

Minutes

City Council/Public Financing Authority Regular, and Special Meetings of the Housing Authority City of Huntington Beach

Tuesday, February 7, 2023
3:30 PM – Council Chambers
6:00 PM – Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

3:30 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 3:34 PM

ROLL CALL

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

CITY COUNCILMEMBER COMMENTS (3-Minute Time Limit)

Councilmember Moser reported facts related to the recent stabbing incident at a local establishment.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS FOR CLOSED SESSION ITEMS

(Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet:

Closed Session Announcements

#1 (23-107) Memorandum received from Robin Estanislau, City Clerk, regarding correction to Mayor's closed session announcement

PUBLIC COMMENTS — None

RECESSED TO CLOSED SESSION — 3:39 PM

A motion was made by Kalmick, second Burns to recess to Closed Session.

CLOSED SESSION ANNOUNCEMENT(S)

1. 23-107 Mayor Strickland announced: 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 (HBPOA).

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

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY REGULAR MEETING AND SPECIAL MEETING OF THE HOUSING AUTHORITY — 6:02 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Councilmember Moser

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. 22-1117 Mike Michaud of Dance4Joy Ministries and member of the Greater Huntington Beach Interfaith Council

Mayor Strickland asked for a moment of silence in memory of Alyssa "Aly" West, a Huntington Beach High School student who tragically passed away this last week.

CLOSED SESSION REPORT BY CITY ATTORNEY — None

Mayor Strickland announced that Agenda Items #15, #28, #29 and #31 were removed for consideration at this meeting.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet:

Consent Calendar

#11 (23-076) Thirteen (13) emails received regarding Ordinance No. 4276 amending Chapter 2.07 of the HBMC relating to Campaign Reform.

#12 (23-077) Eleven (11) emails received regarding Ordinance No. 4277 amending Chapter 1.18 of the HBMC relating to anonymous complaints.

Administrative Items

#25 (23-097) Memorandum to City Council submitted by Chris Slama, Director of Community & Library Services regarding corrections to the RDG Planning & Design, Inc. Amendment.

Ordinances for Introduction

#27 (23-066) Memorandum received from Robin Estanislau, City Clerk regarding correction to Ordinance No. 4274 for introduction.

Councilmember Items

#30 (23-109) Letter from Peter S. Levi, Regional Director of the Anti-Defamation League (ADL) received regarding the request to prepare an Ordinance limiting flag displays at City facilities.

Letter from Stephanie Camacho-Van Dyke, Director of Advocacy and Education at The LGBTQ Center OC received regarding the request to prepare an Ordinance limiting flag displays at City facilities.

Two hundred seventy-five (275) email communications received regarding the request to prepare an Ordinance limiting flag displays at City facilities.

#31 (23-118) Seven (7) email communications received regarding SB9 and SB10 impacts on Huntington Beach. This item had been pulled from consideration.

#32 (23-119) Twenty-eight (28) email communications received regarding the request to reinstate remote citizen participation at public meetings.

#33 (23-120) Two (2) email communications received regarding the request to review group home regulations in the City.

#34 (23-123) Two (2) email communications received regarding the request to commence a Development Impact Fund (DIF) Study.

PUBLIC COMMENTS (3-Minute Time Limit) — 57 In-Person 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>.

Suzan Neil, a resident of Huntington Beach, was called to speak and stated her support for Councilmember Items #32 regarding request to reinstate remote citizen participation in public meetings. Ms. Neil also stated her opposition to Consent Calendar Item #12 regarding Ordinance No. 4277 related to no longer allowing anonymous business complaints for code violations. (00:12:44)

Kelly Jones, representing Senator Dave Min, was called to speak and read a statement in opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:15:13)

Robin Estanislau, Huntington Beach City Clerk, was called to speak and shared her support for Councilmember Items #32 regarding request to reinstate remote citizen participation in public meetings. (00:16:28)

Andrew Einhorn, a long-term resident of Huntington Beach, was called to speak and shared his opinions related to hateful comments and prejudiced actions. (00:17:51)

Joclyn Rabbitt-Sire, a 23-year resident of Huntington Beach, was called to speak and stated her opposition to Consent Calendar Item #11 regarding campaign reform; opposition to Councilmember Items #30 regarding flag displays at City facilities; support for Councilmember Items #32 regarding request to reinstate remote citizen participation in public meetings; and opposition for any efforts to eliminate the City's partnership with the Orange County Power Authority (OCPA). (00:20:13)

