

## Minutes

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

Tuesday, February 21, 2023  
3:30 PM — Council Chambers  
4:00 PM — Council Chambers  
6:00 PM — Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

A video recording of the 3:30 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/](http://www.surfcity-hb.org/government/agendas/)

#### 3:30 PM — COUNCIL CHAMBERS

#### CALLED TO ORDER — 3:31 PM

#### ROLL CALL

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

#### CITY COUNCILMEMBER COMMENTS (3-Minute Time Limit)

Councilmember Kalmick noted for the record that since roll call votes are being used, at some point he may respond by saying "pass," following Robert's Rules of Order, in order to be called on again, after all other members have been called initially.

Councilmember Moser reported attending the memorial service for Aly West, the Huntington Beach High School student who recently passed away, and read a poem in her honor.

Councilmember Burns commended American Legion Post 133 for raising the American flag at the HB Pier for over 18 years.

#### ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS FOR STUDY SESSION OR CLOSED SESSION ITEMS (Received After Agenda Distribution) — None

#### PUBLIC COMMENTS (3-Minute Time Limit) — None

#### STUDY SESSION

##### 1. 23-158 City's Infrastructure Report Card Received

Director of Public Works, Sean Crumby introduced Deputy Director of Public Works, Alvin Papa who presented a PowerPoint communication entitled *Infrastructure Report Card* with slides titled: *Why Do A Report Card? ASCE-Like Report Card, Proposed Process, Proposed Report Card Committee Structure, and Questions?*

Mayor Strickland asked that the list of people who have shown interest in being involved in the process be shared with all Councilmembers. He confirmed that each Councilmember should be prepared to submit the names of 15 individuals who are interested in being involved in the process, an approximate commitment of 1 year would be required.

Councilmembers Moser and Bolton expressed their support for including the public in the process, and confirmed that staff will be preparing a packet of information that clearly outlines qualifications for various committee participants.

### **RECESSED TO CLOSED SESSION — 3:49 PM**

A motion was made by Burns, second by Van Der Mark, to recess to Closed Session.

### **CLOSED SESSION**

2. 23-151 **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Gapezzani (Gary) v. John Romero, City of Huntington Beach; OCSC Case No.: 30-2021-01225030.**
3. 23-161 **CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Eric Parra, Chief of Police; and Sunny Rief, Acting Chief Financial Officer. Employee Organization: Police Officers' Association (POA).**
4. 23-170 **CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): Number of Matters: One (1).**

### **6:00 PM - COUNCIL CHAMBERS**

### **RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALLED TO ORDER THE SPECIAL MEETING OF THE HOUSING AUTHORITY — 6:01 PM**

### **ROLL CALL**

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

**PLEDGE OF ALLEGIANCE** — Led by Councilmember 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. 22-1118 **Chaplain Roger Wing with the Huntington Beach Fire Department**

**CLOSED SESSION REPORT BY CITY ATTORNEY** — None

**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:

**City Manager's Report**

#6 (23-174) Two (2) email communications received regarding Main Street redevelopment.

#7 (23-159) Two (2) email communications received regarding the City's membership in the Orange County Power Authority (OCPA) Joint Power Authority.

**Consent Calendar**

#9 (23-146) Memo received from Robin Estanislau, City Clerk regarding a revision to the February 7th meeting minutes.

**Ordinances for Introduction**

#21 (23-162) PowerPoint presentation entitled *Introduction of Ordinance No. 4280 Amending Chapter 2.109 of HBMC Finance Commission* received from Catherine Jun, Assistant to the City Manager.

Two (2) email communications received regarding Ordinance No. 4280 regarding the Finance Commission.

#22 (23-163) PowerPoint presentation entitled "*Introduction of Ordinance Nos. 4278, 4279, and Amending HBMC Chapters 2.111, 2.64 and 2.100 CIAB/Public Works Commission, Community & Library Service Commission, Operating Policy of Boards & Commissions*" received from Catherine Jun, Assistant to the City Manager.

Email communication received regarding Ordinance Nos. 4278, 4279, and 4281 regarding the Citizen Infrastructure Advisory Board/Public Works Commission, the Community and Library Services Commission and Operating Policy for Boards and Commissions.

#23 (23-165) Letter received from Debbie I. Chang, MPH, President and CEO of Blue Shield of California Foundation regarding Ordinance No. 4283 relating to government flags on City property.

Four hundred Twenty (420) email communications received regarding Ordinance No. 4283 relating to government flags on City property.

#24 (23-176) Two (2) email communications received regarding Ordinance No. 4284 regarding Public Conduct within City-Owned Public Parking Structures.

#25 (23-177) Email communication received regarding Ordinance No. 4273 relating to the use of tents and other uses within City parks.

**Councilmember Items**

#26 (23-172) Memo received from Councilmember Kalmick regarding SB9 and SB10 impacts on Huntington Beach.

Letter received from David Pai, Supervising Deputy Attorney General regarding SB9 and SB10 impacts on Huntington Beach.

Letter received from David Zisser, Assistant Deputy Director of Housing and Community Development regarding SB9 and SB10 impacts on Huntington Beach.

Letter received from League of Women Voters of Orange County Executive Committee regarding SB9 and SB10

Five (5) email communications received regarding SB9 & SB10 impacts on Huntington Beach.

#27 (23-184) Seven (7) email communications received regarding the request to prepare an invocation policy.

