



City of Huntington Beach

INTER-DEPARTMENT COMMUNICATION

TO: Honorable Mayor and City Councilmembers

FROM: Robin Estanislau, City Clerk

DATE: February 6, 2024

SUBJECT: SUPPLEMENTAL COMMUNICATION FOR CONSENT ITEM NO. 9
– REVISION TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY
MEETING MINUTES DATED JANUARY 16, 2024

Page 9 of the January 16, 2024 City Council/Public Financing Authority minutes requires correction. Closing paragraphs for agenda items 7 and 8 under the City Attorney's Report were inadvertently transposed and have since been corrected (see revised page 9, attached).

If approved, the minutes for Consent Item No. 9 will indicate that the item was approved as amended by supplemental communication.

Att: Revised Page 9 of January 16, 2024 Minutes

c: File

**SUPPLEMENTAL
COMMUNICATION**

2-6-2024

Meeting Date: _____

9 (24-091)

Agenda Item No.: _____

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, January 16, 2024
4:00 PM — Council Chambers
6:00 PM — Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A video recording of the 4:00 PM and 6:00 PM portions of this meeting is on file in the Office of the City Clerk, and archived at www.surfcity-hb.org/government/agendas/

4:00 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 4:00 PM

ROLL CALL

Present: Moser, Bolton, Burns, Van Der Mark, McKeon, and Kalmick
Absent: Strickland (arrived at 6:00 PM)

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)

Councilmember Bolton acknowledged January 15 as Martin Luther King Jr. Day, expressed disappointment in the City's recent decision to eliminate celebration of heritage months, and shared moral ideologies from Dr. King and early 19th century theologian Theodore Parker.

Mayor Pro Tem Burns acknowledged the Chamber of Commerce Best of HB Awards, congratulated the winners, and noted that City Hall was closed on Monday, January 15 in honor of Martin Luther King.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO STUDY AND/OR CLOSED SESSION ITEMS (Received After Agenda Distribution) — None

PUBLIC COMMENTS PERTAINING TO STUDY AND/OR CLOSED SESSION ITEMS — None

STUDY SESSION

1. 24-019 Water & Sewer Rate Study

Alvin Papa, Deputy Director of Public Works, presented a PowerPoint communication titled *Water and Wastewater Rate Workshop*, with slides entitled: *Infrastructure; Master Plan and Rate Studies; Key WATER Infrastructure Projects; Key SEWER Infrastructure Project; How are these projects/services paid?; Water & Sewer Rate Study; Major drivers in our analysis; Potential Consequences; Reserve Targets for FY 2024; Water Discussion; Current Water Rate Components; Future Water CIP Expenditure; Status Quo: Ending Water Fund Balance; Proposed Water Cash Flow Analysis; Proposed: Water Ending Balance; Water Rate Comparison Fixed O&M Charge (meter) - Per Month; Water Rate Comparison Fixed Capital Charge - Per Month; Water Rate Comparison Fire Service - Per Month; Water Rate Comparison Commodity per \$/ccf; Water Rate Survey for Single Family (3/4 in meter at 9 ccf);*

Wastewater Discussion; Current Sewer Rates; Future Sewer CIP Expenditures; Proposed Sewer Cash Flow Analysis; Sewer Cost of Service Analysis; Proposed Sewer Ending Balance; Wastewater Rate Comparison; Sewer Rate Survey for Single Family; Sample Residential Bill Impact; 5-Year Rate Schedule: Commodity, \$/ccf; 5-Year Water Rate Schedule: Fixed O&M, \$/mo; 5-Year Rate Schedule: Fixed Capital, \$/mo; 5-Year Rate Schedule: Fire Service, \$/mo; 5-Year Sewer Rate Schedule; Next Steps; Prop 218 Rate Change Process; and Questions?

Director of Public Works Chau Vu, Steve Gagnon, Consultant from Raftelis and Anthony Elowsky, Consultant from RDN (Robert D. Niehaus) were also present.

Councilmember Bolton asked for detailed proposed resident costs, year-by-year, for the five-year duration. Deputy Director Papa stated that information will be included in the next memorandum communication. Discussion continued on wastewater charge classifications and how reserve balance is determined.

Councilmember Kalmick asked about drought considerations, specifically related to reduced revenues with reduced usage. Assistant City Manager Travis Hopkins and Consultants noted the fixed fees cover fixed costs and currently provides 45% of the revenue; tiered rates were considered a number of years ago when City Council advised staff to not implement; and Storm Water rates are part of the General Budget process.

Councilmember Moser asked that Commercial clients be included in the educational outreach efforts, in addition to single- and multi-family units.