Margaret Robinson, a resident of Huntington Beach, was called to speak and stated her support for Councilmember Items #32 regarding request to reinstate remote citizen participation in public meetings, and her opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:21:58)

Stephanie Camacho-Van Dyke, Director of Advocacy and Education, LGBTQ Center OC, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:24:07)

Dollie Bootler, Program Assistant, LGBTQ Center OC, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:26:15)

Avery Counts, a life-long resident of Huntington Beach, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:27:04)

Armen Bagdasarian was called to speak and shared his support for keeping Main Street closed to vehicular traffic and open for outside dining with better regulation. (00:28:35)

Stephen Quinn, a long-time resident of Huntington Beach, was called to speak and stated his support for Councilmember Items #30 regarding flag displays at City facilities. (00:31:52)

Shirley Dettloff, a resident of Huntington Beach since 1964, former Mayor and Councilmember who participated in writing the Human Dignity Statement, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:33:04)

Connie Boardman, a former Mayor and Huntington Beach Councilmember, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City Facilities. (00:36:32)

Arthur Estrada was called to speak and stated his support for Councilmember Items #32 regarding request to reinstate remote citizen participation in public meetings. (00:39:52)

Karen Jackle, HB Reads One Book Director, was called to speak and announced the book for this year is *Still Sideways*, by Devon Raney, who will be in Huntington Beach on March 9 for a free Evening With the Author and book-signing event, 6:00 PM at Huntington Beach Main Library. The HB Reads fundraiser will also be at the Huntington Beach Main Library from 4 – 6 PM on March 9. (00:41:15)

Alene Tober Capeci, a resident of Huntington Beach, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:43:05)

Cathey Ryder, a resident of Huntington Beach since 1985, was called to speak and stated her opposition to Consent Calendar Item #12 regarding Ordinance No. 4277 related to no longer allowing anonymous business complaints for code violations. She further stated her support for Councilmember Items #32 regarding request to reinstate remote citizen participation at public meetings. (00:44:43)

Alex Mohajer, Stonewall Democratic Club President, was called to speak and stated his personal opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:47:13)

Kathy Carrick was called to speak and shared her support for the newly elected Councilmembers, and stated her support for Councilmember Items #30 regarding flag displays at City facilities. (00:50:30)

Steven Martin, who grew up in Huntington Beach, was called to speak and stated his opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:52:43)

Zekiah Wright, West Hollywood Commissioner, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities. (00:56:01)

Ben Faiella, a mobile home resident of Huntington Beach for 18 years, was called to speak, shared his personal experience with rental increases, and asked that Councilmembers support efforts for a Mobile Home Rent Stabilization Ordinance to protect the City's senior residents. Councilmember Kalmick asked him to complete a blue card for staff follow-up. (00:59:45)

Kathleen Johnson, a resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. Ms. Johnson also shared her unsatisfying personal experience recently, related to trying to assist a young disoriented homeless individual. Councilmember Moser asked her to complete a blue card for staff follow-up. (01:03:12)

Unnamed Guest was called to speak and stated his opposition to Councilmember Items #30 regarding flag displays at City facilities, and support for Councilmember Items #32 regarding request to reinstate remote citizen participation in public meetings. (01:06:35)

Jeanne Farrens was called to speak and stated her opposition to Consent Calendar Item #11 regarding adopting Ordinance No. 4276 relating to campaign reform. (01:08:10)

Braunwyn Windham Burke, a former resident of Huntington Beach for 45 years and Grand Marshall for OC Pride this year, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (01:10:13)

Lena Osborne was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (01:11:57)

Rich Bowman, a 20-year resident of Huntington Beach, was called to speak and stated his support for Councilmember Items #32 regarding request to reinstate remote citizen participation at public meetings. (01:13:46)

Ashley Williamson, a resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (01:16:39)

Unnamed Guest was called to speak and stated her support for Councilmember Items #32 regarding request to reinstate remote citizen participation at public meetings. She also stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (01:20:03)

Rev. Judy Tomlinson, a resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (01:23:10)

Maureen was called to speak and stated her opposition to Consent Calendar Item #12 regarding adoption of Ordinance No. 4277 relating to anonymous complaints. (01:24:51)

Roger Noor was called to speak and shared his unsatisfactory experience with the Huntington Beach Police Department regarding his vehicle. (01:28:08)