**PUBLIC COMMENTS** (3-Minute Time Limit) — 69 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>.*

Jordan Tobins, a visitor interested in moving to Huntington Beach, was called to speak and stated opposition to Councilmember Items No. 26 regarding SB 9 and SB 10 Impacts to Huntington Beach, specifically regarding ADU's. (00:28:23)

Shammy D., a long-time resident, was called to speak and stated opposition to Councilmember Items No. 26 regarding SB 9 and SB 10 Impacts to Huntington Beach, specifically regarding ADU's. Ms. Dee, as an amputee, also stated her support for being able to attend meetings via Zoom and asked Councilmembers to reconsider their recent decision to eliminate that option. (00:32:10)

Don Kennedy was called to speak and shared his support for Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (00:35:30)

Sherry Kennedy was called to speak and shared her support for Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (00:38:56)

Cari Swan was called to speak and stated her support for Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property; No. 24 relating to public conduct within City-Owned Public Parking Structures; No. 25 relating to the Use of Tents and Other Uses Within City Parks; Councilmember Items No. 26 regarding SB 9 and SB 10 Impacts to Huntington Beach; and, No. 27 regarding request to prepare an Invocation Policy. (00:39:26)

Leslie Edwards, a 29-year resident of Huntington Beach and City of Huntington Beach employee, was called to speak and stated opposition to Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (00:42:12)

Nastasia Nastic, resident of Huntington Beach for seven years and student at Huntington Beach High School, was called to speak and stated opposition to Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (00:45:20)

Laura Sire, a resident of Huntington Beach for over 60 years, was called to speak and stated opposition to Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (00:48:51)

Amory Hanson was called to speak and announced that Huntington Beach has been selected as the location for a local edition of Monopoly, and encouraged residents to submit their suggestions to Hasbro for appropriate Huntington Beach sites for the local edition. (00:51:57)

Allyson Roach, living in Huntington Beach for over 30 years, was called to speak and stated opposition to Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (00:53:05)

Dave Shenkman, owner of The Kite Connection, was called to speak and announced that The Kite Connection has been operating in Huntington Beach for 40 years, and plans to be here for another 40 years. He invited people to come watch the International Kite Party on Saturday and Sunday, March 11 and 12 from approximately 10 AM to dusk each day. (00:55:47)

Russ Neal, a resident of Huntington Beach, was called to speak and stated support for Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (00:57:54)

Rudy Blalock, a resident of Huntington Beach, volunteering to promote Shen Yun, was called to speak and shared a brief history about the performance to encourage people to attend. (01:00:13)

Unnamed Guest was called to speak and stated opposition to Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. This speaker also stated opposition to Councilmember Items No.27 regarding request to prepare an Invocation Policy. (01:02:48)

Frank Rodriguez, Executive Director of Operations, Gays Against Groomers, was called to speak and stated support for Ordinances for Introduction No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (01:05:45)

Emma Clark, resident of Huntington Beach, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:08:20)

Lisa, a resident of Huntington Beach for 47 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (01:10:13)

Unnamed Guest, who does not live in Huntington Beach, was called to speak and read a statement of opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:11:59)

Brenda Glim, a resident of Huntington Beach since 1989, was called to speak and stated opposition to many of the recent actions of the newly elected Councilmembers, as well as opposition to Ordinances for

Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:14:52)

Roger Noor was called to speak and shared his opinions related to Huntington Beach parking and towing regulations and infraction consequences. (01:18:05)

Sylvia Calhoun, a resident of Huntington Beach for 41 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:22:02)

Mark Currie, Member of the Greater Huntington Beach Interfaith Council (GHBIC), was called to speak and noted that Councilmember Items No. 27 regarding request to prepare an Invocation Policy addresses a function that has been provided by the GHBIC for over 20 years. He suggested that if the GHBIC has failed in their responsibilities, that a meeting be scheduled to address any failures. (01:23:36)

Meg Robinson, a resident of Huntington Beach, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:26:50)

Colin Parrott, Huntington Beach Youth Board Member, speaking as a private Huntington Beach resident, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:29:58)

Stephanie Camacho-Van Dyke, Advocacy and Education Director, LGBTQ Center - OC, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:33:14)

Luanne Nichols Shoup, a fourth-generation resident of Huntington Beach, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:36:29)

Shirley Dettloff, a resident of Huntington Beach since 1964, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:39:15)

Cathey Ryder, a resident of Huntington Beach since 1985, was called to speak and shared concerns about Ordinances for Introduction Item No. 24 relating to public conduct within City-Owned Public Parking Structures. Ms. Ryder also noted that her husband is unable to attend City Council meetings and would like to have the opportunity to make his public comments through Zoom. (01:41:12)

Valentina Bankhead, a resident of Huntington Beach, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (01:44:23)

Unnamed Guest was called to speak and shared his opinions regarding globalists, tyranny, and divisive politics at all levels of government. (01:47:00)

Chris Byrne, a 55-year resident of Huntington Beach, was called to speak and asked that Councilmembers address unsanitary conditions he recently found in public places near the beach, and

shared his opinions on the policies of Councilmembers Bolton, Kalmick and Moser which he believes are not in the best interests of the residents of Huntington Beach. (01:51:25)

Don Stewart, a resident of Huntington Beach for over 40 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (01:54:39)

Olivia Pham, Huntington Beach Youth Board Member, speaking as a private Huntington Beach resident, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (01:57:41)