RECESSED TO CLOSED SESSION — 4:42 PM

A motion was made by Burns, with a second by Kalmick, to recess to Closed Session for items 2-4.

CLOSED SESSION

2. 24-027 **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION.** (Paragraph (1) of subdivision (d) of Section 54956.9). **Whittington (Sherrie) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2022-01282344.**
3. 24-028 **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION.** (Paragraph (1) of subdivision (d) of Section 54956.9). **Kennedy Commission, et al. v. City of Huntington Beach (Beach-Edinger Corridor); Case No.: 30-2015-00801675.**
4. 24-029 **CONFERENCE WITH LABOR NEGOTIATORS** (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Theresa St Peter, Interim Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and Sunny Han, Chief Financial Officer. Employee Organization: The Huntington Beach Firefighters' Association (HBFA).

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:00 PM

ROLL CALL

Present: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
Absent: None

PLEDGE OF ALLEGIANCE — Led by Mayor Pro Tem Burns

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.

5. 24-015 Huntington Beach Police Chaplain Bob Ewing

CLOSED SESSION REPORT BY CITY ATTORNEY — None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Invocation, Item #5 (1 email communication); City Manager's Report, Item #6 (9 email communications); City Attorney's Report #8 (1 email communication); Consent Calendar #9 (1 staff memorandum); #11 (1 email communication); #12 (1 email communication); Administrative Items #19 (2 email communications); Councilmember Items #20 (1 email communication); #21 (1 email communication); #22 (1 email communication).

PUBLIC COMMENTS (2-Minute Time Limit due to volume of speakers) — 49 Speakers

The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas>.

Unnamed Speaker was called to speak and encouraged Councilmembers to attend an upcoming Open House offered by the Orange County Registrar of Voters, so they better understand the existing secure voting process and walk away from efforts to implement an alternative method. (00:50:28)

Tony Daus, Huntington Beach resident, former president of a 500-person engineering firm based in California and former executive vice president of a multi-national engineering firm where he managed Western U. S. operations, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:52:39)

Shirley Dettloff was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:54:50)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:57:04)

Carol Daus, 29-year resident, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (00:59:23)

Martha Elliott, a resident since 1992, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:01:40)

Barbara Richardson, 59-year resident, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:03:59)

Mary Jo Baretich, a 40-year resident, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:05:59)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:08:09)

Unnamed Speaker, homeowner since 1985, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:10:20)

Hera Poon was called to speak and urged a "No" vote on the March 5, 2024, proposed "Measure A" Charter amendment. (01:12:43)

Brianna Lee was called to speak and urged a "No" vote on the March 5, 2024, proposed "Measure B" Charter amendment. (01:14:52)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:17:03)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed "Measure A" Charter amendment. (01:18:13)

Diane Bentley was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:20:24)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:22:15)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:24:05)

Unnamed Speaker was called to speak, asked what happened to the budget surplus this Council inherited, and recommended that Councilmembers focus on the services they should be providing to residents. (01:26:01)

Unnamed Speaker, 35-year resident homeowner and business owner, was called to speak and urged a "No" vote on the March 5, 2024, proposed "Measure A" Charter amendment. (01:28:23)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:31:23)

Michael Craigs, 2-year resident, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:33:34)

Sue Guilford, League of Women Voters of Orange County President, was called to speak and urged a "No" vote on the March 5, 2024, proposed "Measure A" Charter amendment. (01:35:11)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:37:16)

Laura Sire, 60+-year resident, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:40:59)

Tim Geddes, 40-year resident and long-time civic affairs participant, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:43:11)

Mark Dixon, 50+-year resident and Vote Center Lead for the Orange County Registrar of Voters, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:45:06)

Ina Hunter, a 46-year resident, was called to speak and shared her opposition to proposed black-out dates for people with Huntington Beach Parking Permits to ensure parking structure space for visitors during selected events. (01:46:46)

Russ Neal, resident, was called to speak and shared his support for Agenda Item #6 regarding the proposed 2024 Celebration Calendar Program for future themes and acknowledgments. (01:48:56)

Synde was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:51:45)

Elaine Bauer Keeley, 59-year resident, former member of the Human Relations Committee and daughter of Dr. Ralph Bauer, one of the authors of the Policy on Human Dignity, was called to speak and asked Mayor Van Der Mark to publicly acknowledge and support the 1996 Policy on Human Dignity. (01:53:43)

Kathy McGuire, retired high school English teacher, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (01:56:02)

Neal was called to speak and asked for the criteria used to determine whether public speakers get 1,2 or 3 minutes to speak, and shared his opinions on changes the State may mandate for cities that remain noncompliant regarding high density housing. (01:57:28)

