

AGENDA

City Council/Public Financing Authority Tuesday, February 7, 2023 Special Meeting of the Housing Authorithy

3:30 PM Closed Session / No Study Session 6:00 PM Regular Business 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 HBTV 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 COUNCILMEMBER 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. Individuals wishing to provide a comment on item(s) may do so in person by filling out a Request to Speak form delivered to the City Clerk. 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.

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.

RECESS TO CLOSED SESSION

CLOSED SESSION ANNOUNCEMENT(S)

(HBPOA).

1. 23-107

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; 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

CLOSED SESSION

- 2. 23-089 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; Eric Parra, Chief of Police; and Sunny Rief, Assistant Chief Financial Officer. Employee Organization: Police Officers' Association (POA).
- 3. 23-090 CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters: One (1) Confer with City Attorney regarding a request by the City of Costa Mesa to provide Amicus support with regard to 9th Circuit Court of Appeals Decision re Sober Living Homes.
- 4. 23-101 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.
 (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:
 Pacific Airshow, LLC v. City of Huntington Beach and Kim Carr;
 OCSC Case No. 30-2022-01287749.
- 5. 23-105 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.
 (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case:
 Vega (Ruben) v. City of Huntington Beach, et al.; OCSC Case No.:
 30-2021-01184181.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING

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.

6. <u>22-1117</u> Mike Michaud of Dance4Joy Ministries and member of the Greater

Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY

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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

7. 22-696 Welcome to New OneHB Team Members

CITY TREASURER'S REPORT

8. <u>23-036</u> Joint meeting of the Investment Advisory Board (IAB) and City Council - Investment Advisory Board Annual Report

Roll Call: Heymann, Attardo, Dowds, Ellett, Erskine, Kelly, Pitcher

Recommended Action:

Receive and File the Investment Advisory Board's Annual Report.

9. <u>23-111</u> Receive and File the City Treasurer's December 2022 Quarterly Investment Summary Report

Recommended Action:

Receive and File the City Treasurer's Quarterly Investment Report for December 2022, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

CITY CLERK'S REPORT

10. 23-108 City Archivist Kathie Schey to announce receipt of a digitization grant award from California Revealed, an initiative of the California State Library

CONSENT CALENDAR

Office of City Attorney

11. <u>23-076</u> Adopt Ordinance No. 4276 Amending Chapter 2.07 of the HBMC Relating to Campaign Reform - Approved for Introduction January 17, 2023 - Vote: 4-3 (Kalmick, Moser, Bolton - No)

Recommended Action:

Adopt 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."

12. 23-077 Adopt Ordinance No. 4277 Amending Chapter 1.18 of the Huntington Beach Municipal Code Relating to Anonymous Complaints - Approved for Introduction January 17, 2023 - Vote: 4-3 (Kalmick, Moser, Bolton - No)

Adopt 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."

Office of City Clerk

13. <u>23-078</u> Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting and the Successor Agency special meeting minutes of January 17, 2023.

Office of City Manager

14. 23-115 Adopt Resolution No. 2023- 07 appointing Theresa St. Peter as Interim Director of Human Resources and approving the Employment Agreement

Recommended Action:

- A) Adopt Resolution No. 2023-07, "A Resolution of the City Council of the City of Huntington Beach Appointing Theresa St. Peter as Interim Director of Human Resources"; and,
- B) Approve and authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and Theresa St. Peter."

Community Development Department

15. <u>23-014</u> Bonanni Development Company IV, LLC Affordable Housing Agreement for the development of 35 ownership units at 19070 Holly Lane

Recommended Action:

- A) Approve the Affordable Housing Agreement by and between the City and Bonanni Development Company, LLC for the development of 35 ownership units at 19070 Holly Lane; and,
- B) Authorize the City Manager or their designee to implement and execute the Affordable Housing Agreement for the Project, including all necessary related documents; and.
- C) Authorize the City Manager to execute an amendment to the Affordable Housing Agreement, as prepared by the City Attorney, should the Developer upon completion of the Project decide to rent instead of sell the townhomes due to market conditions; and,

D) Authorize the Housing Authority Executive Director or their designee to execute all necessary implementing agreements and related documents.