Pat Goodman, a resident of Huntington Beach, was called to speak and shared her opinions regarding financial considerations and housing responsibilities as discussed at the January 17, 2023, Council meeting regarding City resources used to address homelessness and plan to enforce City and State laws relating to homelessness. (01:32:24)

Mary Jo Baretich, a 40-year resident of Huntington Beach and Mobile Home Advisory Board Member, was called to speak and shared her opinions on Consent Calendar Item #11 regarding adoption of Ordinance No. 4276 relating to campaign reform. (01:35:39)

Bobbi King was called to speak and stated her support for Councilmember Item #32 regarding the request to reinstate remote citizen participation at public meetings. (01:38:20)

Allie Plum, a mobile home resident of Huntington Beach, was called to speak and shared her support for a comprehensive mobile home market study as recommended by the Mobile Home Advisory Board at their January 23, 2023 meeting. Ms. Plum stated her opposition to Councilmember Items #30 regarding flag displays at City facilities, and support for Councilmember Items #32 regarding the request to reinstate remote citizen participation at public meetings. (01:40:04)

Doug Von Dollen was called to speak and stated his opposition to Consent Calendar Item #11 regarding adoption of Ordinance No. 4276 relating to campaign reform. (01:42:53)

Kathryn Goddard, a resident of Huntington Beach since the 1980s, was called to speak and stated her opposition to Consent Calendar Item #11 regarding adoption of Ordinance No. 4276 relating to campaign reform. (01:45:48)

Cat Navetta, a resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (01:47:37)

Rylee Emch, a resident of Orange County, was called to speak and shared his opinions regarding the generally unfair treatment of LGBTQ community members. (01:50:12)

WynDee Swartz, a resident of Huntington Beach, was called to speak and shared her safety concerns related to the Glen Mar tract frontage fence, especially at Adams Avenue and Bushard Street. She thanked Public Works Director Sean Crumby for his support, and asked that the new Councilmembers support his plans for the project to restore the Glen Mar frontage fence. (01:52:52)

Dr. Richard Harrison, a 25-year resident of Huntington Beach and Community and Library Services Commissioner, was called to speak and stated his opposition to Councilmember Items #30 regarding flag displays at City facilities. (01:55:56)

Dave Sullivan, Former Mayor and Huntington Beach Councilmember, was called to speak and stated his support for Councilmember Items #30 regarding flag displays at City facilities. (02:00:04)

Ken Inouye, a 50-year resident of Huntington Beach, was called to speak and stated his opposition for Councilmember Items #30 regarding flag displays at City facilities. (02:03:13)

JoDee Preston, a resident of Huntington Beach since 1981, was called to speak and stated her support for Councilmember Items #30 regarding flag displays at City facilities. (02:04:19)

Sean Drexler, a resident of Orange County, was called to speak and stated his opposition to Councilmember Items #30 regarding flag displays at City facilities. Mr. Drexler also stated his support for Councilmember Items #32 regarding the request to reinstate remote citizen participation at public meetings, and asked that Consent Calendar Item #11 regarding adoption of Ordinance No. 4276 be withdrawn for further consideration. (02:07:20)

Laura Sire, a long-time resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (02:10:04)

Mike B, a resident of Huntington Beach for 30 years, was called to speak and shared his opinions on the LGBTQ+ student community based upon his experience as a school counselor and teacher. (02:13:25)

Nathan Schneekloth Renè who grew up in Huntington Beach, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities. (02:16:43)

Jackie Steele, Stonewall Democratic Club Chair, City of North Hollywood Public Safety Commissioner, and Former Chair of the North Hollywood LGBTQ Advisory Board, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities, and support for Councilmember Items #32 regarding the request to reinstate remote citizen participation at public meetings. (02:19:10)

Unnamed Guest was called to speak and stated her support for Councilmember Items #30 regarding flag displays at City facilities. (02:22:24)

Eva Ayla Rains, a resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 regarding flag displays at City facilities. (02:25:59)

J R Owens was called to speak and stated his opposition to Consent Calendar Item #12 regarding adoption of Ordinance #12 relating to anonymous complaints, and noted his questions regarding Consent Calendar Item #16 relating to how Waymakers, the City's Victim and Witness Assistance Services provider, will benefit through approval of the Violence Against Women Act Grant. Mr. Owens also stated his opposition to Councilmember Items #30 regarding flag displays at City facilities. (02:27:49)

