

Minutes

City Council/Public Financing Authority Regular Meeting and Special Meeting of the Housing Authority, Parking Authority, and Successor Agency to the former Redevelopment Agency City of Huntington Beach

Tuesday, December 20, 2022
4:30 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648
or Virtual via Zoom Webinar

A video recording of the 4:30 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/

4:30 PM - COUNCIL CHAMBERS

CALLED TO ORDER — 4:30PM

ROLL CALL

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

City Clerk Robin Estanislau was granted permission to be absent pursuant to City Charter Section 310 (a).

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION
ITEMS** (Received After Agenda Distribution) — None

PUBLIC COMMENTS (3 Minute Time Limit) — 1 In-Person Speaker

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/>.

Galen Pickett was called to speak and noted his interest in Councilmember Item #29 regarding a report on Homelessness, Anti-Camping and Anti-Loitering Laws, and specifically seeing former Police Chief Handy's 90-day plan on how HBPD will enforce the City and State's anti-camping and anti-loitering laws. (00:01:08)

CLOSED SESSION ANNOUNCEMENT(S)

1. 22-1101 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: Brittany Mello, Administrative Services Director, Travis Hopkins, Assistant City Manager; Eric Parra, Chief of Police; and Dahle Bulosan, Chief Financial Officer, who will be participating in today's Closed Session discussions

regarding labor negotiations with: Huntington Beach Police Officers' Association (HBPOA).

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

RECESSED TO CLOSED SESSION — 4:35PM

CLOSED SESSION

2. **22-1097 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION.** (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Chodzko (Tara) v. City of Huntington Beach; OCSC Case No.: 30-2021-01237196.
3. **22-1098 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION.** (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Babaie (Masoud) and Hervin-Babaie (Negin) v. City of Huntington Beach; Case No. 30-2020-01159653.
4. **22-1099 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION.** (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Whitaker (Brittany) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2021-01235807.
5. **22-1100 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.)** Agency designated representatives: ~~Al Zelinka, City Manager,~~ *Travis Hopkins, Assistant City Manager,* and Peter Brown, Chief Negotiator; also in attendance: Brittany Mello, Administrative Services Director; Travis Hopkins, Assistant City Manager; Eric Parra, Chief of Police; and Dahle Bulosan, Chief Financial Officer. Employee Organization: Police Officers' Association (POA).
6. **22-1102 CONFERENCE WITH LEGAL COUNSEL — LITIGATION (Gov. Code section 54956.9(d)(4).):** Number of Cases, one (1) – Oil Spill.
7. **22-1103 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.

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING, AND CALLED TO ORDER SPECIAL MEETING OF THE HOUSING AUTHORITY, PARKING AUTHORITY AND SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF HUNTINGTON BEACH — 6:02PM

ROLL CALL

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

City Clerk Robin Estanislau was granted permission to be absent pursuant to City Charter Section 310 (a).

PLEDGE OF ALLEGIANCE — Led by Councilmember McKeon

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.

8. 22-1115 Charles Niederman of Temple Beth David in Westminster and member of the Greater Huntington Beach Interfaith Council

Due to technical issues at the December 6, 2022 meeting, the musical tribute *Proud to be an American* by Lee Greenwood was replayed.

CLOSED SESSION REPORT BY CITY ATTORNEY — None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Patty Esparza announced supplemental communications received by her office following distribution of the Council Agenda packet:

Council Committee Appointment Announcements

#9 (22-1041) Three (3) email communications received regarding Mayor Strickland's 2023 Council Liaison List.

Consent Calendar

#11 (22-1113) Two (2) email communications received regarding modifying the City Attorney Salary Schedule.

Administrative Items

#25 (22-1090) Inter-Departmental Communication submitted by Brittany Mello, Administrative Services Director, providing clarification on the fiscal impact of adding one new director-level position in the City.

Revised PowerPoint Presentation titled *Administrative Services Department Reorganization* submitted by Brittany Mello, Administrative Services Director.

Councilmember Items

#26 (22-1092) Letter from the American Civil Liberties Union Foundation / First Amendment Coalition regarding the anonymous reporting of code enforcement complaints.

Letter received from Orange County Employees Association (OCEA) and Huntington Beach Municipal Employees Organization regarding the anonymous reporting of code enforcement complaints.

Eight (8) email communications received regarding the anonymous reporting of code enforcement complaints.

#27 (22-1093) Four (4) email communications received regarding proposed raising of campaign contribution limits.

#28 (22-1105) Two (2) email communications received regarding the request to perform a CEQA review for the Great Pacific Air Show.

#29 (22-1094) Three (3) email communications received regarding report on Homelessness, Anti-Camping and Anti-Loitering Laws.

#30 (22-1108) *Draft Greenhouse Gas Reduction Program (GGRP)* submitted by Councilmember Kalmick.

Thirteen (13) email communications received regarding withdrawal from the OCPA.

#31 (22-1110) Email communication received regarding the request to pause the Main Street Redevelopment Project.

#32 (22-1095) Email communication received regarding request for HBPD Crime Statistics and Enhanced Public Safety Enforcement Activities.

#33 (22-1096) *State Auditor RHNA Fact Sheet* submitted by Councilmember Kalmick.

State Auditor RHNA March 2022 Report submitted by Councilmember Kalmick.

Letter received from YIMBY Law regarding opposing RHNA Mandate and adopting an Ordinance to Ban Builder's Remedy Developments.

Three (3) email communications received regarding opposing RHNA Mandate and adopting an Ordinance to Ban Builder's Remedy Developments.

#34 (22-1109) Memo, including legal documents, submitted by Councilmember Kalmick regarding his relationship to Craig Steele.

Two (2) email communications received regarding the request for information and actions related to the RWG report.

PUBLIC COMMENTS (3 Minute Time Limit) — 36 In-Person and 5 Call-In 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>.

Connie Boardman, Former Mayor and Councilmember, was called to speak and shared her concerns and opposition to Councilmember Items #27 regarding Mayor Strickland's request to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits, and #28 regarding Mayor Strickland's request to perform a CEQA review for the Great Pacific Air Show. (00:31:32)

Art Estrada, a member of the Huntington Beach Mobile Home Residents Coalition, was called to speak and shared his concerns regarding Mayor Strickland's City Council Liaison appointments to the Mobile Home Advisory Board. Mr. Estrada asked that new liaisons be appointed who are not conflicted and could provide fairness. (00:34:45)

Linda Rose, a 45-year homeowner, was called to speak and stated her interest in learning more about the newest members of the Homeless Task Force. She commended the Be Well OC staff, as well as the Police Department staff who support the Point in Time count. (00:36:58)

Nabila Yousef was called to speak and congratulated the newly elected Councilmembers. She stated her support for Councilmember Items #26 regarding Mayor Strickland's Proposed Ordinance to Establish a Code Enforcement Complaint Process regarding Alleged Business Violations and Prohibits the Submission of Anonymous Complaints. She stated her opposition to Councilmember Items #27 regarding Mayor Strickland's request to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits. (00:38:33)

