



AGENDA

City Council/Public Financing Authority

Tuesday, March 7, 2023

Council Chambers

2000 Main Street

Huntington Beach, CA 92648

--or--

Virtual via Zoom Webinar

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

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, 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.

4:00 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 PERTAINING TO STUDY AND CLOSED SESSION ITEMS (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.

STUDY SESSION

1. [23-201](#) **Joint Study Session of the Citizen Participation Advisory Board (CPAB) and City Council to review Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program recommendations**

CPAB Roll Call: Chair Massie, Vice Chair Hoskinson, Secretary Paris; Board Members Hammel, Inouye, Jackson, and Lachman

2. [23-202](#) **Comprehensive Review of Homeless Services in Huntington Beach**

RECESS TO CLOSED SESSION

CLOSED SESSION

3. [23-200](#) CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): One (1) - SB9, SB10 and Accessory Dwelling Units.

4. [23-203](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8.) Property: APN numbers 111-372-06 and 111-372-07. Agency negotiator: Al Zelinka, City Manager; Ursula Luna-Reynosa, Director of Community Development; and Sean Crumby, Director of Public Works. Negotiating parties: Timothy A. Fissinger, Vice President of Real Estate for Republic Services. Under negotiation: Price and terms of payment.

5. [23-199](#) 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, Acting Chief Financial Officer. Employee Organization: Police Officers' Association (POA).

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. [23-168](#) Chaplain Roger Wing with the Huntington Beach Police Department

CLOSED SESSION REPORT BY CITY ATTORNEY

CITY ATTORNEY'S REPORT

7. [23-214](#) City Attorney Report - Update on Lawsuit City of Huntington Beach

v. State of California, Department of Finance

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribut

PUBLIC COMMENTS (3-Minute Time Limit)

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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

8. [22-697](#) Welcome to New OneHB Team Members

CONSENT CALENDAR

Office of the City Clerk

9. [23-156](#) Approve and Adopt Minutes

Recommended Action:

Approve and adopt the City Council/Public Financing Authority regular meeting and the Housing Authority special meeting minutes of February 21, 2023.

Office of the City Manager

10. [23-190](#) Adopt Ordinance No. 4280 Amending Chapter 2.109 of the Huntington Beach Municipal Code Regarding the Finance Commission - Approved for Introduction 2/21/23, Vote: 4-3 (Kalmick, Moser, Bolton - No)

Recommended Action:

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

11. [23-191](#) Adopt Ordinance Nos. 4278, 4279, and 4281 Amending Chapters 2.111, 2.64 and 2.100 of the Huntington Beach Municipal Code Regarding the Citizen Infrastructure Advisory Board/Public Works Commission, the Community and Library Services Commission, and Operating Policy for Boards and Commissions respectively - Approved for Introduction 2/21/2023, Vote: 4-3 (Kalmick, Moser, Bolton - No)

Recommended Action:

A) Adopt 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"; and/or,

B) Adopt 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,

C) Adopt Ordinance No. 4281, "An Ordinance of the City of Huntington Beach Amending Chapter 2.100 to the Huntington Beach Municipal Code Regarding Operating Policy for Boards and Commissions."

12. [23-192](#) Adopt Ordinance No. 4283 Adding Chapter 13.07 of the Huntington Beach Municipal Code Relating to Government Flags on City Property - Approved for Introduction 2/21/2023, Vote: 4-3 (Kalmick, Moser, Bolton - No)

Recommended Action:

Adopt Ordinance No. 4283, "An Ordinance of the City of Huntington Beach Amending Title 13 Public Property of the Huntington Beach Municipal Code Adding Chapter 13.07 Relating to Government Flags on City Property."

Police Department

13. [23-193](#) **Adopt Ordinance No. 4284 Amending Municipal Code 13.52 Relating to Public Conduct within City-Owned Public Parking Structures - Approved for Introduction as Amended 2/21/2023, Vote: 7-0**

Recommended Action:

Adopt Ordinance No. 4284, "An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 13.52 Relating to Public Buildings" regarding public conduct within City-owned public parking structures.

14. [23-194](#) **Adopt Ordinance No. 4273 Amending Municipal Code 13.48 Relating to the Use of Tents and Other Uses Within City Parks - Approved for Introduction as Amended 2/21/2023, Vote: 7-0**

Recommended Action:

Adopt Ordinance 4273, "An Ordinance of the City Council of the City of Huntington Beach Amending Title 13 of the Huntington Beach Municipal Code Relating to Parking Lot and Camping Regulations in Public Parks, and Making a Finding of Exemption Under CEQA" relating to the use of tents and other uses within City parks.

Public Works Department

15. [23-080](#) **Approve and authorize the execution of Amendment No. 1 to Cooperative Agreement No. C-7-1828 between Orange County Transportation Authority and Cities of Anaheim, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Stanton and Westminster for Magnolia Street Regional Traffic Signal Synchronization Project**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Cooperative Agreement No. C-7-1828 between Orange County Transportation Authority and Cities of Anaheim, Fountain Valley, Fullerton Garden Grove, Huntington Beach, Stanton and Westminster for Magnolia Street Regional Traffic Signal Synchronization Project".

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.

16. [23-226](#) Builder's Remedy Ordinance No. 4285

Recommended Action:

- A) Find that the Zoning Text Amendment (ZTA) No. 23-001 is exempt from the California Environmental Quality Act, pursuant to Section 15061(b), the general rule that CEQA only applies to projects which have the potential for a significant effect on the environment; and,

- B) Approve Zoning Text Amendment No. 23-001 with findings by approving Ordinance No. 4285.

ADMINISTRATIVE ITEMS

17. [23-187](#) Additional Community Feedback for the Main Street Redevelopment Project

Recommended Action:

- A) Receive and file additional stakeholder feedback received for the Main Street Redevelopment Project; and,

- B) Provide direction on next steps including which design option, if any, to pursue.

COUNCILMEMBER ITEMS

18. [23-227](#) Item Submitted by Councilmember Kalmick - Continue Processing SB9 and ADU Applications to Avoid Conflict with State Law

Recommended Action:

Direct the City Manager to process SB9 type lot subdivision applications and ADU applications while litigation proceeds to come back into compliance with State Law.

ADJOURNMENT

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing

Authority is Tuesday, March 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>