Jignesh Padhiar was called to speak and asked if Huntington Beach has a policy for dealing with homeless individuals who come from other communities. Mr. Padhair stated his support for Councilmember Items #30 regarding flag displays at City facilities. (02:31:13)

S J, a resident of Irvine, was called to speak and stated opposition to Councilmember Items #30 regarding flag displays at City facilities. S J also stated support for Councilmember Items #32 regarding the request to reinstate remote citizen participation at public meetings. (02:34:05)

John Briscoe was called to speak and called attention to certain comments made by Mayor Pro Tem Van Der Mark on social media. (02:36:18)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING

Mayor Strickland, Mayor Pro Tem Van Der Mark, Councilmembers Burns and McKeon each reported attending the League of California Cities Academy for New Mayors and Councilmembers.

OPENNESS IN NEGOTIATION DISCLOSURES

Councilmember Kalmick reported meeting with the Huntington Beach Police Officers' Association (HBPOA).

CITY MANAGER'S REPORT

7. 22-696 Welcomed New OneHB Team Members

City Manager Al Zelinka announced that in the month of January seven new OneHB members joined the City team.

CITY TREASURER'S REPORT

8. 23-036 Presentation of the Investment Advisory Board Annual Report by City Treasurer

Due to lack of a quorum, the special meeting of the Investment Advisory Board was not held, and roll call was not taken.

City Treasurer Alicia Backstrom presented a PowerPoint communication entitled *Investment Advisory Board 2022 Annual Report, Huntington Beach City Council* with slides titled: *City of Huntington Beach Investment Advisory Board; 2022 Investment Advisory Board Members; 2022 Annual Report; and Investment Advisory Board.*

A motion was made by McKeon, second Burns to receive and file the Investment Advisory Board's Annual Report.

The motion carried by the following roll call vote:

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

9. 23-111 Received and Filed the City Treasurer's December 2022 Quarterly Investment Summary Report

City Treasurer Alisa Backstrom presented a PowerPoint communication entitled *Quarterly Investment Report Quarter Ended: December 30, 2022* with slides titled: *Investment Portfolio - Summary at 12/31/22, Investment Portfolio - Investments By Type at 12/31/22, Investment Portfolio - Selected Activity Quarter End 12/31/22, Investment Portfolio Earnings Month/Quarter End 12/31/22, Interest Rates - US Constant Maturity Treasury Rates 1/1/2022 - 12/30/22; Selected Investment Policy Compliance Requirements at 12/31/22; and Summary.*

A motion was made by Strickland, second Kalmick to 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.

The motion carried by the following roll call vote:

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

CITY CLERK'S REPORT

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

Kathie Schey, City Archivist, presented a PowerPoint communication entitled *California Revealed!* with slides titled: *No Cost to City, Thousands of \$ in Value; and Outreach — Thousands of Viewers Worldwide.* Archivist Schey closed her presentation with a 1-minute composite video clip of the last day of the old Huntington Beach Pier to demonstrate the history that is being preserved through grant funds.

CONSENT CALENDAR

Councilmember Kalmick pulled items #11, and #12; Councilmember Moser pulled item #13 for further discussion.

Office of City Attorney

11. 23-076 Adopted 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)

A motion was made by Kalmick to Adopt **TABLE** 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" **for further analysis and consideration**. The motion received no second.

A substitute motion was made by Strickland, second Burns to 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."

The motion carried by the following roll call vote:

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

12. 23-077 Adopted 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)

Councilmember Kalmick pulled this item to amend the "exemption" section (end of first paragraph) "businesses operating not in compliance with the Huntington Beach Zoning Code, or land use controls, are exempt from anonymous reporting to Code Enforcement." Councilmember Kalmick stated his effort is to allow anonymous complaints for businesses operating illegally to address potential safety concerns, especially since "business" is not defined within the Municipal Code. He further stated this amendment would most likely require the item be returned at the next meeting for another reading and final approval.

City Attorney Michael Gates clarified that complaints regarding State law violations, such as ABC violations or felony or criminal issues, can be reported to Code Enforcement anonymously.

Mayor Strickland stated he supports Councilmember Kalmick's concern regarding a definition for "business" in the Municipal Code.

A motion was made by Strickland, second Burns to 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."