Police Department

16. <u>23-074</u>

Approve and accept the California Office of Emergency Services (Cal OES) Violence Against Women Act Grant (LE22066860); authorize the Chief of Police to execute documents; approve appropriations; amend the Professional Services Listing to include provided domestic violence services; and contract Amendment No. 2 with Waymakers, in the amount of \$116,032, for continued management of the Victim and Witness Assistance Services Program

Recommended Action:

- A) Accept the grant between the State of California, Governor's Office of Emergency Services (Cal OES) and the City of Huntington Beach; and,
- B) Assign authority to the Chief of Police as the official to execute and sign for the award and to approve amendments and extensions; and,
- C) Approve the appropriation and expenditure of \$203,143, which is fully reimbursed by the grant from Cal OES. The remaining \$67,715 will be funded from existing appropriations in the Police Department's budget; and,
- D) Amend the Professional Services Listing to include provided domestic violence services; and,
- E) Approve and authorize "Amendment No. 2" to Agreement Between the City of Huntington Beach and Waymakers for Victim and Witness Assistance Services.

Public Works Department

17. 22-925 Approve Sole Source Procurement Request with Hadronex Inc., dba SmartCover Systems, for Sanitary Sewer System Manhole SmartCovers

Recommended Action:

Approve Sole Source Procurement Request with Hadronex Inc., dba SmartCover Systems, for the servicing of SmartCovers.

18. <u>22-926</u> Approve Sole Source Procurement Request for Aclara for service and maintenance on Automated Meter Infrastructure (AMI) equipment.

Approve the Sole Source Procurement Request with Aclara for service and maintenance on AMI equipment.

19. 22-1126 Approve and authorize execution of a three-year Professional Services Agreement with Sierra Analytical Labs Inc. for Water Quality Analysis and Sampling Services in the amount of \$360,000

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract between the City of Huntington Beach and Sierra Analytical Labs, Inc. for Water Quality Analysis and Sampling Services."

20. <u>23-048</u> Accept bid and authorize execution of a construction contract with MBC Enterprises, Inc. in the amount \$482,897.59 for the Glen Mar Frontage Road Improvements Project, CC-1688

Recommended Action:

- A) Accept the lowest responsive and responsible bid submitted by MBC Enterprises, Inc. in the amount of \$438,997.81; and,
- B) Authorize the Mayor and City Clerk to execute a construction contract in the form approved by the City Attorney.
- 21. 23-061 Grant of Easement to Southern California Gas Company for new gas utility line extension at 6900 Brunswick Drive, a location known as North Greer Park Parcel

Recommended Action:

- A) Approve and authorize the Mayor and City Clerk to execute the Grant of Easement between the City of Huntington Beach and Southern California Gas Company; and,
- B) Authorize the City Clerk to record the Grant of Easement with the Orange County Recorder.
- 22. 23-088 Approve and authorize execution of four (4) Professional Services Contracts for On-Call Construction Management and Engineering Services with Ardurra Group, Inc., Berg & Associates, Inc., Dudek, and Psomas

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute a \$1,400,000 "Professional Services Contract Between the City of Huntington Beach and Ardurra Group, Inc. for On-Call Construction Management and Engineering Services;" and,