Mary Jo Baretich, Cabrillo Beachfront Village Mobile Home Park HOA President, member of the Huntington Beach Mobile Home Residents Coalition, and member of the Mobile Home Advisory Board, was called to speak and stated her concerns about Councilmember Items #27 regarding Mayor Strickland's request to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits. (00:41:46)

Amory Hanson was called to speak and stated his support for Councilmember Items #33 (1.) regarding Councilmember McKeon's request to challenge the State's RHNA mandate for Huntington Beach, including its validity and any laws in support of such a mandate over the City as a Charter City, by taking whatever legal action is required. He further stated his support for creating a Section 8 Housing Voucher Program to create affordable housing using the existing homes and apartments in Huntington Beach, without having to build new housing units. (00:44:02)

Danielle Parks, speaking on behalf of Carol Rohr, President of the Huntington Beach Mobile Home Residents Coalition, was called to speak and noted that the two newly appointed Mobile Home Advisory Board Council Liaisons raise major conflict of interest issues. She noted the Executive Director and Political Action Committee Principal of a major industry group already sit on the Huntington Beach Mobile Home Advisory Board. Ms. Parks asked that new liaisons be appointed who could provide fair and unbiased representation for the mobile home community and the local government. (00:45:42)

Russell Neal, a resident of Huntington Beach, was called to speak and stated his support for Councilmember Items #27 regarding Mayor Strickland's request to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits. He also stated his support for any efforts to recover the right to local control over local matters. (00:47:58)

KC Fockler, Surfrider Foundation Member, was called to speak and welcomed the newly elected Councilmembers, and invited everyone to participate in the January 1, 2023, 23rd Annual Surf City Splash. (00:50:09)

Laura Sire, a 60-year resident of Huntington Beach, and member of Homeless United Huntington Beach, was called to speak and stated her opposition to Item #9 to approve Mayor Strickland's 2023 Council Liaison List with a majority of appointments going to newly elected Councilmembers. She asked that at least one experienced Councilmember be appointed as Liaison to the Homeless Task Force. (00:52:39)

Joclyn Rabbitt-Sire, a 23-year resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon requesting to switch the City's OCPA Energy Rate to Basic Choice and recommendation to withdraw as a Founding Member of OCPA. (00:56:50)

Christopher Waring, whose family has owned property in Surf City Beach Cottages Home Park for 57 years, was called to speak and shared his experience with increasing space rental costs as a senior citizen living on a fixed income. (01:00:08)

Wendy Rincon, a life-long resident of Huntington Beach, was called to speak and shared her concerns regarding Item #9 to approve Mayor Strickland's 2023 Council Liaison List and her support for the comments of Ms. Sire that the appointments are not evenly balanced between experienced and newly elected Councilmembers. Ms. Rincon also stated her opposition to Councilmember Items #26 submitted by Mayor Strickland to prohibit the submission of Anonymous Complaints, and #27 submitted by Mayor Strickland to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits. (01:02:21)

Bethany Webb, a 40-year resident of Huntington Beach, was called to speak and shared her opposition to Item #9 to approve Mayor Strickland's 2023 Council Liaison List which would remove experienced Councilmembers by inexperienced, newly elected Councilmembers. She also stated her opposition to Consent Calendar Item #11 to adopt Resolution No. 2022-82, modifying non-associated salary schedule for City Attorney to adjust for recent inflation. (01:05:17)

Cari Swan was called to speak and stated her support for Councilmember Items #26 submitted by Mayor Strickland proposing an Ordinance to Establish a Code Enforcement Complaint Process Regarding Alleged Business Violations and Prohibit the Submission of Anonymous Complaints; #27 submitted by Mayor Strickland requesting to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits; #28 submitted by Mayor Strickland requesting a CEQA review of the Great Pacific Air Show; #29 submitted by Mayor Pro Tem Van Der Mark for a report on Homelessness, Anti-Camping and Anti-Loitering Laws; #30 submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon to switch the City's OCPA Energy Rate to Basic Choice and recommendation to Withdraw as a Founding Member of OCPA; #31 submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon to Pause the Main Street Redevelopment Project and Solicit Additional Community Feedback Prior to Reconsidering the Project; #32 submitted by Councilmember Burns requesting HBPD Crime Statistics and Enhanced Public Safety Enforcement Activities report; #33 submitted by Councilmember McKeon opposing RHNA Mandate and return with an Ordinance to Ban Builder's Remedy Development; and, #34 submitted by Councilmember McKeon requesting Information and Actions Related to the RWG Report. Ms. Swan also shared her observations and opinions regarding the City Council's Officer Election Process during the December 6, 2022, City Council meeting. (01:09:16)

Pat Goodman, a long-time Huntington Beach homeowner and Self Help Interfaith Program volunteer, was called to speak and stated her support for Councilmember Items #29 submitted by Mayor Pro Tem Van Der Mark requesting a report on Homelessness, Anti-Camping and Anti-Loitering Laws. Ms. Goodman provided a historical review of the City's efforts since 2014 to address the issue of homelessness including development of the Homeless Task Force. (01:12:30)

Kathy Carrick, a 47-year resident, was called to speak and shared her support for efforts to move away from high density development, more homelessness and more crime. She commended newly elected Councilmembers for jumping in with both feet to move boldly forward in reaching toward the goals they set to help return HB to the city so many residents love. (01:15:50)

Lisa Swanson, a 13-year homeowner in southeast Huntington Beach, was called to speak and stated her opposition to Councilmember Items #30 submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon requesting to switch the City's OCPA Energy Rate to Basic Choice, and recommendation to Withdraw as a Founding Member of OCPA. (01:18:39)

Unnamed Guest, a homeowner in Huntington Beach since 1985, was called to speak and stated her opposition to Councilmember Items #26 submitted by Mayor Strickland proposing an Ordinance to Establish a Code Enforcement Complaint Process Regarding Alleged Business Violations and Prohibit the Submission of Anonymous Complaints. She read portions of a letter from the ACLU of Southern California and First Amendment Coalition addressing the serious constitutional concerns regarding an individual's right to petition and for anonymous speech. (01:19:51)

Natalie Rokos was called to speak and stated her opposition to Councilmember Items #26 submitted by Mayor Strickland proposing an Ordinance to Establish a Code Enforcement Complaint Process Regarding Alleged Business Violations and Prohibit the Submission of Anonymous Complaints by reading additional portions of the letter from the ACLU of Southern California and First Amendment Coalition. (01:22:16)

Dave Sullivan, a resident of Huntington Beach for over 55 years, Former Councilmember and Mayor, was called to speak and stated his support for always allowing 3 minutes for public speakers to make their comments. He congratulated Mayor Pro Tem Van Der Mark on becoming the first female Hispanic Huntington Beach Councilmember. (01:25:22)

Bill Hennerty was called to speak and congratulated the newly elected Councilmembers and City Attorney Michael Gates on his reelection. He stated his support for Councilmember Items #26 submitted by Mayor Strickland proposing an Ordinance to Establish a Code Enforcement Complaint Process Regarding Alleged Business Violations and prohibiting the Submission of Anonymous Complaints, and described his personal family experience of being the recipient of anonymous complaints. He stated his opposition to Councilmember Items #27 submitted by Mayor Strickland requesting to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits; and his support for Councilmember Items #30 submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon to Recommend Withdrawing as a Founding Member of the OCPA. (01:29:00)