The motion carried by the following roll call vote:

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

Office of City Clerk

13. 23-078 Approved and Adopted Amended Minutes

Councilmember Moser stated her proposed change for the January 17, 2023 City Council/Public Financing Authority regular meeting minutes, page 14, paragraph 4, line 2. She requested the second line to read, ". . . and **stated** Huntington Beach has spent approximately \$20M for 162 housed people."

A motion was made by Moser, second Strickland to approve and adopt the City Council/Public Financing Authority regular meeting and the Successor Agency special meeting minutes of January 17, 2023, **as amended.**

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

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

NOES: None

Office of City Manager

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

A motion was made by Kalmick, second McKeon to 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, approve and authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and Theresa St. Peter."

The motion carried by the following roll call vote:

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

NOES: None

Community Development Department

~~15. 23-014 Bonanni Development Company IV, LLC Affordable Housing Agreement for the development of 35 ownership units at 19070 Holly Lane~~ *Item Withdrawn by Developer*

Police Department

16. 23-074 Approved and accepted the California Office of Emergency Services (Cal OES) Violence Against Women Act Grant (LE22066860); authorized the Chief of Police to execute documents; approved appropriations; amended 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

A motion was made by Kalmick, second Burns to accept the grant between the State of California, Governor's Office of Emergency Services (Cal OES) and the City of Huntington Beach; and, assign authority to the Chief of Police as the official to execute and sign for the award and to approve amendments and extensions; and, 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, amend the Professional Services Listing to include provided domestic violence services; and, approve and authorize "Amendment No. 2" to

Agreement Between the City of Huntington Beach and Waymakers for Victim and Witness Assistance Services.

The motion carried by the following roll call vote:

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

Public Works Department

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

A motion was made by Kalmick, second Burns to approve Sole Source Procurement Request with Hadronex Inc., dba SmartCover Systems, for the servicing of SmartCovers.

The motion carried by the following roll call vote:

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

18. 22-926 Approved Sole Source Procurement Request for Aclara for service and maintenance on Automated Meter Infrastructure (AMI) equipment.

A motion was made by Kalmick, second Burns to approve the Sole Source Procurement Request with Aclara for service and maintenance on AMI equipment.

The motion carried by the following roll call vote:

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

19. 22-1126 Approved and authorized 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

A motion was made by Kalmick, second Burns to 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."

The motion carried by the following roll call vote:

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

20. 23-048 Accepted bid and authorized 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

A motion was made by Kalmick, second Burns to accept the lowest responsive and responsible bid submitted by MBC Enterprises, Inc. in the amount of \$438,997.81; and, authorize the Mayor and City Clerk to execute a construction contract in the form approved by the City Attorney.

The motion carried by the following roll call vote:

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

21. 23-061 Approved 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

A motion was made by Kalmick, second Burns to 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, authorize the City Clerk to record the Grant of Easement with the Orange County Recorder.

The motion carried by the following roll call vote:

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

22. 23-088 Approved and authorized 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

A motion was made by Kalmick, second Burns to 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, 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, 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, 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."

The motion carried by the following roll call vote:

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

23. 23-095 Approved and authorized 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 motion was made by Kalmick, second Burns to 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, 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, 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."

The motion carried by the following roll call vote:

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

PUBLIC HEARING

24. 23-027 Public Hearing held and adopted 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)

Senior Planner Hayden Beckman presented a PowerPoint communication entitled *BECSP Medical Services Use Restriction Zoning Text Amendment No. 22-004* with slides titled: *Request; Neighborhood Center Segment (2); Analysis; Recommendation; and Questions?*

Director of Community Development Ursula Luna-Reynosa noted that this retail site has been in existence for about five years and has had a high vacancy rate in spite of being located at one of the highest travelled intersections in Huntington Beach. Director Luna-Reynosa stated the applicants are a local couple interested in opening a pediatric dentistry and orthodontic office.

No ex parte communications were disclosed.

Mayor Strickland opened the Public Hearing.

City Clerk Robin Estanislau stated there were no Public Speakers for this item.

Mayor Strickland closed the Public Hearing.

A motion was made by McKeon, second Strickland to 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, 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).