- B) Approve and authorize the Mayor and City Clerk to execute a \$1,400,000 "Professional Services Contract Between the City of Huntington Beach and Berg & Associates, Inc. for On-Call Construction Management and Engineering Services;" and,
- C) Approve and authorize the Mayor and City Clerk to execute a \$1,400,000 "Professional Services Contract Between the City of Huntington Beach and Dudek for On-Call Construction Management and Engineering Services;" and,
- D) Approve and authorize the Mayor and City Clerk to execute a \$1,400,000 "Professional Services Contract Between the City of Huntington Beach and Psomas for On-Call Construction Management and Engineering Services."
- 23. 23-095 Approve and authorize execution of three (3) Professional Services
 Contracts for On-Call Materials Testing and Engineering Services
 with AESCO, Inc., Leighton Consulting, Inc., and Ninyo & Moore
 Geotechnical & Environmental Sciences Consultants

- A) Approve and authorize the Mayor and City Clerk to execute a \$600,000 "Professional Services Contract Between the City of Huntington Beach and AESCO, Inc. for On-Call Materials Testing and Engineering Services;" and,
- B) Approve and authorize the Mayor and City Clerk to execute a \$600,000 "Professional Services Contract Between the City of Huntington Beach and Leighton Consulting, Inc. for On-Call Materials Testing and Engineering Services;" and,
- C) Approve and authorize the Mayor and City Clerk to execute a \$600,000 "Professional Services Contract Between the City of Huntington Beach and Ninyo & Moore Geotechnical & Environmental Sciences Consultants for On-Call Materials Testing and Engineering Services."

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 in person by filling out a Request to Speak form delivered to the City Clerk. 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.

24. 23-027 Adopt Resolution No. 2023-02 to approve Zoning Text Amendment (ZTA) No. 22-004 regarding Medical Services in the Beach and Edinger Corridors Specific Plan (BECSP)

Recommended Action:

PLANNING COMMISSION AND STAFF RECOMMENDATION:

- A) Find that Zoning Text Amendment No. 22-004 is within the scope of the BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009. In accordance with CEQA Guidelines Sections 15162 and 15163, no subsequent or supplement to the EIR need be prepared for this ZTA and no further environmental review or documentation is required (Attachment No. 1); and,
- B) Approve Zoning Text Amendment No. 22-004 with findings (Attachment No. 1) and adopt Resolution No. 2023-02, "A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Beach and Edinger Corridors Specific Plan (SP14) (Zoning Text Amendment No. 22-004)" (Attachment No. 2).

ADMINISTRATIVE ITEMS

25. 23-097

Approve and authorize Amendment No. 1 to the Professional Services Contract with RDG Planning & Design Art Studio for the Design, Fabrication and Installation of the Public Art Work to include a phased acceptance of liability, to increase the contract compensation by \$35,000, and to appropriate \$35,000 from the Public Arts in Parks Fund 236

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 RDG Art Studio for the Design, Fabrication and Installation of a Public Art Work for Central Park" to approve a phased acceptance of liability of the structures during the installation process and to increase the contract compensation by a not-to-exceed amount of \$35,000; and,
- B) Authorize the appropriation of \$35,000 from the Public Art in Parks Fund 236 to account 23645001.82900.
- 26. 23-050 Report on crime statistics involving Huntington Beach businesses and recommendations to enhance efforts to address and reduce business-related crimes

- A) Receive and file this report; and
- B) Approve the proposed enforcement plan for Fiscal Year 2022/23 for additional overtime for proactive patrols and funding for five (5) public safety cameras, including appropriation from the General Fund to the Police Department's FY 2022-2023 Personnel and Operating Budget.

ORDINANCES FOR INTRODUCTION

27. 23-066 Approve for Introduction Ordinance No. 4275 to Amend to Huntington Beach Municipal Code Chapter 13.08.070 Relating to Dogs and Other Animals

Recommended Action:

Approve for introduction Ordinance No. 4275, "An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Relating to Dogs and Other Animals."

28. 23-071 Approve for Introduction Ordinance No. 4280 Amending Chapter 2.109 of the Huntington Beach Municipal Code Regarding the Finance Commission

Recommended Action:

Approve for introduction Ordinance No. 4280, "An Ordinance of the City of Huntington Beach Amending Chapter 2.109 to the Huntington Beach Municipal Code Regarding Finance Commission."