Courtney Gillett, a life-long resident of Huntington Beach and Special Olympics Liaison for the Huntington Beach Union High School District and Ocean View High School, was called to speak and shared details on the Unified Sports program sponsored by Special Olympics. Ms. Gillett invited the community and Councilmembers to participate in the Special Olympics Golf Tournament on February 27, 2023, at the Huntington Club. They are also looking for hole and raffle item sponsors. (01:31:53)

Mark Dixon, a resident of Huntington for over 50 years, was called to speak and stated his opposition to Consent Calendar Item #11 regarding Resolution No. 2022-82 modifying the Non-Associated Salary Schedule for City Attorney to Adjust for Recent Inflation, Make Compensation More Competitive. Mr. Dixon also stated his opposition to Councilmember Items #26 submitted by Mayor Strickland proposing an Ordinance to Establish a Code Enforcement Complaint Process regarding Alleged Business Violations and Prohibiting the Submission of Anonymous Complaints. (01:34:17)

Roger Noor was called to speak and congratulated the newly elected Councilmembers, and asked that they not approve any budgets until they have been closely analyzed, specifically the \$99M Police Department budget and increasing utility bills for the residents. (01:36:20)

Paul Arms was called to speak and congratulated the newly elected Councilmembers. He stated his support for renewable energy and opposition to Councilmember Items #30 submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon requesting to switch the City's (Organization) OCPA Energy Rate to Basic Choice and recommendation to Withdraw as a Founding Member of the OCPA. (01:39:39)

Caller Lisa Martice was invited to speak and thanked Councilmembers Kalmick, Moser and Bolton, as well as Former Councilmember Carr and Former Mayor Delgleize for their positive leadership. Ms. Martice stated her opposition to Agenda Item #9 to approve Mayor Strickland's 2023 Council Liaison List which in her opinion appears to have replaced too many experienced Councilmembers with newly elected Councilmembers; opposition to Councilmember Items #26 submitted by Mayor Strickland proposing an Ordinance to Establish a Code Enforcement Complaint Process regarding Alleged Business Violations and Prohibits the Submission of Anonymous Complaints; and opposition to Councilmember Items #27 submitted by Mayor Strickland requesting to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits. (01:42:59)

Caller Jeanne Farrens was invited to speak and stated her opposition to Councilmember Items #27 submitted by Mayor Strickland requesting to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits. (01:46:20)

Caller Scott Miller, a resident of Huntington Beach for over 50 years and practicing attorney, was called to speak and stated his opposition to Consent Calendar Item #11 to adopt Resolution No. 2022-82 Modifying Non-Associated Salary Schedule for City Attorney to Adjust for Recent Inflation, and make Compensation More Competitive. (01:49:16)

Caller Cooper was invited to speak and stated support for the comments already made by members of the Huntington Beach Mobile Home Residents Coalition regarding the conflict of interest when newly elected Councilmembers are being appointed as Liaisons to the Mobile Home Advisory Board. Cooper stated his opposition for Councilmember Items #26 submitted by Mayor Strickland proposing an Ordinance to Establish a Code Enforcement Compliant Process regarding Alleged Business Violations and Prohibits the submission of Anonymous Complaints; and opposition to Councilmember Items #27 submitted by Mayor Strickland requesting to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits. Cooper encouraged everyone to take a look at the Huntington Beach Monarch Nature Trail and take advantage of the volunteer opportunity provided on the first Saturday of every month at 9 AM to help maintain the trail. (01:52:27)

Caller Keith Diggs, an attorney with YIMBY Law, was invited to speak and made reference to the letter provided in opposition to Councilmember Items #33 submitted by Councilmember McKeon opposing RHNA Mandate and requesting an Ordinance to Ban Builder's Remedy Developments. Attorney Diggs shared his opinion that a ban on builder's remedy development will open up the City to losing lawsuits. (01:54:32)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS

Councilmember Burns announced the following appointments: Peter Rivas, Public Works Commission; Jeanne Paris, Citizen Participation Advisory Board; Lolly McHardy, Community & Library Services Commission; Bill Hamilton, Finance Commission; Doug Misterly, Investment Advisory Board; and Donn Strook, Planning Commission.

Councilmember McKeon announced the following appointments: Daren MacDonald, Public Works Commission; Don Kennedy, Citizen Participation Advisory Board; Ceason Baker, Community & Library Services Commission; Frank Lo Grasso, Finance Commission; Martha Morrow, Investment Advisory Board; and Tracy Pellman, Planning Commission.

Mayor Pro Tem Van Der Mark announced the following appointments: Mark Ellett, Investment Advisory Board; Austin Edsell, Community and Library Services Commission; Kelly Gates, Finance Commission; Edward 'Butch' Twining, Planning Commission; Michael Hoskinson, Citizen Participation Advisory Board; and James Michalski, Public Works Commission.

Mayor Strickland announced the following appointments: Rick Wood, Planning Commission; David Cicerone, Finance Commission; Michelle Schuetz, Community and Library Services Commission; Pano Frousiakis, CIAB/Public Works Commission; and Mike Massie, Citizen Participation Advisory Board.

9. 22-1041 Approved Mayor Strickland's 2023 Council Liaison List

Councilmember Bolton noted that serving Boards and Commissions is a huge time commitment, and stated that what is presented will mean that Councilmembers will miss a lot of meetings, and she doesn't think that would be providing good service.

Councilmember Kalmick stated his support for Councilmember Bolton's comments, and requested that reports from Boards and Commissions be added back to the Agenda so that the community remains informed.

Mayor Strickland responded that the Councilmember reports for the public citizen boards, commissions and task force meetings will be presented in written form and included in the Minutes to keep the Council meetings moving along.

Councilmember Kalmick noted that Former Councilmember Posey needs to be removed from the list as Liaison for Orange County Vector Control since he is no longer a Councilmember, and the Orange County Power Authority (OCPA) Liaison position needs to be corrected from a four (4) to two (2) year term.

Councilmember Moser stated her support for Councilmember Bolton's comments, and noted that being involved at the board, commissions and task force level is a great opportunity to connect with the great volunteers also serving the community. She added that there will be a lot of institutional knowledge lost by approving the proposed Council Liaison List, and stated her disappointment in Mayor Strickland's decision on this matter. Councilmember Moser further noted that the Personnel Commission Liaison is a two-year term, and asked if she could serve the remainder of her term. City Attorney Michael Gates confirmed that City Council has the authority to change terms through a vote.

A substitute motion was made by Kalmick, second Moser to add back in to the Agenda a limited amount of time for Liaison reports.

The motion failed by the following vote:

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

A motion was made by Burns, second McKeon to, as recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: Approve the 2023 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Strickland. (The City Clerk certifies that FPPC Form 806 "Agency Report of Public Official Appointments" which is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency,

special district and joint powers agency or authority was posted to the City's website according to law prior to this vote.)