Linda Moon, a 48-year resident of Huntington Beach, was called to speak and stated opposition to Councilmember Items No. 26 regarding SB 9 and SB 10 impacts on Huntington Beach. (02:01:04)

Unnamed Guest was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:03:44)

Patricia Pappas, a 43-year resident of Huntington Beach, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (02:04:35)

Ann Palmer, a resident of Huntington Beach for over 30 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (02:06:49)

Joclyn Rabbitt-Sire, a 23-year resident of Huntington Beach, was called to speak and encouraged Councilmembers to fully investigate all issues before deciding whether to continue membership in the Orange County Power Authority (OCPA). Ms. Rabbitt-Sire also stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:09:10)

Tim Geddes, a 39-year resident of Huntington Beach, former Finance Board Member and current Mobile Home Advisory Board Chair, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:11:11)

Michael Rogers, a resident of Huntington Beach for 33 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (02:14:12)

Maneck Bhujwala, Greater Huntington Beach Interfaith Council (GHBIC) President, was called to speak and respectfully requested no Council action on Councilmember Items No. 27 regarding request to prepare an Invocation Policy until discussions are held with representatives of the GBHIC to address any concerns. (02:17:58)

Pat Goodman was called to speak and shared her opinions related to housing needs in Huntington Beach, urging Councilmembers to approve the Housing Element as soon as possible. Ms. Goodman also addressed her concerns related to Ordinances for Introduction Item No. 21 regarding the Finance Commission, and suggested that Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, Councilmember Items No. 26 regarding SB 9 and SB 10 impacts to Huntington Beach, and Item No. 27 regarding request to prepare an Invocation Policy, all be pulled because in her opinion, action is not required now for any of these items. (02:20:47)

Connie Boardman, former Huntington Beach Mayor, was called to speak and shared concerns about Ordinances for Introduction Item No. 21 regarding the Finance Commission, and stated her opinions in opposition to many recent actions taken by the City Council including pay increase for City Attorney Michael Gates, Police Department vacancies, suing the State over SB 9 and SB 10, removing the right for anonymous code violation reports, and proposing use of taxpayer money for environmental assessment required of a private business. (02:24:02)

Tony Bisson, a resident of Huntington Beach, was called to speak and shared his concerns regarding Seaview Little League Baseball actions at LeBard Park, specifically the over-building they are doing, which has blocked the natural ocean breeze for surrounding area residents. (02:27:17)

Kathey Haas, a resident of Huntington Beach for over 49 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (02:30:22)

Bethany Webb, a 40-year resident of Huntington Beach, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:32:02)

Jessamyn Garner, a resident of Huntington Beach, Housing Advocate and YIMBY Action and Law Communications Director, and OC Pride Board Member, was called to speak and stated opposition to Councilmember Items No. 26 regarding SB 9 and SB 10 impacts to Huntington Beach; and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:35:17)

Unnamed Guest was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:38:35)

Kelly Frankiewicz, Greater Huntington Beach Interfaith Council (GHBIC) Member, was called to speak and noted that GHBIC has provided City Council invocators since 1996 at the request of the Huntington Beach City Council, and asked that City Councilmembers continue dialogue with the GHBIC to address any potential invocation changes. (02:39:37)

Gretchen Dawson, a resident of Huntington Beach, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:43:20)

Brittany Dawson, whose home base is Huntington Beach, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:46:31)



Dave Sullivan, former Huntington Beach Mayor and City Councilmember, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. Mr. Sullivan also stated his support for Ordinances for Introduction Item No. 24 relating to public conduct within City-Owned Public Parking Structures; Item No. 25 relating to use of tents and other uses within City Parks; and, Councilmember Items No. 26 regarding SB 9 and SB 10 impacts to Huntington Beach. (02:48:30)

Unnamed Guest, a resident of Huntington Beach for 14 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and encouraged a position of neutrality for all other flags, including the military. (02:51:44)

Archibald Funlips was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and Councilmember Items No. 26 regarding SB 9 and SB 10 impacts to Huntington Beach. (02:54:09)

J R Owens was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (02:57:03)

Liz Cinco, a resident of Huntington Beach for over 12 years, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:00:03)

Ashley Williamson, a 12-year resident of Huntington Beach, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:03:19)

Damien, a resident of Huntington Beach, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:06:34)

Heidi Veal, a life-long resident of Huntington Beach, was called to speak and stated support for Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property, and noted the flag of the USA is a symbol of freedom, equality and diversity for all. (03:09:04)

Cheri Atkinson was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. Ms. Atkinson shared her opinions on the need for affordable housing and asked that City Council approve the Housing Element. (03:13:22)

Kanan Durham, a resident of Huntington Beach, was called to speak and asked Councilmembers to not vote for or against Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:16:28)

S J, a resident of Orange County, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:18:57)

Zell Vidal was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property; Councilmember Items No. 26 relating to SB 9 and SB 10 impacts to Huntington Beach; and, Item No. 27 relating to request to prepare an Invocation Policy. (03:22:19)

Charles Niederman, Past President, Greater Huntington Beach Interfaith Council (GHBIC), was called to speak and noted that GHBIC has provided City Council invocators since the 1990's at the request of the Huntington Beach City Council, and asked that Councilmembers continue dialogue with the GHBIC to address any invocation concerns. (03:24:08)

Megan Inman, a resident of Huntington Beach, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:27:00)

Nader Hanna, born and raised in Huntington Beach, was called to speak and shared his opinions regarding public manipulation to tear down freedom and ultimately promote tyranny. (03:30:21)

Unnamed Guest was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:33:40)

Stephanie Wade, a resident of Seal Beach and Equality California Board Member, was called to speak and stated opposition to Ordinances for Introduction Item No. 23 regarding Huntington Beach Municipal Code relating to Government flags on City Property. (03:36:34)

John Briscoe was called to speak and called attention to certain comments made by Mayor Pro Tem Van Der Mark on social media. (03:40:07)

## **COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS**

Councilmember McKeon announced the appointment of Jonathon Hammel to the Citizen's Participation Advisory Board (CPAB); and, Councilmember Burns announced the appointment of Don Kennedy to the Planning Commission.