The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

25. 23-097 Approved and authorized 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

Chris Slama, Director of Community & Library Services presented a PowerPoint communication entitled *Huntington Central Park Public Art Contract Amendment* with slides titled: *Project Timeline (3); Location; "To See Yourself in Nature" Daytime View; "To See Yourself in Nature" Evening View; Contract Amendment; Funding; Recommended Action; and Questions?*

Councilmember McKeon expressed his frustration with this budget overrun and stated he would like to see better systems and procedures established so this doesn't happen again. He noted that usually Americans with Disabilities Act (ADA) considerations are addressed up front with projects.

Councilmember Moser confirmed with Director Slama that only asphalt can be used for this project, and that once the project is completed the City has full liability responsibility.

A motion was made by Moser, second Kalmick to 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, authorize the appropriation of \$35,000 from the Public Art in Parks Fund 236 to account 23645001.82900, **as amended by Supplemental Communication (corrections to Amendment No. 1 to Agreement with the RDG Planning & Design Art Studio).**

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

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

26. 23-050 Report received and filed on crime statistics involving Huntington Beach businesses and recommendations to enhance efforts to address and reduce business-related crimes

Police Chief Parra introduced Police Captain Oscar Garcia who presented a PowerPoint communication entitled *H Item Crime Statistics and Enforcement* with slides titled: *Shoplifting 2022 Data; Robberies 2022 Data (2); Vandalism 2022 Data; and Enforcement (3).*

Councilmember Bolton confirmed with Captain Garcia that metrics would be set up to document the effectiveness of additional equipment. Captain Garcia noted that additional cameras are expected to reduce the number of unknown suspects, i.e., suspects who are gone by the time Officers arrive at the scene.

Councilmember Moser noted there was no context analysis, or year-by-year comparisons in this report, and requested the item be tabled to allow for presentation of more complete analysis.

Councilmember Kalmick stated his support for more cameras, as well as approving staff overtime, to assist in solving more crimes. He also stated his expectation that future reports will contain comparison analysis to document whether or not these measures are effective.

A motion was made by Burns, second Van Der Mark to receive and file this report; and 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.

The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

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

Police Chief Parra introduced this item by noting that current Municipal Code does not provide any exemption for Huntington Beach Police Department animals used for special event enforcement actions at the beach.

A motion was made by Strickland, second Kalmick to, after City Clerk reads by title, 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."

The motion carried by the following roll call vote:

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

~~**28. 23-071 Approved for Introduction Ordinance No. 4280 Amending Chapter 2.109 of the Huntington Beach Municipal Code Regarding the Finance Commission
Item pulled from consideration**~~

~~**29. 23-072 Approved 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
Item pulled from consideration**~~

COUNCILMEMBER ITEMS

30. 23-109 Approved as amended item 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

Councilmember Burns introduced this item by stating that all cultures and people are welcome and appreciated in Huntington Beach and none are to be treated differently or discriminated against. He

stated the City of Huntington Beach should only fly or display on public property the following flags: American, POW/MIA, California, Orange County and Huntington Beach City. He amended this item to include the flags of the six branches of the armed forces when requested by government officials.

Councilmember Kalmick provided some history on this item and noted that if the City wants to fly the Olympic flag in 2028, or a Sister City flag during an official visit, it would require amending this ordinance. He suggested that the proper action would be to present an item to remove Council's approval to fly the Pride flag and follow the established process requiring Council action to approve, or not, the flying of any special flag.

Councilmember Moser stated her support for Councilmember Kalmick's statements, and confirmed with City Clerk Estanislau that up until 2 PM, there were approximately 275 total email communications received on this item with 228 in opposition and 46 in support. Councilmember Moser stated her opinion that this agenda item will halt inclusive progress.

Councilmember McKeon stated that "inclusion" means everyone equally as an American, a resident of California, a resident of Orange County, a resident of Huntington Beach, and pays homage to all veterans, and other flags do not equally represent everyone.

Councilmember Bolton respectfully disagreed with Councilmember McKeon and stated that the Pride flag does represent everyone because everyone has a member of the LGBTQ community in their family. She also shared her opinion that group symbols do not exclude other members of the community.

Councilmember Burns stated he considers everyone as equally valued members of the community, and he believes the City should only be flying government or military flags, because to do otherwise creates division.

A motion was made by Burns, second McKeon to 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, **amended to include the six branches of the armed forces**. If the ordinance is adopted, direct the City Manager to update Administrative Regulation (AR) 705: Citywide Flag Policy, accordingly.