The motion carried by the following vote:

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

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT

10. 22-694 Welcome to New OneHB Team Members

Assistant City Manager Travis Hopkins announced the Executive Team welcomed 16 new employees in the past week who will be providing service in the following Departments: Community & Library Services, Finance, Police, Public Works, and the City Manager's Office.

Assistant City Manager Hopkins also announced that Administrative Services Director Brittany Mello and Chief Financial Officer Dahle Bulosan are departing the City for other job opportunities.

CONSENT CALENDAR

Councilmember Bolton pulled Item #11; Councilmember Burns pulled Items #13, #19, #20, and #22, for further discussion.

Office of City Attorney

11. 22-1113 Adopted Resolution No. 2022-82 Modifying Non-Associated Salary Schedule for City Attorney to Adjust for Recent Inflation, Make Compensation More Competitive

City Attorney Michael Gates read the Staff Report which was prepared by Chief Assistant City Attorney Mike Vigliotta in order to inform the public regarding this item.

Councilmember Bolton pulled this item to state she cannot support this item in the absence of a compensation study.

Councilmember Kalmick and Chief Financial Officer Bulosan discussed details of the fully encumbered cost, and Councilmember Kalmick stated he does not have enough information to support this item.

Mayor Strickland stated he did a review of the compensation for other California elected city attorneys and acknowledging that City Attorney Michael Gates has not had any increase since 2019 where all other City staff have received compensation increases, he supports this item.

A motion was made by Strickland, second Van Der Mark to Adopt Resolution No. 2022-82, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Certain Benefits of the Elected City Attorney."

The motion carried by the following vote:

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

Office of City Clerk

12. 22-989 Approved and Adopted Minutes

A motion was made by Strickland, second Kalmick to approve and adopt the City Council/Public Financing Authority regular meeting minutes of November 15, 2022 and the special meeting minutes of November 29, 2022.

The motion carried by the following vote:

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

13. 22-241 Amended to NOT reaffirm adoption of Resolution No. 2021-62 finding a proclaimed state of emergency continues to impact the ability to meet safely in person, and allows meetings of the City Council and all City boards, commissions and committees to be conducted remotely as needed in compliance with new Brown Act provisions identified in Assembly Bill 361

Councilmember Burns pulled this item to state his opinion that COVID-19 is not a state of emergency.

Councilmember Kalmick noted that this item allows the City's boards and commissions to safely conduct meetings remotely, and added that currently the State plans to end the state of emergency at the end of February.

Councilmember Moser shared that if there was not a proclaimed state of emergency, it would not be possible for her to attend this meeting via Zoom.

A motion was made by Moser, second Kalmick to reaffirm Resolution No. 2021-62, "A Resolution of the City Council of the City of Huntington Beach, California, finding that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person."

The motion failed by the following vote:

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

An **amended** motion was made by Burns, second Van Der Mark to **NOT** reaffirm Resolution No. 2021-62, "A Resolution of the City Council of the City of Huntington Beach, California, finding that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person."

The **amended** motion carried by the following vote:

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

14. 22-1040 Received and filed the Maddy Act Local Appointments List — 2023 (terms on City boards, commissions, and committees that expire in 2023) informing the public of openings and vacancies based on 2023 expiration of current members' terms

A motion was made by Strickland, second Kalmick to receive and file the Maddy Act Local Appointments List - 2023 showing vacancies that will occur on City boards, commissions, and committees in the year 2023, and direct the City Clerk to post the list at official posting locations (Civic Center, Huntington Central Library, and Main Street Library). Copies of the Maddy Act Local Appointments List - 2023 will also be posted at all branch libraries and on the City's website.

The motion carried by the following vote:

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

Administrative Services Department

15. 22-1017 Adopted Resolution No. 2022-81 modifying the pay schedule for part-time, non-permanent, and non-classified employees to comport with the State minimum wage increase effective January 1, 2023

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2022-81, "A Resolution of the City Council of the City of Huntington Beach Approving the Pay Schedule for Part-Time Non-Permanent and Non-Classified Employees Effective January 1, 2023," and authorize the City Manager to take all administrative and budgetary actions necessary to implement the revised pay schedule.

The motion carried by the following vote:

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

Community Development Department

16. 22-755 Approved Final Tract Map No. 19136, accepted bonds, and authorized execution of a Subdivision Agreement for the Gisler Residential subdivision by Lennar Homes of California, LLC at 21141 Strathmoor Lane

A motion was made by Strickland, second Kalmick to approve Final Tract Map No. 19136 and accept the offer of dedications pursuant to findings and requirements (Attachment No. 1); and, approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and Lennar Homes of California, LLC (Attachment No. 6); and, accept Faithful Performance Bond Nos. US00121914SU22A and US00121915SU22A, Labor and Material Bond Nos. US00121914SU22A and US00121915SU22A, and Monument Bond No. US00121913SU22A as sureties (Attachment No. 7) for the installation of the subdivision's required public improvements and survey monumentation and Gisler Park improvements; and, instruct the City Clerk to file the respective bonds with the City Treasurer and notify the Surety, XL Specialty Insurance Company, of this action.

The motion carried by the following vote:

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

17. 22-1031 Approved Final Tract Map No. 18079, accepted Bonds, and authorized execution of a Subdivision Agreement for the Georgia Townhomes Subdivision by Hilltop Townhomes LLC at 910 Georgia Street

A motion was made by Strickland, second Kalmick to approve Final Tract Map No. 18079 and accept the offer of easement pursuant to findings and requirements (Attachment No. 1); and, approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and Hilltop Townhomes LLC (Attachment No. 6); and, accept Faithful Performance Bond No. 4459427, Labor and Material Bond No. 4459427, and Monument Bond No. 4459428 as sureties (Attachment No. 7) for the installation of the subdivision's required public improvements and survey monumentation; and, instruct the City Clerk to file the respective bonds with the City Treasurer and notify the Markel Insurance Company of this action.

The motion carried by the following vote:

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

18. 22-1037 Approved Final Tract Map No. 19157, accepted bonds, and authorized execution of a Subdivision Agreement for the Olson Townhomes subdivision by Olson Urban V-Huntington Beach 4, LLC at 8371 to 8461 Talbert Avenue

A motion was made by Strickland, second Kalmick to approve Final Tract Map No. 19157 and accept the offer of easement pursuant to findings and requirements (Attachment No. 1); and, approve and authorize the Mayor and City Clerk to execute the Subdivision Agreement by and between the City of Huntington Beach and Olson Urban V-Huntington Beach 4, LLC (Attachment No. 6); and, accept Faithful Performance Bond No. PB03010409024, Labor and Material Bond No. PB03010409024, and Monument Bond No. PB03010409039 as sureties (Attachment No. 7) for the installation of the subdivision's required public improvements and survey monumentation; and, instruct the City Clerk to file the respective bonds with the City Treasurer and notify the Surety, Philadelphia Indemnity Insurance Company, of this action.