**AB 1234 REPORTING** — None

**OPENNESS IN NEGOTIATION DISCLOSURES** — None

## **CITY MANAGER'S REPORT**

City Manager Zelinka acknowledged a communication distributed to Council from Orange County Mosquito and Vector Control (OCMVC), an update provided by Mike Posey, OCMVC Board Trustee for Huntington Beach.

### **6. 23-174 Main Street Redevelopment Project — Additional Outreach Update**

Community Development Director Ursula Luna-Reynosa provided an update on the Main Street Redevelopment Project, including outreach to all area businesses by staff from Economic Development, Police, and Public Works. She reported a meeting was held at the Main Street Library and attended by approximately 35 people who were encouraged to submit a brief survey. Director Luna-Reynosa stated a

full report of this latest outreach effort, including survey results, would be provided at the March 7, 2023, City Council meeting to solicit next steps from Councilmembers.

**7. 23-159 Update on the Review of the City's Membership in the Orange County Power Authority (OCPA) Joint Power Authority**

Assistant City Manager Travis Hopkins presented a PowerPoint communication entitled *Consideration of Huntington Beach's Participation in the Orange County Power Authority (OCPA)* with slides titled: *Timeline (2), OCPA Member Agency Actions, and Huntington Beach Update.*

Councilmember McKeon, speaking as the OCPA Council Liaison, noted how difficult it has been getting information from OCPA, and stated the effort is to determine what OCPA's costs were to purchase power for Huntington Beach vs. what that power would sell for now. Councilmember McKeon thanked Assistant City Manager Hopkins for his focus and push to get to the point where OCPA appears to be ready to provide Non-Disclosure Agreements (NDAs).

**CITY CLERK'S REPORT**

**8. 23-166 Presentation on the Safe and Sane Fireworks Stand Application and Lottery Process for 2023**

City Clerk Estanislau presented a PowerPoint communication entitled *2023 Safe and Sane Fireworks Stand Application and Lottery Process* with slides titled: *Application Period: March 1 through March 31; Civic Organizations (5); High Schools (5); High School (Private); Youth Sports (5); Application Process (2), and Questions.*

Councilmember Bolton and Fire Chief Haberle discussed the educational efforts regarding illegal and safe and sane fireworks that usually begins about a month before July 4. Chief Haberle noted residents are encouraged to use the MyHB app to report illegal fireworks activity.

Councilmember Moser confirmed with Chief Haberle that the option to report firework activity on the MyHB app is currently only accessible for a short period of time each year, but discussions are underway to open up that access window.

City Clerk Estanislau noted that the City Clerk Office is contacted throughout the year with resident concerns related to illegal fireworks and those concerns are directed to the Police and Fire Departments when the MyHB app is not available for that reporting.

City Clerk Estanislau recognized her Assistant Patty Esparza, announced her retirement from the City effective Friday, February 24, 2023, and thanked her for her valuable service.

**CONSENT CALENDAR**

Mayor Strickland recused himself and left the room for Consent Calendar Item No. 12 regarding the Affordable Housing Agreement for the development of 35 ownership units at 19070 Holly Lane.

Councilmember McKeon pulled Items #13 and #18 for further discussion.

**Office of City Clerk**

**9. 23-146 Approved and Adopted Amended Minutes**

A motion was made by Kalmick, second Moser to approve and adopt the City Council/Public Financing Authority regular meeting and the Housing Authority special meeting minutes of February 7, 2023, **as amended by Supplemental Communication.**

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**

**10. 23-154 City Council approved positions by Intergovernmental Relations Committee (IRC)**

A motion was made by Kalmick, second Moser to approve the actions on the following issues proposed by the IRC: submit a Letter of Support for SB 381 (Min) re Electric Bicycles Study; and, recommend that staff issue Request for Qualifications for State Legislative Advocacy Services and Federal Legislative Advocacy Services separately.

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**

**11. 23-104 Approved and authorized execution of Amendment No. 1 to License Agreement between the City of Huntington Beach and PCH Beach Resort, LLC, for the beach concession at 21529 Pacific Coast Highway**

A motion was made by Kalmick, second Moser to approve "Amendment No. 1 to License Agreement between the City of Huntington Beach and PCH Beach Resort, LLC" for the Concession Stand at 21529 Pacific Coast Highway; and, authorize the Mayor, City Manager, and City Clerk to execute the Amendment and other related documents.