Max Ukropina was called to speak and urged a "Yes" vote on the March 5, 2024, proposed Charter amendments. (01:59:30)

Randell Costello was called to speak and asked why his email communications to Councilmembers are not answered. (02:01:28)

Wendy Rincon, 49-year resident, was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (02:03:39)

Kathryn Goddard, a resident since the 1980's, was called to speak and noted that the three Councilmembers she voted for have not been appointed to serve as Council Liaisons and asked Mayor Van Der Mark to correct the situation. Ms. Goddard also noted her positive interactions with many staff members and shared her opinion from reviewing Administrative Items #19, the FY 2023-2027 Strategic Plan, that Councilmembers may be overwhelming staff members. (02:06:11)

Gigi Jackson, resident homeowner, National Association for the Advancement of Colored People Orange County (NAACP — OC) Member and Homeless United Huntington Beach Advocate, was called to speak and announced that today is National Day of Racial Healing. Ms. Jackson asked that Councilmembers reinstate the observance of Black History Month for Huntington Beach and invited everyone to participate in upcoming monthly workshops. (02:08:07)

Britt Hall, National Association for the Advancement of Colored People (NAACP) Criminal Justice Chair, was called to speak and asked that Councilmembers reinstate into the Huntington Beach Charter the celebration of Black History Month to acknowledge Black excellence. (02:10:09)

Deirdre Harris, former Ocean View High School student and National Association for the Advancement of Colored People Orange County (NAACP — OC) President, was called to speak and noted the importance of the National Day of Racial Healing. Ms. Harris asked Councilmembers to reinstate the observance of Black History Month for Huntington Beach to cultivate trust, build relationships and share truth and create a more inclusive community. (02:11:43)

Unnamed Speaker was called to speak and urged a "No" vote on the March 5, 2024, proposed Charter amendments. (02:13:30)

Halona Sudduth, a four-year resident, was called to speak and shared her personal experiences with racism in Huntington Beach. (02:15:54)

Paula Schaffer, a resident for many years, was called to speak and urged a "No" vote on the March 5, 2024, proposed "Measure A" Charter amendment. (02:18:11)

Shaheen Nassar, Council on American — Islamic Relations Member, was called to speak and asked that Councilmembers reinstate the observance of Black History Month for Huntington Beach and demand a cease fire in Gaza. (02:20:21)

Maureen, speaking on behalf of Groundswell and their Hate Crime Prevention Network of Partners like the NAACP and the Green Foundation, was called to speak and described the free monthly series of training and events Groundswell offers. Details can be found at www.wearegroundswell.org. (02:21:59)

Philip Rizzo was called to speak and stated his support for Councilmember Items #20 and #21 regarding Rhone Lane/OC San Reg Miller-Holder Easement and encouraged Councilmembers and City Attorney Michael Gates to continue advocating on behalf of the affected homeowners for a 120-day extension to the OC San deadline of February 1, 2024. (02:24:00)

Amory Hanson was called to speak and stated his support for Councilmember Item #20 regarding Rhone Lane/OC San Reg Miller-Holder Easement. (02:26:37)

Joette was called to speak and described her voter security concerns after multiple days of observing activities at the Orange County Registrar of Voters as ballots were processed in the last election. (02:27:14)

Perry Clitheroe was called to speak, urged a "No" vote on the March 5, 2024, proposed Charter amendments, stated support for Agenda Item #6, the City Manager's Report regarding proposal for the 2024 Celebration Calendar Program, and suggested including recognition of the historical contributions of Tongva people as well as Mexican American history. (02:29:25)

Roger Noor was called to speak and shared his opinions of Police Chief Parra, City Attorney Michael Gates and unwarranted budgets for their respective departments. (02:31:34)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT

Interim City Manager Eric Parra provided an update on the 2023 activities of the Homelessness Task Force.

6. 24-020 Received and Filed the Proposed 2024 Celebration Calendar Program in response to City Council's December 19, 2023, H Item; received input from City Council on the proposed calendar of themes and acknowledgments for 2024 and input on the proposed plan for future themes and acknowledgments

Interim City Manager Eric Parra introduced Public Information Officer Jennifer Carey who presented a PowerPoint communication titled *2024 City Celebration Calendar Program*, with slides entitled: *City Council Item Summary; Proposed 2024 City Celebration Calendar; City Calendar Criteria; January 2024; February 2024; March 2024; April 2024; May 2024; June 2024; July 2024; August 2024; September 2024; October 2024; November 2024; December 2024; Proposed Future Approval Process; and Questions?*

Councilmember Kalmick stated that regardless of how the presented celebrations were selected, he is appalled to see "Columbus" rather than "Indigenous Peoples" Day listed and noted that Rockin' Fig Day and California Surfing Day are missing. He asked what Charter authority allows for Council Liaisons to make final decisions for or against proposed celebrations, how Council Liaisons can be appointed before a committee has been established and its purpose defined, and who appointed the announced Council Liaisons for this proposed committee. Councilmember Kalmick stated this effort will set public policy which should never be decided by just two councilmembers.