The motion carried by the following vote:

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

19. 22-1119 TABLED to a date uncertain item authorizing the Executive Director to Sign a Letter of Support for a Jamboree Housing Corporation application for grant funds from the California Departments of Health Care Services and Social Services through the Behavior Health Continuum Infrastructure and the Community Care Expansion Programs

Councilmember Moser explained her understanding this is a time sensitive item requiring completed paperwork by the end of December or early January.

Assistant City Manager Hopkins confirmed that the application letter is due by January 17th, 2023, and grant funds are limited and available only as long as funds are available.

Councilmember Burns shared his opinion that if the deadline is before the end of the day on January 17th, it should have been addressed much earlier by the previous Council, and he still wants to Table this item to align with his campaign promises.

Councilmember Moser stated her understanding that the four newly elected Councilmembers campaigned on addressing homelessness, and she believes this item definitely will support their campaign promises. She further noted that the City's financial contribution to improving homelessness is limited by the contract regarding the Emergency Navigation Center that exists today, and that additional funding resources will come from regional and State funding, and this item is asking for those resources. Councilmember Moser added that in the future the Council would have the option to approve changes. She stated her belief that all Councilmembers are interested in decisions that will make important impacts on homelessness and not just make "band-aide" decisions, and shared her opinion that money may be left on the table if this item is not approved tonight.

Councilmember McKeon stated this is a critical issue for residents, and shared his opinion that if this item is approved, there will no longer be a Navigation Center, the ability to enforce anti-camping laws will be eliminated, and he supports tabling this item for more time to completely understand the issue.

Councilmember Kalmick stated this is a non-binding letter, but rather it is a letter of support for Jamboree. The Council will have the option down the road to refuse Jamboree's proposal. He also explained that the Navigation Center was purchased and built with special funding and must be turned into permanent housing at some point. It already has a finite life. The Healing Center will actually solve a lot of the homeless issues.

Councilmember Moser stated for clarification that if a permanent shelter is built, it will not close down the Navigation Center nor remove the ability to enforce anti-camping laws.

Councilmember McKeon responded by describing a conversation at a recent Healing Center meeting to document the source of his previous comment, and stated he needs more time for a fair analysis.

Mayor Pro Tem Vander Mark stated she also attended the recent Healing Center meeting and noted there are a lot of unanswered questions. She added in her opinion it would be irresponsible to approve this item without those questions answered.

Councilmember Moser reiterated that there is nothing binding in this item, and approving this item only supports Jamboree's efforts to acquire government funding. She also stated that there are many questions yet to be answered for this complicated subject, and shared her opinion that it would be irresponsible to not support Jamboree Housing's time-sensitive application for grant funds and take the risk of leaving funding on the table.

Councilmember Burns shared his opinion there is never free money without strings attached, and if this item is so time sensitive it should have already been addressed by the previous Council.

A motion was made by Moser, second Kalmick to authorize and direct the Executive Director to sign letters of support (Attachments 1 and 2) to support the grant application the California Departments of Health Care Services and Social Services through the Behavior Health Continuum Infrastructure and the Community Care Expansion Programs.

The motion failed by the following vote:

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

An **amended** motion was made by Burns, second McKeon to **TABLE to a date uncertain** authorizing and directing the Executive Director to sign letters of support (Attachments 1 and 2) to support the grant application the California Departments of Health Care Services and Social Services through the Behavior Health Continuum Infrastructure and the Community Care Expansion Programs.

The **amended** motion carried by the following vote:

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

Finance Department

20. 22-1063 Adopted Resolution No. 2022-80 accepting and approving the Development Impact Fee (DIF) Report for Fiscal Year 2021-22 and to make findings as required by Government Code Sections 66006 and 66001

Councilmember Burns pulled this item noting the report was over 400 pages and the 4 or 5 days of time was not enough to really understand the implications without due diligence, and he asked Chief Financial Officer Dahle Bulosan to explain the report.

Chief Financial Officer Dahle Bulosan presented a PowerPoint communication titled *Development Impact Fees*, with slides entitled *Financial Summary Report*, and *DIF Expenditures*.

Assistant City Manager Hopkins clarified for the Councilmembers that this report is just a summary of Development Impact Fees collected and spent during the last year. He confirmed that approving this item is not obligating any funds, and any future expenditures will be presented for Council approval.

Councilmember Burns asked if there is any action that can be taken if this item is approved by Council. Chief Financial Officer Bulosan confirmed this is strictly a report for the 2021/2022 fiscal year, and noted it takes operational time to close the books and complete the audit necessary for this report. Councilmember Burns stated if approval only affirms the report was completed, and does not have any empowering functions, he can support this item.

A motion was made by Burns, second Van Der Mark to accept and approve the Development Impact Fee Report for Fiscal Year Ending June 30, 2022 and Adopt Resolution No. 2022-80, "A Resolution of the City Council of the City of Huntington Beach to Accept and Approve the Development Impact Fee Report for Fiscal Year Ending June 30, 2022 and to Make the Findings as Required by Government Code Sections 66006(b) and 66001(d)."

The motion carried by the following vote:

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

Fire Department

21. 22-930 Adopted Resolution No. 2022-79 approving the Local Hazard Mitigation Plan enabling the City to be eligible for pre- or post-disaster hazard mitigation funds from the Federal Emergency Management Agency (FEMA)

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2022-79, "A Resolution of the City Council of the City of Huntington Beach Approving the Updated Huntington Beach Local Hazard Mitigation Plan."

The motion carried by the following vote:

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

22. 22-1027 Approved an appropriation of \$867,000 for the California Department of Health Care Services (DHCS) Public Provider Ground Emergency Medical Transport Intergovernmental Transfer Program (PP-GEMT IGT) for FY 2022/23

Councilmember Burns pulled this item to request clarification and explanation.

Fire Chief Haberle explained the City manages its own ambulance company and processes appropriate bills through Medicare and MediCal providers. The previous billing program was Ground Emergency Transport (GEMT) which allowed for an additional \$220 per Medicare/MediCal transport. The GEMT sunsets at the end of the year, and new billing program will provide an additional \$946 per Medicare/MediCal transport which has the potential for a net revenue increase of \$700,000 to \$800,000 per year. Chief Haberle explained this is an inter-agency transfer of funds process whereby the Department gets reimbursed by going first through the State, which sends it on to the Feds, and then the reimbursement funds come to Huntington Beach.

Mayor Strickland added this process is required by State and Federal regulations and nothing can be done about it at the municipal level.

A motion was made by Burns, second McKeon to approve an appropriation of \$867,000 for the PP-GEMT IGT Program for FY 2022/23.

