



## Legislation Details (With Text)

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<b>File created:</b>	2/27/2023	<b>In control:</b>	City Council/Public Financing Authority
<b>On agenda:</b>	3/21/2023	<b>Final action:</b>	
<b>Title:</b>	Approve and authorize execution of the First Amendment to the License Agreement between the City of Huntington Beach and OC405 Partners JV for the continued use of a City-owned parcel for the I-405 Improvement Project		
<b>Attachments:</b>	1. Att #1 - Amended License Agmt OC 405 Partners JV - First Amendment - OC 405 Signed, 2. Att #2 - OC405 Partners Agmt, 3. Att #3 - Presentation Template (Formal - White) - OC 405 Amendment		
<b>Date</b>	<b>Ver.</b>	<b>Action By</b>	<b>Action</b>
			<b>Result</b>

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Al Zelinka, City Manager

**VIA:** Sean Crumby, Director of Public Works

**PREPARED BY:** Bill Krill, Real Estate & Project Manager

### Subject:

**Approve and authorize execution of the First Amendment to the License Agreement between the City of Huntington Beach and OC405 Partners JV for the continued use of a City-owned parcel for the I-405 Improvement Project**

### Statement of Issue:

The City Council is asked to approve the First Amendment to the License Agreement with OC405 Partners JV to continue the authorized use of a City-owned parcel located at the intersection of McFadden Ave. and Gothard St. in the City of Westminster for the I-405 Improvement Project.

### Financial Impact:

The lease will generate \$500 per month in revenue for the City until the termination of the agreement, which is anticipated upon the completion of the project

### Recommended Action:

A) Approve the First Amendment to the License Agreement entitled "First Amendment to License Agreement by and between the City of Huntington Beach and OC405 Partners JV for Temporary Use of City Property" (See Attachment); and

B) Authorize the Mayor and City Manager to execute the License Agreement Amendment on behalf of the City.

**Alternative Action(s):**

Do not approve Amendment to the License Agreement, and direct City Attorney's Office to draft a notice of termination of the existing agreement. Termination of agreement prior to completion of the 405 improvement project may cause broader construction delays with the project overall and may negatively affect outside public agencies and neighboring cities.

**Analysis:**

OC405 Partners JV "Licensee" is the general contractor for OCTA's I-405 Improvement Project. In April 2020 the Licensee approached City staff to utilize a vacant and undeveloped parcel owned by the City of Huntington Beach for the purpose of temporary vehicle storage for the employees working on the I-405 Improvement Project. The City-owned parcel APN 142-311-34 is located northeast of the intersection of McFadden Ave. and Gothard St. within the City of Westminster. The City of Westminster has land use oversight since the parcel is located within its city limits, and has issued a temporary use permit for the use. The parcel will be used for vehicle storage only, the site will be properly maintained, and no construction will occur on the site.

The City Attorney's Office has prepared a First Amendment to the License Agreement between the City and Licensee to continue to temporarily lease the vacant parcel. This License Agreement was approved and executed by the City and Licensee on August 3, 2020 and the agreement term ended on January 1, 2023. No provision for continued month-to-month occupation was included in the original agreement. The term of the new License Agreement will be for the period from January 2, 2023, through April 30, 2023. Thereafter, the agreement will convert into a month-to-month tenancy, requiring at least thirty (30) day written notice by either party to terminate. The rent will be \$500.00 per month. Licensee will maintain the site, keeping it in satisfactory condition, and will continue the established best management practices to ensure that all environmental laws are complied with.

**Environmental Status:**

The approval of the License Agreement will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is therefore not a "project" per Section 15378 of the California Environmental Quality Act (CEQA) Guidelines.

**Strategic Plan Goal:**

Financial Sustainability, Public Safety or Other

**Attachment(s):**

1. First Amendment To License Agreement between the City of Huntington Beach and OC405 Partners JV for Temporary Use of City Property
2. Executed License Agreement By and Between The City of Huntington Beach and OC 405 Partners JV for Temporary Use of City Property
3. PowerPoint Presentation