Councilmember Bolton asked why staff went beyond what was directed on December 19 by adding secondary acknowledgements, especially items that were specifically stated in the last meeting as not being celebrated such as Women's History Month and Black History Month. Public Information Officer Carey responded that staff understood Councilmembers asked for a cohesive and more collaborative approach for celebrations across all departments and included some secondary acknowledgements in an effort to be transparent.

Councilmember Bolton stated that if any Councilmember has changed their position on any proposed celebration since the last meeting, then the Councilmember should publicly speak for themselves.

Councilmember Moser read specific comments made during the December 19, 2023, meeting by Councilmembers Kalmick and McKeon related to Black History Month and Women's History Month. She continued with repeating her December 19, 2023, comment related to National Heritage Month which received no response. Councilmember Moser noted Councilmember Bolton's question of why does it have to be either the proposed calendar or the existing commemorations and why do we have to eliminate the celebration of Women's History Month in 2024?

Councilmember Moser continued by noting Councilmember McKeon responded, "This doesn't preclude that from happening in future years. The committee will look at it. I like the way it is written for 2024." Councilmember Bolton then offered a friendly amendment that included the proposed list in addition to the commemorative months that the City already has on the books. Councilmember McKeon stated he would not support that because he liked the way it was written. Councilmember Moser noted that during the December 19 meeting, Mayor Pro Tem Burns responded that those are being celebrated every place else outside of our libraries.

Councilmember Moser added it was very clearly stated that Women's History Month and Black History Month were not included in the action approved by the Council majority at the December 19, 2023, meeting, and she believes staff tried to protect the City by including those celebrations in tonight's report either as a reaction to the public outcry on social media or because it is wrong to exclude these two months. She continued that it is not okay for staff to modify a Council decision without a source of authority to do so, and reiterated that transparency, procedure and source of authority is important to being honest with the public.

Councilmember Moser noted there was no staff report or action item(s) for this City Manager's Report and referenced the Council Manual under consideration which states it is not appropriate to take action after a City Manager's Report. She invited Councilmember McKeon to respond.

Councilmember McKeon stated he believes it is pretty clear that within selected monthly themes that Federal and other celebrations will be included. He added that the Council minority appears to be more focused on tearing down the Council Majority than collaborating for solutions. He stated this report is a starting point for the committee to modify or not moving forward.

Councilmember Strickland asked that Mayor Van Der Mark direct Councilmembers to be more deliberative and focused on the topic without attacking each other.

Councilmember Kalmick stated he believes there is a need for a communications protocol and Councilmember McKeon now stating that the overarching themes are there, but we will still acknowledge Black History or Women's History months at a lesser level does clarify his intention. He continued by stating that intention was not clear at the last meeting, and described his communication with staff regarding his questions and surprise that staff responded that the Council Liaisons would consider his questions. As a Councilmember he had no knowledge that Council Liaisons had been appointed.

Councilmember Bolton stated creating a celebratory calendar should not be the work of a governing legislative body of the City and she cannot support this item because there are other items that Councilmembers should be focused on.

Councilmember Moser stated that she specifically asked at the December 19, 2023, meeting that this be an action item that Councilmembers could vote on to correct or proceed in some way but there are no action items with this item.

City Attorney Michael Gates responded by clarifying the item is listed as an H Item Report because the topic was presented as an H Item in December, requesting a report within 60 days. He stated that Council can present a motion to make any changes they would like because this item is properly agendaized.

Councilmember Kalmick clarified the motion from the December 19, 2023, meeting was that staff should return with a procedure for determining approval of any new day and week programs.

City Attorney Gates reiterated several times during the ongoing discussion that what was presented tonight was consistent with the December 19, 2023, Council direction, and if Council was not satisfied with this response, they can make a motion to request something different.

A motion was made by Strickland, second Burns to receive and file the proposal for the 2024 Celebration Calendar Program in response to City Council's December 19, 2023, H Item. Request input from City

Council on the proposed calendar of themes and acknowledgments for 2024 and input on the proposed plan for future themes and acknowledgments.