The motion carried by the following roll call vote:

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

**12. 23-147 Approved Bonanni Development Company IV, LLC Affordable Housing Agreement for the development of 35 ownership units at 19070 Holly Lane**

A motion was made by Kalmick, second Moser to approve the "Affordable Housing Agreement for 19070 Holly Lane, Huntington Beach by and Between the City of Huntington Beach, a California Municipal Corporation and Bonanni Development Company IV, LLC, a Limited Liability Corporation" for the development of 35 ownership units at 19070 Holly Lane; and, authorize the City Manager or their designee to implement and execute the Affordable Housing Agreement for the Project, including all necessary related documents; and, authorize the City Manager to execute an amendment to the

Affordable Housing Agreement, as prepared by the City Attorney, should the Developer upon completion of the Project decide to rent instead of sell the townhomes due to market conditions; and, authorize the Housing Authority Executive Officer or their designee to execute all necessary implementing agreements and related documents.

The motion carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, McKeon, Bolton, and Burns  
NOES: None  
RECUSED: Strickland (out of room)

### **Fire Department**

#### **13. 22-807 Authorized execution of an agreement with Toyota for vehicles for Marine Safety, Beach Parking, and Beach Maintenance and approve appropriation of funds**

Councilmember McKeon pulled this item to ask Fire Chief Haberle to share details on this item, and acknowledge for the record the positive budget impact as a result of Toyota's donation.

Chief Haberle presented a PowerPoint communication entitled *Authorize Execution of an Agreement with Toyota for Vehicles for Marine Safety, Beach Parking, and Beach Maintenance* with slides titled: *Operational History, Operational Expansion, Cost Savings, Costs, Net Cost Savings, and Recommended Action.*

A motion was made by McKeon, second Moser to authorize the Mayor and City Clerk to execute "Promotional Agreement Between the City of Huntington Beach and Southern California Toyota Dealers Advertising Association" to provide 24 vehicles for Marine Safety, Beach Parking, and Beach Maintenance uses; approve the appropriation of \$216,869 in Equipment Replacement Fund 324 and \$22,150 in the General Fund Fleet Maintenance business unit 10085705 to upfit and maintain the vehicles.

The motion carried by the following roll call vote:

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

#### **14. 23-099 Adopted Resolution No. 2023-04 authorizing certain City Officials to execute Grant Applications and Documents**

A motion was made by Kalmick, second Moser to adopt Resolution No. 2023-04, "A Resolution of the City Council of the City of Huntington Beach Authorizing Certain City Officials to Execute Grant Applications and Documents."

The motion carried by the following roll call vote:

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

#### **15. 23-100 Adopted Resolution No. 2023-05 authorizing certain City Officials to execute Applications and Documents to Obtain Disaster and Emergency Relief**

A motion was made by Kalmick, second Moser to adopt Resolution No. 2023-05, "A Resolution of the City Council of the City of Huntington Beach Authorizing Certain City Officials to Execute Applications and Documents to Obtain Disaster and Emergency Relief."

The motion carried by the following roll call vote:

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

**16. 23-139 Adopted Resolution No. 2023-06 to accept Grant Funds from the California Department of Fish and Wildlife, Office of Spill Prevention and Response for Oil Response Equipment**

A motion was made by Kalmick, second Moser to adopt Resolution No. 2023-06, "A Resolution of the City Council of the City of Huntington Beach to Accept Grant Funds from the California Department of Fish and Wildlife, Office of Spill Prevention and Response for Oil Spill Response Equipment."

The motion carried by the following roll call vote:

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

**Police Department**

**17. 23-144 Adopted Ordinance No. 4275 to Amend to Huntington Beach Municipal Code Chapter 13.08.070 Relating to Dogs and Other Animals Approved for Introduction February 7, 2023 — Vote: 7-0**

A motion was made by Kalmick, second Moser to adopt 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

**Public Works Department**

**18. 23-054 Awarded and authorized the execution of a construction contract with Mehta Mechanical Company, Incorporated, in the amount of \$10,648,600 for the Heil Avenue Storm Water Pump Station Replacement Project, CC-1293**

Councilmember McKeon shared his conversation regarding this item with Public Works Director Sean Crumby, and asked him for an update.

Public Works Director Sean Crumby presented a PowerPoint communication entitled *Heil Storm Water Pump Station Replacement Project, CC1290* with slides titled: *Project Need; Project Purpose; Heil Storm Water Pump Station Project, Project Overview; and Questions?*

Director Crumby noted that at the completion of this project, an application would be completed with Federal Emergency Management Agency (FEMA) to change the flood zone so that area homes can be removed from the flood plain.

A motion was made by McKeon, second Strickland to accept the lowest responsive and responsible bid submitted by the Mehta Mechanical Company, Incorporated, in the amount of \$10,648,600; and, authorize the Mayor and the City Clerk to execute a construction contract in a 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

**19. 23-122 Authorized the City Manager to Sign a Letter of Commitment for the Local Groundwater Supply Improvement Project ("Local SiP") Application for Grant Funds from the U.S. Department of the Interior's Bureau of Reclamation WaterSMART Program and Authorized Grant Matching Funds in the Amount of \$25,000**

A motion was made by Kalmick, second Moser to authorize the City Manager to sign and submit the Letter of Commitment (Attachment 1) to Mesa Water District for the Local SiP application for grant funds from the U.S. Department of the Interior's Bureau of Reclamation WaterSMART Program and authorize grant-matching funds in the amount of \$25,000.