The motion carried by the following vote:

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

Public Works Department

23. 22-1044 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with Stance Construction Company in the amount of \$585,014.50 for the Residential Curb Ramp Project, CC-1700

A motion was made by Strickland, second Kalmick to accept the lowest responsive and responsible bid submitted by Stance Construction Company in the amount of \$585,014.50; and authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

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

24. 22-1048 Accepted the lowest responsive and responsible bid, authorized execution of a construction contract with Modern General Contractor Inc. in the amount of \$397,000.00 for the Police Department Traffic and Homeless Task Force Office Renovation, CC-1678, and authorized change orders

A motion was made by Strickland, second Kalmick to accept the lowest responsive and responsible bid submitted Modern General Contractor Inc. in the amount of \$397,000.00, and authorize the Director of Public Works to execute change orders not to exceed 20% of the contract costs, or \$79,000.00.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

25. 22-1090 Approved the Reorganization of the Administrative Services Department into the Human Resources Department and Information Services Department, and Adopted Resolution No. 2022-83 Amending the City's Classification Plan to Delete the Director of Administrative Services and Add the Positions of Director of Human Resources and the Chief Information Officer, as amended to defund other positions to ensure a zero net budget

Director of Administrative Services Brittany Mello presented a PowerPoint communication titled *Administrative Services Department Reorganization*; with slides entitled *Background (2)*; *Proposed Reorganization*; *Staff Recommendation (2)*; and *Questions*.

Councilmember Burns confirmed there were no other added director positions during this time.

Councilmember McKeon confirmed there are other positions that could be defunded to provide funds for this addition to ensure a zero sum.

Kalmick confirmed that Library and Community Services departments were also combined two years ago resulting in eliminating a total of two department head positions. He stated that having a Chief Information Officer is crucial considering all City Departments are served by the Information Services Department, including Fire and Police.

A motion was made by McKeon, second Strickland to approve the reorganization of the Administrative Services Department into separate Human Resources and Information Services Departments, authorize one additional full-time equivalent position and appropriate \$138,140 in the Fiscal Year 22/23 budget, and authorize the City Manager to take all administrative and budgetary actions necessary to implement the reorganization, adopt Resolution No. 2022-83, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Deleting the Director of Administrative Services and Adding the Job Classifications of Director of Human Resources and Chief Information Officer and Establishing Compensation." **as amended to defund other positions to ensure a zero net budget.**

The amended motion carried by the following vote:

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

NOES: None

COUNCILMEMBER ITEMS

26. 22-1092 Approved item submitted by Mayor Strickland — Proposed Ordinance to Establish a Code Enforcement Complaint Process Regarding Alleged Business Violations and Prohibits the Submission of Anonymous Complaints

Mayor Strickland introduced this item to address an issue brought to his attention by business owners across the City. He further stated that people should stand up to their accusation of egregious violations and move away from small business harassment.

Councilmember McKeon clarified that this proposed action relates to code enforcement complaints for businesses in commercial zones only, and does not apply to businesses in residential neighborhoods. He also stated staff will be directed to come up with alternate option(s) to present complaints in person at City Hall.

Mayor Pro Tem Van Der Mark shared her opinion that Code Enforcement staff have been weaponized by anonymous complaints against businesses and this must be stopped.

Councilmember Bolton shared if there is a need to address issues of bogus business complaints, it needs to be resolved in a legally and constitutionally defensible manner.

Mayor Strickland responded that he worked closely with City Attorney Michael Gates to ensure this item is legal and constitutional.

City Attorney Gates noted that he had read the letter which was received against this item, and stated there were no statutes or cases that stood for the claim that Huntington Beach could not do this.

Councilmember Moser noted that it is not appropriate that business owners feel weaponized against, and she feels this item may discourage people from calling out hazardous or unsafe conditions which does not benefit the greater community. In support of her recommendation, she read part of the letter received from the ACLU which described the "appropriate response is to instruct Code Officers to evaluate whether complaints have sufficient indicia of liability to justify initiating an investigation" and to ensure there is no intent to invade the constitutional rights of anyone making an anonymous complaint.

A motion was made by Strickland, second McKeon to request the City Attorney to return to City Council with a proposed ordinance that bans anonymous complaints by individuals to Code Enforcement about alleged business violations. The Ordinance should provide that Code Enforcement is welcome to continue to take in complaints from the public about businesses, but that in order to do so, strict new reporting requirements must be adhered to. Any and all complaints by individuals must occur in person at City Hall, which will include a new and updated intake form be completed with all identifying information of the complaining party. The intake of the complaint shall include a copy of the individual's driver's license or other form of ID with a full name, address, and photo of the individual. If a City worker, including a member of Code Enforcement is lodging the complaint, then he/she identifies him/herself likewise.

The motion carried by the following vote:

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

27. 22-1093 Approved item submitted by Mayor Strickland — Request to amend the Huntington Beach Municipal Code to raise Campaign Contribution Limits

Mayor Strickland introduced this item by explaining the current limits make it really hard to finance a campaign, and stated his intention is to empower candidates with the donations going directly to them. He also noted that State law precludes a successful candidate from voting on an item for which they received more than a \$250 donation, and he believes this item will provide more candidate accountability.

Councilmember Bolton clarified with Mayor Strickland that the item raises campaign contribution limits, but does not eliminate contributions from independent (outside) sources. Mayor Strickland shared his opinion that this item will result in less negative campaigning.

Councilmember Kalmick reminded his fellow Councilmembers that on October 18, 2022, Council asked staff to return in Q1 prepared to discuss campaign reform, including campaign financing limits. He stated he does not disagree that limits are low, but would like to see more details presented in context before voting on the issue, especially since any future candidates will probably not immediately start fundraising efforts.

Mayor Strickland clarified this item would track State Senate/Assembly limits, including COLA adjustments every couple of years.

Mayor Pro Tem Van Der Mark stated the intent of this item is to give the candidate financing control and not put them in a position of having to rely upon independent expenditures.

Councilmember Moser stated her support for Councilmember Kalmick's comments. She added that she believes increasing campaign contribution limits will not empower the average resident and help them to feel they are an integral part of the political process.

Councilmember McKeon clarified his perspective that increasing campaign contribution limits will allow for greater candidate free speech and self-control, and would remove the power of special interests.

A motion was made by Strickland, second McKeon to direct the City Attorney to return at the next City Council Meeting with an amendment to the City's municipal code to raise the contribution limit to match or track that of the limits for California's Senate/Assembly candidates.

The motion carried by the following vote:

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

28. 22-1105 Approved item submitted by Mayor Strickland — Request to perform a CEQA review for the Great Pacific Air Show

Mayor Strickland introduced this item and stated he hopes to make the Great Pacific Air Show a long-time Huntington Beach event.

Councilmember McKeon shared his perspective that this is part of the City's investment for a long-time event as Environmental Impact Reports (EIRs) are usually good for 20 years.

Councilmember Kalmick confirmed with staff that at the moment the City has not received an application for the 2023 Air Show. He shared his concerns about approving an item with no indication of the cost, as well as possibly violating Charter Section 307 by also directing Chief Assistant City Attorney Mike Vigliotta, rather than just the City Manager. Councilmember Kalmick also stated his opinion that approving this item could set a dangerous precedent for any other special event vendor who may request the City provide their Environmental Impact Report (EIR).

City Attorney Michael Gates responded that it is not unreasonable for Council to direct a staff member who has required expertise.

Mayor Strickland stated he would do this for any other event that brings in \$105M to the local economy.