The motion carried by the following roll call vote:

AYES: Burns, Van Der Mark, Strickland, and McKeon
NOES: Moser, Bolton, and Kalmick

CITY ATTORNEY'S REPORT

7. 24-042 Update provided on the status, post-judgment, of the City's lawsuit in State Court — City of Huntington Beach v. State Department of Finance involving Redevelopment Reimbursements

City Attorney Michael Gates reported that the City prevailed in the City of Huntington Beach v. State Department of Finance lawsuit which was filed in 2018. The first court ruling in 2022 determined that Huntington Beach was entitled to reimbursement from the State for the Emerald Cove Redevelopment loan. It was anticipated to be a \$5.2M reimbursement, however, after including interest the State is in the process of paying the City \$6.8M. In 2023 the court ruled a second time in the same lawsuit that the City of Huntington Beach was entitled to reimbursement for another loan, known as the Waterfront Loan. It was anticipated that the \$22.4M loan, plus interest, may equal about \$25M coming back to the City of Huntington Beach.

The County's Oversight Board meeting earlier this day took action by approving the Waterfront Loan payment reimbursement pursuant to the court order, in the amount of \$30,464,000, and the City will now be submitting for payments for reimbursement of \$30,464,000.

➔ Councilmember Bolton asked to see a copy of the County Oversight Board's action related to this case, and City Attorney Michael Gates responded he would send Councilmembers a copy of the County Oversight Board's meeting agenda.

8. 24-043 Update provided on the status involving the City's Appeal to the Ninth Circuit Court of Appeals — City of Huntington Beach v. State of California involving the City's challenge to the State RHNA mandates

City Attorney Michael Gates reported on the City's appeal to the Ninth Circuit Court of Appeals for City of Huntington Beach v. State of California involving the City's constitutional challenge to the State RHNA mandates. Initially the Federal District Court dismissed the City's federal lawsuit claiming that City plaintiffs lacked standing to maintain a lawsuit in Federal Court, however, the Federal Court relied on a previous case that involved only a general law city, not a charter city, which is an important distinction. On January 11, 2024, an Appeal Brief was filed at the Ninth Circuit Court of Appeals to request the lower court's ruling be reversed and the City's case challenging the State's RHNA mandates in Federal Court be reinstated. The reasons set forth, among others, include that as a Charter City, with individual plaintiffs (then Mayor Strickland and then Mayor Pro Tem Van Der Mark), all have standing to seek redress in Federal Court for violation of their constitutional rights. The City Attorney's Office will let everyone know when a hearing date, time and location has been set, and will keep everyone apprised of events as they occur in this case.

➔ Councilmember Bolton confirmed with City Attorney Gates that the State's opposition to the City's appeal brief is due about March 1, 2024.

CONSENT CALENDAR (Items 9-18)

Councilmember McKeon pulled Consent Calendar Items #10 and #11 for further discussion.

City Clerk

9. 24-010 Approved and Adopted Amended Minutes

A motion was made by Kalmick, second Burns to approve and adopt the City Council/Public Financing Authority regular meeting minutes of December 19, 2023, **as amended by Supplemental Communication.**

The motion as amended carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

10. 23-1056 Received and filed the City Clerk's quarterly listing of professional services contracts filed in the City Clerk's Office between January 1, 2023, and September 30, 2023

Councilmember McKeon pulled this item to state his concern about the expense for consultants, because he believes staff is able to perform at least some of the outsourced functions and asked how he can help with a process to review the use of consultants.

A motion was made by McKeon, second Burns to receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk during the period of January 1, 2023 and March 31, 2023;" and, receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk during the period of April 1, 2023 and June 30, 2023;" and, receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk during the period of July 1, 2023 and September 30, 2023."

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

11. 24-009 Conducted Annual Review of the City Code of Ethics

Councilmember McKeon pulled this item to change "equity" to "equality" under the "Fairness" Section of the City Code of Ethics.

Councilmember Kalmick asked Councilmember McKeon to define each of the words. Councilmember McKeon responded that for him equity means the same outcome, which is impossible.

Councilmember Bolton stated her understanding is just the opposite, or that the rising tide raises all boats, and noted that a dictionary is needed.

Mayor Van Der Mark stated that in this situation, she believes "equality of opportunity" is the intent and she supports the amended motion.

A motion was made by Moser, second Kalmick to 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.

The motion failed by the following roll call vote:

AYES: Moser, Bolton, and Kalmick
NOES: Burns, Van Der Mark, and McKeon
ABSTAIN: Strickland

After Councilmember Strickland abstained from voting, Councilmember Kalmick requested that City Attorney Gates send him the Robert's Rules of Order reference which describes whether a public meeting representative can abstain from voting on an issue without providing a reason.