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

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

~~31. 23-118 Submitted by Councilmember Burns – SB 9 and SB 10 Impacts on Huntington Beach—Item pulled from consideration~~

32. 23-119 Denied item submitted by Councilmember Moser — Request to Reinstate Remote Citizen Participation at Public Meetings

Councilmember Moser introduced this item by noting a decision was made without public discussion, and stated one of the positive outcomes of the pandemic was utilizing available technology to increase public participation in government.

Councilmember McKeon clarified that there are many options for viewing live meetings, and accessing meeting agendas and minutes. He further added that in order to speak live publicly, individuals need to fill out a Request to Speak form and are allowed three minutes to speak during the Public Comments portion of meetings.

Councilmember Kalmick clarified his understanding that Council, by approving there is no longer a need to follow AB 361, did not also approve discontinuing Zoom meetings. He stated he could not support any action that doesn't support continuing to use the technological infrastructure that has been developed to increase public participation in local government.

Councilmember Bolton stated she has not seen any compelling reason to eliminate the opportunity for remote public comments.

A motion was made by Moser, second Kalmick to request the City Council 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.

A substitute motion was made by Strickland, second McKeon to return to pre-COVID standards, with no Zoom capabilities, during meetings of the City Council and all Boards, Commissions and Committees.

The substitute motion carried by the following roll call vote:

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

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

Councilmember McKeon introduced this item by stating the effort is to ensure patient safety and proper processing as well as quality of life for neighboring residents. He added there needs to be a determination if additional resources are needed to step up enforcement, reduce response times, identifying and effectively addressing problem group homes.

Councilmembers Kalmick and McKeon discussed the 9-month timeframe for eviction of disabled occupants. Councilmember Kalmick noted that homes with six or fewer patients do not require a State license, and asked if they would also be included in this action item.

Councilmember McKeon stated that if this item is approved, the process will include addressing Councilmember questions and concerns, gathering specific details, and provide opportunities for further analysis and Council consideration.

Councilmember Kalmick confirmed with Director of Community Development Ursula Luna-Reynosa that sober living home issues come and go in waves, and staff was not prepared with a specific percentage of code enforcement calls for sober living homes.

Councilmember Kalmick and City Attorney Michael Gates discussed the issue of insurance fraud complaints. City Attorney Gates confirmed it would be the District Attorney who decides whether or not to prosecute, and that the District Attorney relies upon municipal cooperation to gather facts.

A motion was made by McKeon, second Strickland to 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 DURING that quarter to address the complaints. A full status report is requested. 4. Recommendation on what resources, or assistance, Code Enforcement needs from City Council to step up enforcement, reduce response times, effectively identify problem homes, effectively address the problems of the homes, etc.

The motion carried by the following roll call vote:

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

34. 23-123 Approved item submitted by Councilmember McKeon — Request to Commence a Development Impact Fund (DIF) Study

Councilmember McKeon introduced this item by describing the impact on the City's level of service as more development takes place, and defined some of the Development Impact Fund (DIF) fees. He noted that the last comprehensive DIF and Nexus Report study was completed in 2011, and stated this item is proposed to evaluate whether or not DIF fees sufficiently cover current level of service impacts.

Councilmember Kalmick shared information regarding AB 8602, which became effective on 1/1/22 and noted cities have 8 years from 1/1/2022 to complete a Nexus Report. Councilmember Kalmick stated he fully supports efforts to ensure cost recovery, but wants everyone to be fully aware of potential unintended consequences of proceeding with new DIF and Nexus reports, and suggested this process might best be tied to the budget process.

Councilmember McKeon stated he is aware of the concerns shared by Councilmember Kalmick, and he expects these concerns will be taken into account as the process proceeds. Councilmember McKeon stated he doesn't think these concerns should preclude moving forward to prepare for a Request for Proposal (RFP).

Mayor Strickland noted that if this item is approved, it just means staff will proceed to determine the process required to move towards a DIF study and Nexus Report. This item does not approve a DIF study and Nexus Report.

City Attorney Michael Gates confirmed that staff would proceed taking into consideration the impacts of AB 8602.

A motion was made by McKeon, second Strickland to 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.

The motion carried by the following roll call vote:

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

ADJOURNMENT — at 10:12 PM, a motion by Strickland, second by Burns, to adjourn in memory of Alyssa "Aly" West, Freshman at Huntington Beach High School who recently passed away.

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>

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

ATTEST:

City Clerk-Secretary

Mayor-Chair