A motion was made by Strickland, second Van Der Mark to request the City Manager to return to City Council at the first regular City Council Meeting in January 2023 with a specific and actionable recommendation for undertaking an adequate CEQA review of the Air Show. Chief Assistant City Attorney, Mike Vigliotta's experience in environmental legal review will provide the leadership to retain the consultant necessary to complete the environmental review.

The motion carried by the following vote:

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

29. 22-1094 Approved item submitted by Mayor Pro Tem Van Der Mark — Request Report on Homelessness, Anti-Camping and Anti-Loitering Laws

Mayor Pro Tem Van Der Mark introduced this item by describing some of the results to resident quality of life and public safety issues as the homeless population has increased since 2019. She noted that after the 2020 election, the new City Council altered the plan of action to address these issues and as a result Former Police Chief Handy's 90-day plan to address how the HBPD would enforce the City's and State's anti-camping and anti-loitering laws was never implemented. Mayor Pro Tem Van Der Mark also noted the Navigation Center for the most part is unused, and the City's public and business spaces are still occupied by homeless encampment and loitering. She described explicit and specific unacceptable situations that are continuing to occur as a result.

Councilmember Moser stated her support for regular reporting and transparency, and shared her opinion that the City is doing a much better job of addressing these issues than it used to. She recommended there also be efforts to consider reporting on ways to prevent homelessness, and to include the new State Care and Homeless Courts. Councilmember Moser noted that Former police Chief Handy's 90-day plan was not attached to this agenda item and asked how that plan can be reviewed so that an informed decision can be made by Councilmembers.

Police Chief Parra confirmed that Former Chief Handy had some email notes with bullet points he had organized for Former City Manager Oliver Chi to consider how the homeless could be educated

regarding the rules regarding no-camping laws and use of the Navigation Center when it became available. Chief Parra confirmed he has never seen any specific detailed 90-day plan addressing this issue, and confirmed that since he has been on staff the Police Department has been enforcing the laws.

A substitute motion was made by Moser, second Kalmick to direct the City Manager and the Police Chief to return on January 17, 2023 to present the following: 1. A full report and accounting identifying all of the City's resources, including recently hired/appointed City personnel, County programs present in the City, and facilities like the Navigation Center, that have been employed or deployed to combat homelessness; and 2. A full report and accounting of the Navigation Center's use since it opened in December 2020, including the number of beds occupied over time (utilizing monthly data), where the clients/patrons are from (have they been Huntington Beach homeless or have they been brought in by the County or other cities), and average length of how long individuals stay and where they go once released (e.g., back on the streets, County facilities, or back home); and **TABLE to a date unknown 3. A proposal that incorporates former Police Chief Handy's 90-day plan on how HBPD will enforce the City's and State's anti-camping and anti-loitering laws to get the City's public spaces free from the mentioned encampments, loitering, and their related health and safety concerns;** and 4. A request for the Police Chief to give quarterly updates at City Council on enforcement of anti-camping and anti-loitering.

The substitute motion failed by the following vote:

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

A motion was made by Van Der Mark, second McKeon to direct the City Manager and the Police Chief to return on January 17, 2023 to present the following: 1. A full report and accounting identifying all of the City's resources, including recently hired/appointed City personnel, County programs present in the City, and facilities like the Navigation Center, that have been employed or deployed to combat homelessness; and, 2. A full report and accounting of the Navigation Center's use since it opened in December 2020, including the number of beds occupied over time (utilizing monthly data), where the clients/patrons are from (have they been Huntington Beach homeless or have they been brought in by the County or other cities), and average length of how long individuals stay and where they go once released (e.g., back on the streets, County facilities, or back home); and, 3. A proposal that incorporates former Police Chief Handy's 90-day plan on how HBPD will enforce the City's and State's anti-camping and anti-loitering laws to get the City's public spaces free from the mentioned encampments, loitering, and their related health and safety concerns; and, 4. A request for the Police Chief to give quarterly updates at City Council on enforcement of anti-camping and anti-loitering.

The motion carried by the following vote:

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

30. 22-1108 Approved Item submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon — Request to Switch the City of Huntington Beach's (The Organization) OCPA Energy Rate to Basic Choice and provide Recommendations to Withdraw as a Founding Member of the OCPA

Councilmember McKeon introduced this item by stating his opinion that private sector, not the government, should be involved in competition, and described the roles of a municipality as public safety,

infrastructure, zoning and being a good steward of finances. He noted it is not possible to deliver 100% green energy, and choosing to automatically enroll residents at that level has the potential to impose a substantial financial burden. He further explained that currently Southern California Edison (SCE) provides the option for users to participate in the green energy subsidy program by purchasing 50% or 100% green energy if they want to.

Mayor Pro Tem Van Der Mark provided a brief history of previous Councilmember actions to become a Founding Member of the Orange County Power Authority (OCPA) and selecting the 100% green energy as the default option for the residents and the City. She shared her opinion that it is irresponsible for the City to default to the highest cost energy service, and noted that in all other City contracts the lowest responsive and responsible bid is approved. Mayor Pro Tem Van Der Mark also stated that it is the City Council's responsibility to protect the City from possible corruption and irresponsible policy.

Councilmember Kalmick, speaking as the OCPA Liaison, noted that beginning in January the OCPA basic rate will be at a 2% discount, the middle rate will be \$0.01/kW higher, and the top tier rate will be 1.5% higher than SCE's rates. He further noted that SCE has stopped their 100% green energy option probably until 2024, and pulling out of the OCPA will eliminate choices. Councilmember Kalmick asked that the requested staff report include how the City will meet the General Plan policies for meeting greenhouse gas reduction goals by 2040, and meeting other State mandates.

Councilmember Kalmick confirmed with Mayor Strickland that the intent of this item is to make the Basic Choice the default option for the City as well as for City businesses and residents, and they can choose the higher rate option if they chose to.

Mayor Strickland noted that he had served on the Energy Committee at both the State Assembly and Senate level and he supports renewable energy, however, 100% is not currently feasible and should not be considered a goal in his opinion.

A motion was made by McKeon, second Van Der Mark to request the City Manager present options at the next City Council meeting on the City's pursuit to immediately switch the City of Huntington Beach facilities to OCPA's Basic Choice Option. We also request for staff to return at a study session before the end of February 2023 to provide options, costs and paths forward to remove/withdraw the City entirely from the Orange County Power Authority.

The motion carried by the following vote:

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

31. 22-1110 Approved item submitted by Mayor Pro Tem Van Der Mark and Councilmember McKeon — Request to Pause the Main Street Redevelopment Project and Solicit Additional Community Feedback Prior to Reconsidering the Project

Mayor Pro Tem Van Der Mark introduced this item by stating that much effort has taken place on the Main Street Redevelopment plan, she believes it is important to take a pause to resume community engagement to ensure any proposal reflects a consensus for Downtown businesses and all residents. She further explained that a financial feasibility study has not yet been completed for this plan.

Councilmember McKeon stated this is a time-sensitive plan, and the newly elected Councilmembers see this action item as one step in fulfilling their campaign promise to take the time to speak with everybody, and understand each position, with the goal of finding consensus for a plan that works for everyone.