A motion was made by McKeon, second Van Der Mark to 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, **as amended to change "equity" to "equality" under the "Fairness" Section in Exhibit "A" of Resolution No. 2016-73.**

The motion as amended carried by the following roll call vote:

AYES: Burns, Van Der Mark, Strickland, and McKeon
NOES: Moser, Bolton, and Kalmick

Community and Library Services

12. 24-014 Approved reappointments to the Independence Day Board with terms to expire September 30, 2027

A motion was made by Kalmick, second Burns to as recommended by City Council Member Liaisons Van Der Mark and McKeon, approve the reappointment of Andi Kowal, Pat Love, Lisa Marie Moreo, Don Ramsey, and Linda Vircks to the Independence Day Board with terms to expire September 30, 2027.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Human Resources

13. 24-007 Adopted Resolution 2024-03 appointing Danielle Tellez as Interim Director of Human Resources and approving the Employment Agreement

A motion was made by Kalmick, second Burns to adopt Resolution No. 2024-03, "A Resolution of the City Council of the City of Huntington Beach Appointing Danielle Tellez as Interim Director of Human Resources;" and approve and authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and Danielle Tellez".

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

14. 24-008 Adopted Resolution 2024-04 Modifying the Non-Elected Non-Represented Employee Pay Schedule to Amend the Compensation for the Assistant City Manager, Fire Chief, and Police Chief effective Fiscal Year 23/24 through Fiscal Year 26/27

A motion was made by Kalmick, second Burns to adopt Resolution 2024-04, "A Resolution of the City Council of the City of Huntington Beach Modifying the Non-Elected Non-Represented Employees Pay Schedule to Amend the Compensation for the Assistant City Manager, Fire Chief, and Police Chief effective Fiscal Year 23/24 through Fiscal Year 26/27"; and authorize City Manager or designee to take all administrative and budgetary actions necessary to implement Resolution No. 2024-04.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

15. 23-1074 Adopted Resolution No. 2024-01 approving and implementing the Memorandum of Understanding between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for January 1, 2024, through December 31, 2026; and authorize appropriation of funds

A motion was made by Kalmick, second Burns to adopt Resolution No. 2024-01, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Fire Management Association and the City of Huntington Beach for the period January 1, 2024, and December 31, 2026; and, authorize City Manager or designee to take all administrative and budgetary actions necessary for implementation of Resolution No. 2024-01.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

16. 23-1075 Adopted Resolution No. 2024-02 approving and implementing the Memorandum of Understanding between the Huntington Beach Fire Association (HBFA) and the City of Huntington Beach for January 1, 2024, through December 31, 2026; and authorized appropriation of funds

A motion was made by Kalmick, second Burns to adopt Resolution No. 2024-02, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Firefighters' Association and the City of Huntington Beach for the period January 1, 2024, through December 31, 2026; and, authorize City Manager or designee to take all administrative and budgetary actions necessary for implementation of Resolution No. 2024-02.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Public Works

17. 23-1055 Approved and executed the Second Amendment with Los Angeles SMSA to the Schedule of Leased Property for Fire Station No. 7

A motion was made by Kalmick, second Burns to approve the Second Amendment with Los Angeles SMSA to Schedule of Leased Property for Fire Station No. 7; and authorize the Mayor and City Clerk to sign and execute the Second Amendment to Schedule of Leased Property for Fire Station No. 7.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

Police

18. 24-011 Adopted Ordinance No. 4303 Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking — Time Limits (Approved for Introduction on 12/19/2023 by a vote of 7 – 0)

A motion was made by Kalmick, second Burns to adopt Ordinance No. 4303, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking - Time Limits" to address special permits regarding parking time limits for recreational vehicles.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

ADMINISTRATIVE ITEMS

19. 23-1071 Received and Filed FY 2023-2027 Strategic Plan — Biannual Progress Update #1

Catherine Jun, Assistant to the City Manager, presented a PowerPoint communication titled *City of Huntington Beach Strategic Planning 2023-2027*, with slides entitled: *Background; Overview of the Plan; Overall Progress as of January 2024; Goal 1: Economic Development; Goal 2: Fiscal Sustainability; Goal 3: High Performing Organization; Goal 4: Homelessness; Goal 5: Housing; Goal 6: Infrastructure Investment; Goal 7: Public Engagement; Goal 8: Public Safety; FY 2024-25 Projects - Upcoming Funding Needs; and Recommendation.*

Councilmember Moser stated appreciation for the detailed spreadsheet that includes Key Performance Indicators (KPIs) which are pretty specific for each project and requested staff to also include broader Key Performance Indicators, as she believes the public may not necessarily be interested in the individual projects. She used the Homelessness category to further explain her request to see KPIs for outcomes as well as processes to provide a better long-term view.

