKeon - Request to Repeal Ordinance No. 3907 Related to the City Treasurer’s Role**

Recommended Action:

Direct the City Attorney and the City Manager, in collaboration with the City Treasurer, to return to City Council at a regular meeting in February 2023 with the necessary actions to reverse Ordinance 3907 and restore the elected City Treasurer’s duties, in full, to those provided in Section 311 of the City Charter.

26. [23-043](#) **Submitted by Councilmember McKeon - Request to Update and Develop Objective Standards for Development within the City**

Recommended Action:

Direct the City Manager to retain the required consultant(s) to work with Community Development Department, Fire Department, Public Works Department and the City Attorney's Office to update the Municipal Code including the Zoning, building and fire codes to reflect improved objective standards for development, including removing any references to "alternative means and methods" from the fire code with respect to multifamily development and, to return to City Council by end of March with proposals for improved objective development standards.

27. [23-044](#) **Submitted by Councilmember Burns - City Owned Oil Well Operation and Production**

Recommended Action:

Direct the City Manager to return to the City Council within 60 days with a report on the

number of City owned wells, locations, historical production and capacity, and revenue from the sale of oil. The wells are aging, require ongoing maintenance when operational, and there will be costs to become operational. A full conditions assessment, cost benefit analysis, and plan to resume operations should be included in the report.

28. [23-045](#) **Submitted by Councilmember Burns - Appointments to Boards and Commissions**

Recommended Action:

Any Councilmember with more than one appointee to a Board or Commission will need to select a single appointee moving forward. Anyone Board Member or Commissioner who is not selected by the Council Member, will be excused. This is intended to provide a more efficient Board and Commission to operate as the Commissions are designed.

Direct the City Manager to facilitate the adjusting of Boards and Commissions such that those with direct Councilmember appointments be reduced or limited to a 7-member Board or Commission - one appointee for each Councilmember and no more. If any Resolutions or other Council action is required to make this modification, return to Council at the next regular meeting with whatever approvals are necessary from Council.

29. [23-046](#) **Submitted by Councilmember Burns - Finance Commission**

Recommended Action:

Direct the City Manager to immediately facilitate monthly Finance Commission meetings and direct the City Manager to accommodate and facilitate the Finance Commission to undertake reviews the Finance Commission, in its citizen-driven oversight, deems necessary. The Finance Commission will review, analyze, and consider the accountability, honesty, integrity, fiscal sustainability, community involvement, and openness of the City's financial obligations. Direct the City Manager to update the Huntington Beach Municipal Code Section 2.109, Finance Commission, to reflect a monthly meeting schedule with the modified duties and agenda items.

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, February 7, 2023, 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>