Councilmember Moser acknowledged staff for their efforts to date on this project, and stated her support for more feedback. She shared her opinion that most likely there will not be consensus, and stated her understanding that a financial impact study has been impossible up to this point because there were still too many moving parts, but that study will be completed at the appropriate time in the process.

A motion was made by Van Der Mark, second McKeon to request the City Manager to pause the work of Studio One Eleven architects and re-engage the community. Return to the City Council in February 2023 to share the feedback received from the community and engage in another discussion on whether to pursue the Main Street redesign. If direction is given to proceed, Council and staff will discuss various options for the redesign of the first, second, and third blocks of Main Street.

The motion carried by the following vote:

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

32. 22-1095 Approved item submitted by Councilmember Burns — Request for HBPD Crime Statistics and Enhanced Public Safety Enforcement Activities

Councilmember Burns described the uptick in shoplifting and noted there are ways to escalate the response to crimes whether from petty theft, burglary, resistance, or robbery.

Councilmember Moser suggested that regional comparisons be included in the reporting to provide context as to how surrounding communities are being impacted. She shared her opinion that Huntington Beach Police Officers are doing all they can, and noted some of the challenges are State-level laws.

Councilmember Burns stated that the main reason for this item is to show the residents what is being done to address crime in Huntington Beach.

Councilmember McKeon stated his interest is in clarifying the current level of service and then being able to measure and help to improve results.

A motion was made by Burns, second Kalmick to 1. Direct the City Manager to work with the Police Chief and return on January 17, 2023 with a report on crime statistics over the past year, particularly regarding theft from or damage to our local businesses and home invasion burglaries throughout the City; and, 2. Return on January 17, 2023 with a report on what measures (without reporting/revealing tactics that should be kept confidential) that the HBPD will take in 2023 to increase public safety and law enforcement; and, 3. Return quarterly with crime statistics and include explanations of the HBPD's increased efforts to fight crime; and, 4. Direct the City Attorney to return on January 17, 2023 with any recommendations to increase prosecutorial support of the HBPD, if any.

The motion carried by the following vote:

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

33. 22-1096 Approved item submitted by Councilmember McKeon — Oppose RHNA Mandate and Adopt an Ordinance to Ban Builder's Remedy Developments

Councilmember McKeon introduced this item stating his opinion that the effort to challenge the State's Regional Housing Needs Assessment (RHNA) should have been exercised from the beginning because the mandates violate local control by a Charter city. He added that if there is in fact a housing crisis, it needs to be proven and adjudicated by the California Department of Housing and Community Development (HCD) and Southern California Association of Government (SCAG).

Mayor Strickland confirmed the residents want to fight to protect and preserve this suburban coastal community, and Councilmember Burns stated that the State overreach cannot be tolerated.

Councilmember Kalmick asked for clarification and more detail for this vague recommended action. City Attorney Michael Gates replied he would return to Council in Closed Session with a specific proposal based on recent research which points to a more compelling and robust case.

Councilmember Kalmick asked how Councilmembers can pass an ordinance that is in direct opposition to State law, and suggested that a resolution may be a more appropriate action. City Attorney Michael Gates explained that the way the City's zoning code is written, builder's remedy is already illegal, and noted a new ordinance will just make it very clear that the City will not tolerate this. Councilmember Kalmick asked for reference to the specific zoning code and City Attorney Michael Gates said he did not have that information available, but to expect it in the follow-up action.

Councilmember Moser asked staff what the current vacancy rate is for Huntington Beach, and Community Development Director Luna-Reynosa stated she will find out and report back later.

Mayor Strickland asked that Director Luna-Reynosa also include how many jobs have left the State, as well as Census numbers.

A motion was made by McKeon, second Strickland to authorize the City Attorney to: 1. Challenge the State's RHNA mandate for Huntington Beach, including its validity and any laws in support of such a mandate over the City as a Charter City, by taking whatever legal action is required; and 2. Return to City Council at the City Attorney's earliest convenience with an ordinance banning "Builder's Remedy" developments from taking place in Huntington Beach. Development without proper approvals is already not legal in the City, but this Ordinance is essential to make it clear to the entire community that Huntington Beach will fight any developer that seeks to develop pursuant to "Builder's Remedy" laws.

The motion carried by the following vote:

AYES: Van Der Mark, Strickland, McKeon, and Burns

NOES: Kalmick, Moser, and Bolton

34. 22-1109 Approved item submitted by Councilmember McKeon — Request for Information and Actions Related to the RWG Report

Councilmember McKeon introduced this item by noting that the November ballot City Charter items were a result of the RWG Report, and were defeated by a landslide. The City Charter clearly states that the City Attorney is designated by the people. The Council can hire outside attorneys, but they must be under the purview of the City Attorney's Office. He provided a brief background of previous Council

actions related to this matter, and clarified that the City Clerk, rather than the City Manager, is being asked to remove the RWG Report from the City's website.

Councilmember Bolton clarified this item relates to the waiver of attorney-client confidentiality privileges by the present Council pertaining to items that were considered by a previous Council, and absent any advice from a competent and independent lawyer regarding an investigation that involves the City Attorney or City Attorney's Office, she cannot support this item.

An **amended** motion was made by McKeon, second Burns to 1. City Council vote tonight to waive the attorney-client and Closed Session confidentiality privileges for the 10 Closed Session Meetings on the Moore v. City, Gates lawsuit for the sole purposes of allowing Mr. Gates to give his side of the story — to return to City Council with a public presentation on what was discussed and decided (by Councilmember votes) in those 10 Closed Sessions, and 2. City Council to vote tonight to waive the claimed attorney-client and any other confidentiality privilege on any and all communications between Councilmembers and Craig Steele and his attorneys regarding this "investigation," and 3. Direct the City Manager to work with IS to preserve all emails/texts/communications between City Council Members and Craig Steele and Richards Watson Gershon (RWG) and between former City Manager Oliver Chi and RWG, and 4. City Council to vote tonight to waive the claimed attorney-client and any other confidentiality privilege on any and all RWG invoices for the work they have done on this "investigation" (going back to 2020) and to have those invoices, all of them, sent by the Finance Director and City Manager to Mr. Gates for review to make determinations as to the propriety of the work by RWG and to see if a new investigation should be undertaken to analyze the propriety of RWG's investigation of Mr. Gates in the first place, and the propriety of the taxpayer dollars spent on the Steel "investigation," and 5. Direct the City Manager **Clerk** to remove the RWG report from the City's website - so that there are no links and no availability on the City's website whatsoever. If any member of the public wants a copy, they can send a request to the City Attorney's office to produce public records under the CPRA, and 6. Direct Mr. Gates, after review of the aforementioned communications and invoices, to return to City Council with recommendations if any further action could be taken to correct the actions of RWG and the City Council retainer of RWG and the spending of taxpayer moneys on such an "investigation" behind closed doors and away from the public visibility and accountability.

The **amended** motion carried by the following vote:

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

A motion was made by Burns, second McKeon to **ADJOURN** at 9:37 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, January 3, 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>

Robin Estanislau

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

ATTEST:

Robin Estanislau

City Clerk-Secretary

Tom O'Brien

Mayor-Chair