29. 23-072 Approve the Introduction of Ordinance Nos. 4279 and 4278
Amending Chapter 2.64 and Chapter 2.111 of the Huntington Beach
Municipal Code Regarding the Community and Library Services
Commission and the Citizen Infrastructure Advisory Board/Public
Works Commission, respectively

Recommended Action:

- A) Approve for Introduction Ordinance No.4279, "An Ordinance of the City of Huntington Beach Amending Chapter 2.64.040 to the Huntington Beach Municipal Code Regarding Community and Library Services Commission"; and/or
- B) Approve for Introduction Ordinance No. 4278, "An Ordinance of the City of Huntington Beach Amending Chapter 2.111 to the Huntington Beach Municipal Code Regarding Citizen Infrastructure Advisory Board/Public Works Commission."

COUNCILMEMBER ITEMS

30. <u>23-109</u>

Submitted by Councilmember Burns - Request to prepare an Ordinance that limits Flag Displays at City Facilities to only the American, POW/MIA, State, City, and as needed, the County Flags

Recommended Action:

Direct the City Manager to work with the City Attorney to prepare an ordinance for introduction at the February 21 Council Meeting that the City only fly or display on City property the American flag, the POW/MIA flag, the State of California flag, the Huntington Beach City flag, and, as needed, the County of Orange flag.

If the ordinance is adopted, direct the City Manager to update Administrative Regulation (AR) 705: Citywide Flag Policy, accordingly.

31. 23-118 Submitted by Councilmember Burns - SB 9 and SB 10 Impacts on Huntington Beach

Recommended Action:

Request that staff compose, for City Council review, an analysis of SB 9 and SB 10, their impacts in Huntington Beach, and process to exempt the City from SB 9, as the City has opted out of SB10.

Direct the City Attorney to take any legal action necessary to challenge SB 9 and SB 10.

32. <u>23-119</u> Submitted by Councilmember Moser - Request to Reinstate Remote Citizen Participation at Public Meetings

Recommended Action:

I would like to request the City Council to reinstate the remote public participation option during meetings of the City Council and all BCCs, in the spirit of increasing public access, civic discourse, and transparency. If needed, the City Council could reassess the need for remote options periodically, moving forward.

33. 23-120 Submitted by Councilmember McKeon - Request to review Group Home Regulations in the City and recommend amendments and improvements as needed

Recommended Action:

Direct the City Manager to work with the City Attorney to return to Council with any recommendations regarding:

1. Possible new ZTA to provide additional protections for disabled occupants requiring at least 9 months' notice prior to eviction (even after insurance coverage runs out). This kind of a protection for disabled occupants will help prevent their sudden turning out onto the street without a home or place to stay. These protections could also include requiring operators and landlords to relocate the patients/clients back to their original place of

origin.

- 2. Begin investigating complaints of insurance fraud. This may require the City Attorney work with the District Attorney to identify prosecutorial paths for prosecution.
- 3. Provide City Council a Quarterly basis to give status reports on: list of current complaints regarding illicit Group Home operations harming the disabled, including Group Home locations, nature of complaints, description of complaints, complaints regarding public nuisance activities like loud noise or trash, whether issues are Code Enforcement or whether there is criminal activity; Group Home locations should identify State licensed facilities, sober homes, non-licensed providers, etc. and what efforts have been done that quarter to address the complaints. A full status report.
- 4. Recommendation on what resources, or assistance, does Code Enforcement need from City Council to step up enforcement, reduce response times, effectively identify problem homes, effectively address the problems of the homes, etc.
- **34. 23-123 Submitted by Councilmember McKeon Request to Commence a Development Impact Fund (DIF) Study

Recommended Action:

Direct the City Manager to work with the Finance and Community Development Departments to conduct a Request for Proposals/Qualifications process to hire a firm that will commence a DIF study and Nexus Report or other appropriate calculations.

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, February 21, 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