The motion carried by the following roll call vote:

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

**ADMINISTRATIVE ITEMS**

**20. 23-157 Approved Year-End Audit Results for the FY 2021/22 Annual Comprehensive Financial Report (ACFR), Fiscal Year 2022/23 Mid-Year Budget Adjustments, and Fiscal Year 2022/23 Budget Update and Fiscal Health Report**

Acting Chief Financial Officer Sunny Rief presented a PowerPoint communication entitled *Financial Update & FY 2022/23 Mid-Year Budget Adjustments* with slides titled: *Presentation Overview; City FY 2022/23 Budget Update; Financial Update; General Fund Long-Term Financial Plan; CalPERS Update; CalPERS UAL Payment Projection (2); FY 2022/23 Mid-Year Budget Adjustments; Mid-Year Budget Adjustment Requests; General Fund Adjustments (3); General Fund Adjustment Summary; Other Fund Adjustments (3); Other Funds Adjustment Summary; Summary of Mid-Year Budget Requests; Staffing Levels and Vacancies; FY 2022/23 Full Time Equivalent - General Fund; Historical Vacancies - General Fund; Financial Health Indicators; Financial Position (Can the City Pay Its Bills Now?); FHI #1 General Fund Reserve Ratio; FHI #2 General Fund Liquidity Ratio; Financial Performance (Can the City's Revenues Cover Its Expenses?); FHI #3 General Government Growth in Net Position Ratio; FHI #4 General Government Operating Margin Ratio; FHI #5 General Government Own Source Revenue Ratio; Long-Term Solvency (Can the City Pay Its Bills in the Future?); FHI #6 General Government Near-Term Solvency Ratio; FHI #7 General Government Debt, Pension Liability, OPEB Burden per Resident Ratio; FHI #8 Governmental Funds Coverage Ratio; FHI #9 Enterprise Funds Coverage Ratio; Long-Term*

*Solvency - Continued (Can the City Pay Its Bills in the Future?); FHI #10 General Government Capital Asset Value Ratio; FHI #11 Enterprise Funds Capital Asset Value Ratio; FHI #12 General Fund Public Safety Costs Ratio; Ongoing Challenges; Fiscal Health Summary; Recommended Actions; and Questions?*

Mayor Pro Tem Van Der Mark confirmed with CFO Rief that the vacancy number of 82 positions includes 25 sworn Police Officers, 9 sworn Fire Officers, and 48 non-sworn positions in all Departments.

A motion was made by Kalmick, second Van Der Mark to receive and file the FY 2021/22 Annual Comprehensive Financial Report and other auditor-issued reports; and, receive and file the FY 2022/23 Budget Update and Fiscal Health Report (Attachment 8); and, approve mid-year budget adjustments to the FY 2022/23 Revised Budget in the funds and by the amounts contained in Attachment 3; and, authorize additional Professional Services authority in the Fiscal Year 2022/23 Revised Budget in the departments and by the amounts contained in Attachment 4; and, approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement between the City of Huntington Beach and CSG Consultants, Inc. for On-Call Building Division Plan Review Services" (Attachment 5); and, approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement between the City of Huntington Beach and True North Compliance Services, Inc. for On-Call Building Division Plan Review Services" (Attachment 6); and, accept, approve and authorize the City Manager to execute the grant agreement with the State of California Energy Commission in the amount of \$80,000 (Attachment 7).

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**

### **21. 23-162 Approved for Introduction Ordinance No. 4280 Amending Chapter 2.109 of the Huntington Beach Municipal Code Regarding the Finance Commission**

Assistant City Manager Travis Hopkins presented a PowerPoint communication with slides entitled: *Background, Proposed Ordinance 4280, and Recommendation.*

Councilmember Kalmick and Assistant City Manager Hopkins discussed details that were apparently stricken from Chapter 2.109 related to Commission authority regarding direction of any City employees. Assistant Manager Hopkins explained those details remain in the Municipal Code, but are no longer listed in Chapter 2.109, and confirmed with City Attorney Michael Gates that all boards and commissions, including the Finance Commission, operate only in an advisory capacity for the Council.

Councilmember Moser requested that if a rule is assumed in spirit, it should be explicitly stated.

Councilmember Bolton stated that any audit should only be completed by those with the required qualifications, and noted the current Ordinance does not require any expertise in finance or budgeting. She asked again for staff to provide her a copy of the applications submitted by members of the Finance Commission.

A motion was made by McKeon, second Van Der Mark to, after City Clerk reads by title, approve for introduction Ordinance No. 4280, "An Ordinance of the City of Huntington Beach Amending Chapter 2.109 to the Huntington Beach Municipal Code Regarding Finance Commission."



The motion carried by the following roll call vote:

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

**22. 23-163 Approved for Introduction of Ordinance Nos. 4278, 4279, and 4281 Amending Chapters 2.111, 2.64 and 2.100 of the Huntington Beach Municipal Code Regarding the Citizen Infrastructure Advisory Board/Public Works Commission, the Community and Library Services Commission, and Operating Policy for Boards and Commissions respectively**

Assistant City Manager Travis Hopkins presented a PowerPoint communication entitled *CIAB/Public Works Commission, Community & Library Service Commission Operating Policy of Boards and Commissions*, with slides titled: *Background, Proposed Ordinances, and Recommendations*.