A motion was made by Moser, second Burns to receive and file the FY 2023-2027 Strategic Plan - Biannual Progress Update #1, ***as amended to request staff to return in July with more broad Key Performance Indicators for each of the Success Indicators identified.***

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

COUNCIL MEMBER ITEMS

Mayor Van Der Mark called for a concurrent discussion for Items #20 and #21.

- 20. 24-039 Approved Amended Item Submitted by Mayor Pro Tem Burns — Council Recommended Action Regarding Rhone Lane/OC San Reg Miller-Holder Easement**
- 21. 24-046 Approved Amended Item Submitted by Council Members Bolton, Kalmick and Moser — Rhone Lane - OC San Easement Issue**

Mayor Pro Tem Burns stated that OC San wants to exercise their 60-year-old Miller-Holder Easement west of Rhone Lane and south of Heil Avenue. He noted that during the years many homeowners have placed items such as plants, pools and sheds over the 69-inch raw sewage pipe that runs under the easement. The raw sewage pipe was installed before any homes were built, and OC San is trying to work with homeowners. Mayor Pro Tem Burns stated everyone agrees there is an easement, and Item #20 directs the City Manager and City Attorney to work with OC San and the residents and homeowners of Rhone Lane affected by the Miller-Holder easement towards an agreeable solution if asked by both OC San and the Owners/Residents.

Councilmember Kalmick stated that the Brown "Open Meetings" Act precluded allowing Councilmembers to discuss this item before this meeting which resulted in two items on this topic for the Agenda. He believes the goal for Items #20 and #21 are the same, i.e., for the City to advocate on behalf of the residents for more time to resolve the situation, especially since it appears there is currently no OC San budgeted project. He stated he doesn't believe that OC San will ask for any help with this issue, and he is disappointed in how OC San has handled this situation with no advance warning and only a 60-day timeline during major holidays.

Mayor Pro Tem Burns clarified that the Miller-Holder Easement is a 30-foot easement with about a 20-foot encroachment for most parcels.

Councilmember Kalmick noted that OC San basically needs to give their trucks access to clean out the line every 6 to 8 weeks with an inverse siphon, as well as access during an emergency. He has suggested that since this pipe is most likely near its end of life, it could possibly be relocated under a street to provide better public access. He stated the intent of Item #21 is to provide more time for homeowner/resident response and opportunity to consider alternate solutions. He added that moving fences will create additional open space to attract nuisance conditions such as the trash, fire and homeless issues that already exist. He suggested the possibility of accessing the pipe through the flood channel as an alternate option and offered his time to support residents in maneuvering through this situation.

Mayor Pro Tem Burns and Councilmember Kalmick noted that OC San has made multiple attempts in the past to manage the easement. Mayor Pro Tem Burns stated his hesitation to have the City too heavily involved in this matter since it appears that each property has a unique situation which may require a unique solution. He does support the City getting involved if the communication between the

homeowners and OC San breaks down and each side then requests the City's involvement only because they have exhausted their options.

Councilmember Strickland and City Attorney Michael Gates discussed the urgency of this situation. City Attorney Gates noted that OC San attorneys had reached out to him because of their impasse with homeowners and expressed their concerns about the age of the pipe. He agreed there may be alternate solutions to consider for accessing the pipe and opined that there is a difference between an easement that basically holds a right of certain use to someone else's property, or one that is transmuted into complete and entire ownership and total possession of the entire ground surface which he noted is really owning it in fee, not an easement.

City Attorney Gates stated that if the City Council took action tonight and sent a message they would like to help facilitate a solution, it would go a long way to keep things moving. He added that if this situation ends up in court, then everyone loses, and the effort should be to reach an acceptable compromise.

Councilmember Kalmick agreed that everybody loses if this ends up in court and believes this is somewhat of an emergency due to the OC San February 1, 2024, deadline.

Mayor Pro Tem Burns stated he has read all the paperwork, talked to people on both sides of the issue, and as the OC San Liaison for Huntington Beach is aware that this raw sewage pipe is part of a system that serves seven cities. He reiterated his position that the City should not get legally involved because both sides have had years to work through this.

City Attorney Gates clarified he has spoken with the OC San attorneys and approximately half a dozen residents regarding this matter. Everyone has a different idea as to where that pipe is, and there isn't even agreement on what the easement means. He stated he is willing to continue discussions with OC San attorneys, and suggested Public Works may have access to old records which could be helpful.

Councilmember Bolton stated she would support a motion that asks OC San to push back their February 1, 2024, deadline and offers City support for facilitating continued conversation. She described her experience of a site visit and noted the existing fire and drug activity reported on the land between the property walls to where the railroad tracks are. She stated her interest in knowing what solution is developed by OC Sans to understand how it could impact those existing problems.