A motion was made by Strickland, second McKeon to, after City Clerk reads by title, approve for Introduction Ordinance No. 4278, "An Ordinance of the City of Huntington Beach Amending Chapter 2.111 to the Huntington Beach Municipal Code Regarding Citizen Infrastructure Advisory Board/Public Works Commission"; and, approve for Introduction Ordinance No. 4279, "An Ordinance of the City of Huntington Beach Amending Chapter 2.64.040 to the Huntington Beach Municipal Code Regarding Community and Library Services Commission"; and, approve for Introduction Ordinance No. 4281, "An Ordinance of the City of Huntington Beach Amending Chapter 2.100 to the Huntington Beach Municipal Code Regarding Operating Policy for Boards and Commissions."

The motion carried by the following roll call vote:

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

**23. 23-165 Approved for Introduction Ordinance No. 4283 Adding Chapter 13.07 of the Huntington Beach Municipal Code Relating to Government Flags on City Property**

Assistant City Manager Hopkins presented a PowerPoint communication entitled *Government Flags on City Property* with slides titled: *Background, Proposed Ordinance 4283, and Recommendation*.

Councilmember Kalmick shared his opinion that the existing ordinance regarding display of flags is good policy, however this proposed ordinance is a bad policy, and he cannot support this item.

Councilmember Moser thanked the public speakers for statements in opposition to this item, and confirmed with City Clerk Estanislau that at the February 7, 2023, City Council meeting, approximately 46 emails were received in support of and 228 emails in opposition to this item. In addition, as of 2 PM today, approximately 277 emails were received in support of, and 170 emails in opposition to this item.

Councilmember Moser shared her concerns regarding the change of "flying flags on poles" to "display" and City Attorney Gates replied Council has the option to amend the proposed ordinance and return for another reading. Councilmember Moser stated that regardless of whether or not that change is made, she cannot support this item.

Councilmember McKeon reiterated 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. He added that American freedoms are robustly embraced by Huntington Beach, which allows individuals and businesses to exercise their free speech by flying any flag they choose on private and public property as long as all laws are being followed.

Councilmember Bolton expressed appreciation for the middle and high school students who spoke up to share their views this evening. She stated her support for the existing flag policy which provides flexibility for acknowledging various organizations as desired, and noted she cannot support this item.

A motion was made by Burns, second McKeon to, after City Clerk reads by title, approve for introduction Ordinance No. 4283, "An Ordinance of the City of Huntington Beach Amending Title 13 Public Property of the Huntington Beach Municipal Code Adding Chapter 13.07 Relating to Government Flags on City Property."

The motion carried by the following roll call vote:

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

**At 11:03 PM, by a vote of 7–0, the City Council agreed to continue action on the remaining agenda items.**

**24. 23-176 Approved for Introduction Amended Ordinance No. 4284 Amending Municipal Code 13.52 Relating to Public Conduct within City-Owned Public Parking Structures**

Police Chief Parra introduced Lt. Brian Smith who presented a PowerPoint communication entitled *Public Buildings: Main Promenade Parking Structure* with slides titled: *Background, Proposed Ordinance 4284, and Recommendation.*

Councilmember Kalmick asked to strike the following language in Section 13.52.020 (b): "No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex."

Councilmember McKeon thanked staff for their efforts to make these changes, and noted that Councilmembers are making progress on their campaign promises.

City Attorney Michael Gates confirmed with Mayor Strickland that the vote on this amended motion is intended to approve for introduction.

A motion was made by Strickland, second Van Der Mark to, after City Clerk reads by title, approve for introduction Ordinance No. 4284, "An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 13.52 Relating to Public Buildings" regarding public conduct within City-owned public parking structures, **as amended to strike in Section 13.52.020: "~~No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.~~"**

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

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

**25. 23-177 Approved for Introduction Amended Ordinance No. 4273 Amending Municipal Code 13.48 Relating to the Use of Tents and Other Uses Within City Parks**

Police Chief Parra introduced Lt. Brian Smith who presented a PowerPoint communication entitled *Park Regulations* with slides titled: *Background, Proposed Ordinance 4273, and Recommendation.*

Councilmember McKeon confirmed with Lt. Smith that overnight parking is already controlled.

Councilmember Kalmick noted that Section 13.48.040 — Public Toilets contains language he would like to see inserted in this Ordinance: "No person shall fail to cooperate in maintaining public toilets in a neat and sanitary condition nor shall any person loiter in or about any public toilet." He further asked that the following language be stricken in the proposed Ordinance: "~~or enter any public toilet designated for the opposite sex, except this provision shall not apply to persons under five year of age that are accompanied by a parent or guardian.~~"

A motion was made by Strickland, second Van Der Mark to, after the City Clerk reads by title, approve the introduction of Ordinance 4273, "An Ordinance of the City Council of the City of Huntington Beach Amending Title 13 of the Huntington Beach Municipal Code Relating to Parking Lot and Camping Regulations in Public Parks, and Making a Finding of Exemption Under CEQA" relating to the use of tents and other uses within City parks, as amended to insert "**No person shall fail to cooperate in maintaining public toilets in a neat and sanitary condition nor shall any person loiter in or about any public toilet**" and strike "~~or enter any public toilet designated for the opposite sex, except this provision shall not apply to persons under five years of age that are accompanied by a parent or guardian.~~"

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

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

**COUNCILMEMBER ITEMS**

**26. 23-172 Approved Item Submitted by Councilmember Burns — SB 9 and SB 10 Impacts to Huntington Beach**

Councilmember Burns introduced this item by noting that State housing laws have become onerous and burdensome especially for fully developed cities like Huntington Beach. He explained that in 2021 SB 9 and SB 10 passed which expand the ability for the development of Accessory Dwelling Units (ADU's) that circumvent local zoning controls. He noted that the City has a duty to protect the quality of life for single-family residential neighborhoods, and added radical development in established neighborhoods is not only a threat to quality of life, but also affects the value of adjacent neighboring properties.

Councilmember Bolton asked what grounds were being used for a challenge to SB 9 and SB10. City Attorney Michael Gates stated the normal procedure would be followed whenever City Council proposes a legal challenge, i.e., come back to a Closed Session to advise and discuss further.

Councilmember Bolton stated she cannot support an item which directs staff to cease the processing of all applications/permits brought to the City by developers under SB 9, SB 10 or State law related to ADU projects, until the courts have adjudicated the matter(s), which she believes may be ordering staff to violate State law.

Councilmember Kalmick confirmed with Director Luna-Reynosa that no SB 9 applications have been received, and noted that SB 10 is opt in. He added that the California Department of Housing and Community Development (HCD) and State Attorney General letters have notified us we will have to come up with 563 more housing units if we make ADU's illegal. Councilmember Kalmick noted that ADU's are needed for a compliant Housing Element, and stated he cannot support any action that diminishes homeowner property rights.

Councilmember McKeon stated his support for local residents determining local zoning laws, or property rights, rather than State mandates which pierce the Huntington Beach Charter.

Councilmember Moser noted that several months ago City Council approved objective standards for SB 9 in order to maintain local control while also complying with State law without litigating the issue. She stated Huntington Beach has an obligation to sustain quality of life, and noted that for sustainability there is a need to welcome younger families and provide affordable housing.

A motion was made by Burns, second McKeon to direct the City Attorney to take any legal action necessary to challenge SB 9 and SB 10 and the laws that permit ADU's. Also, direct the City Manager to cease the processing of all applications/permits brought to the City by developers under SB 9, SB 10, or State law related ADU projects, until the courts have adjudicated the matter(s).

The motion carried by the following roll call vote:

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

**27. 23-184 Approved Item Submitted by Mayor Strickland and Mayor Pro Tem Van Der Mark — Request to prepare an Invocation Policy**

Mayor Pro Tem Van Der Mark introduced this item by stating how important invocations are, and noted that the Greater Huntington Beach Interfaith Council (GHBIC) has recently become highly political and invocations at times have become political soapbox opportunities. She added this item is an effort to ensure the City has an approved invocation policy, maintains a list of religious leaders and associates, and a rotation system to select a religious leader for City Council invocations. The City Attorney should ensure that any proposed policy is compatible with constitutional principles of government, restrictive speech and exercise of religion.

Mayor Strickland noted his perspective that it is important to have non-political prayers and prayers that include all faiths.

Councilmember Bolton asked for the meaning of "evaluate" religious organizations. Mayor Pro Tem Van Der Mark stated all religious organizations must have proper certification, and this would eliminate anyone from "walking in off the street" and doing an invocation. Mayor Strickland stated that the process of further discussions would clarify the intentions.

Councilmember Bolton stated serious concerns about the City getting involved in evaluating religious organizations, and would therefore not be supporting the item, suggesting it be tabled for further consideration. While Councilmember Bolton expressed no knowledge of invocation complaints, Mayor Strickland stated he has heard hundreds of complaints, and has communicated his concerns with the City Manager regarding prayers with political overtones being shared at the dais.

Councilmember McKeon noted that Councilmember “H” Items are ideas that are presented for further exploration and discussion.

Mayor Strickland stated he believes the GHBIC has violated what should be a non-political process, and agreed they should be part of the on-going conversation.

Councilmember Kalmick suggested a sub-committee be formed of three Councilmembers to pursue the best way to solve the problem, rather than potentially creating policy that might result in legal action. Mayor Strickland stated support for this idea and asked Councilmember Kalmick to be on his suggested sub-committee. Councilmember Kalmick declined participating in the sub-committee.

Councilmember Moser shared she has attended nearly all meetings of the Greater Huntington Beach Interfaith Council since 2017, and noted the GHBIC has been a model of love and diversity, and demonstrates how people of different backgrounds, thoughts and beliefs can come together to build and celebrate community. She added that if in fact political prayers have taken place, it provides an opportunity for Councilmembers to open dialogue with the Interfaith Council, rather than jumping into actions that may be unconstitutional. She stated her support for developing an Invocation Policy, and noted she cannot support the recommended action as written.

Mayor Pro Tem Van Der Mark stated support for establishing a truly neutral process so that individual Councilmembers cannot determine who is invited to provide an invocation.

A motion was made by Van Der Mark, second Strickland to direct the City Manager to work with the City Attorney to return to the City Council with a Resolution for a City Council policy for the constituting of a list of religious associates or leaders, maintaining that list, evaluation of religious associates or leaders, and rotation system for religious leaders at City Council meetings to offer an invocation. The City Attorney should ensure that whatever policy is brought back to Council for a vote is compatible with Constitutional principles of government involved/restricted speech and exercise of religion. In doing so, modifications or adjustments to this proposal are welcome from the City Attorney.

The motion carried by the following roll call vote:

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

**ADJOURNMENT** — at 11:39 PM a motion was made by Burns, second by Van Der Mark, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, March 7, 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>

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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:**

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City Clerk-Secretary

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Mayor-Chair