Councilmember Moser stated a second to Councilmember Bolton's motion but questioned if the request could postpone action for 120 days to address this issue. She reported on her site visit and suggested the City help determine how the issues of graffiti, fires and purported drugs will be addressed and who is responsible for maintaining the potentially increased open space behind residences and businesses.

A motion was made by Bolton, second Moser to request that the Huntington Beach City Council direct the City Manager and City Attorney to work with OC San and the residents and homeowners of Rhone Lane affected by the Miller-Holder easement towards an agreeable solution if asked by both OC San and the Owners/Residents; and, the City Council requests OC San pause its action ~~for 60 days~~ on this issue at its meeting on January 17, 2024. (We asked the OC San Board Chair to agendaize this issue as a placeholder in preparation for our vote tonight, or failing that, at a Special Meeting). We should further engage the City Manager and City Staff to work with OC San staff on additional options available to residents affected by this encroachment. And, if appropriate, have staff convene a town hall with residents and appropriate parties to discuss the issue, ***as amended to direct the City Attorney and staff to make a request of OC San to consider postponement of action for 120 days, and in the spirit of cooperation, offer the City's assistance to facilitate a conversation with OC San representatives to consider alternatives for resolution of the easement issue.***

The motion as amended carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
NOES: None

22. 24-045 Denied Item Submitted by Council Members Bolton, Kalmick and Moser — Expedited Plan Check for Development

Councilmember Kalmick opened this item by describing a One Stop Shop tour in Riverside several months ago as well as a comment from a Huntington Beach business owner that it took four months for a plan check for tenant improvements, as the impetus for this item. He noted the Riverside plan is totally voluntary, and the business or developer pays for the extra costs such as staff overtime to expedite their project, and the expedited service is only available if staff wants to provide it. If staff does not want to provide expedited service, the que is closed.

Councilmember Kalmick acknowledged that various City departments would be impacted, and implementation would include negotiating with Bargaining Units. He added this item is presented now in order to allow appropriate time for inclusion in Bargaining Unit contracts that are anticipated to expire at the end of the year. He added this is a pro-business effort option for Huntington Beach.

Councilmember McKeon stated the One Stop Shop is already in process, the expedited option is part of the current Fee Study, and when the Fee Study is presented will be the appropriate time to address with the Bargaining Units. Therefore, this appears to be an unnecessary duplicative effort.

Mayor Van Der Mark stated she believes this proposal is already being addressed by staff as the City Manager was also part of the Riverside tour. Councilmember McKeon asked Jennifer Villasenor, Director of Community Development, on the status of the current effort.

Director Villasenor responded that Council requested an expedited plan review be included in the Fee Study which is being done right now and is expected to be returned for Council review within three or four months, probably along with the budget.

Councilmember Kalmick agrees it is being studied, but the effort with this item is to begin policy direction as soon as possible. He also agreed there will be a lot of tiers to setting up the One Stop Shop plan and this item will move the project to the top tier to ensure it is part of the up-coming Bargaining Unit discussions. He sees this as providing an opportunity for a business or developer to effectively hire their own plan checker while giving City staff first opportunity for the work. He sees this as a program offered only when staff is available and willing to put in the time. At this point it is unknown how much time could be saved on any given project.

Councilmember Moser stated that the One Stop Shop concept has already been approved, and this item is an effort to expedite the process of including the potential for overtime in Bargaining Unit negotiations this year.

Councilmember Kalmick stated this could be a win/win for everybody. Potentially shortening the time to open a business for which staff gets paid overtime.

With Councilmembers continuing to repeat their positions, Mayor Van Der Mark called for a motion.

A motion was made by Kalmick, second Bolton to direct the City Manager to work with Bargaining Units and the necessary City Departments (e.g. Community Development, Public Works, Fire etc.) to create a voluntary, expedited plan check process with either City Employees (priority) and/or contracted plan checkers to help expedite the process of getting plans approved. All costs would be borne by the Expedited Plan Check applicant, not the City.

The motion failed by the following roll call vote:

AYES: Moser, Bolton, and Kalmick
NOES: Burns, Van Der Mark, Strickland, and McKeon

ADJOURNMENT — at 9:28 PM a motion was made by Strickland, with a second by Burns, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, February 6, 2024, 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>

City Clerk and ex-officio Clerk of the City Council
of the City of Huntington Beach and Secretary of
the Public Financing Authority of the City of
Huntington Beach, California

ATTEST:

City Clerk-Secretary

Mayor-Chair