

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, February 20, 2024
5:00 PM — Council Chambers
6:00 PM — Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A video recording of the 5:00 PM and 6:00 PM portions of this meeting is on file in the Office of the City Clerk, and archived at www.surfcity-hb.org/government/agendas/

5:00 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 5:01 PM

ROLL CALL

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

Councilmember McKeon requested and was granted permission to be absent pursuant to Resolution No. 2001-54.

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)

Councilmember Bolton announced that World Teen Mental Health Day is observed annually on March 2 to raise awareness of resources and to decrease stigma. She noted that the Love Like Ali Wellness Center will host a community fun run on Saturday, March 2, at Huntington Beach High School football stadium. All details can be found at www.lovelikealiwellnesscenter.org. Councilmember Moser asked staff to publicly post the *Love Like Ali* event flyer.

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

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3-Minute Time Limit) — None

A motion was made by Strickland with a second by Burns to recess to Closed Session for items 1 and 2.

RECESSED TO CLOSED SESSION — 5:05 PM

CLOSED SESSION

1. 24-121 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Page v. City of Huntington Beach, et al.; OCSC Case No.: 30-2022-01280954.

2. **24-122 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Clayton-Tarvin (Gina) v. City of Huntington Beach, Michael Gates, et al.; OCSC Case No.: 30-2023-01329927.**

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:01 PM

ROLL CALL

Present: Moser, Bolton, Burns, Van Der Mark, Strickland, and Kalmick

Absent: McKeon

Councilmember McKeon requested and was granted permission to be absent pursuant to Resolution No. 2001-54.

PLEDGE OF ALLEGIANCE — Led by Mayor Pro Tem Burns

INVOCATION

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

3. **24-139 Huntington Beach Fire and Police Chaplain Roger Wing**

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 which were all uploaded to the City's website and Councilmember iPads.

Consent Calendar Items #9 (1 email communication), #12 (1 email communication), #13 (1 email communication), and #18 (1 staff memorandum); Councilmember Items #24 (63 email communications).

PUBLIC COMMENTS (2-Minute Time Limit due to the number of speakers) — 76 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>.

J. Darrin Godin, Vice President, Marketing and Communications, City of Hope Orange County, was called to speak and described the expansion of City of Hope in Orange County. He added that City of Hope staff and specialists are dedicated to researching, treating and ending cancer. (00:15:30)

Andy Einhorn, Huntington Beach resident, was called to speak and stated his opinion that the elections held by the Orange County Registrar of Voters are fair and honest, and stated his opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:17:43)

Shammy Dingus was called to speak and stated her opinion that the elections held by the Orange County Registrar of Voters are fair and honest, and stated her opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:19:52)

Shirley Dettloff, Huntington Beach resident since 1964 and former Mayor, was called to speak and stated her opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:22:11)

Barbara Shapiro was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:24:29)

Brenda Glim was called to speak and acknowledged Black History Month. (00:26:44)

Urson Russell was called to speak and stated his support for Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:28:59)

Unnamed Speaker was called to speak and stated opposition to the March 5, 2024, Statewide Primary ballot statement by Councilmembers Bolton, Kalmick and Moser that ballot box surveillance is voter intimidation. (00:31:10)

Patti Pappas was called to speak and stated her support for requiring voter identification for election transparency and accountability. (00:33:03)

Jeanne Paris, 28-year Huntington Beach resident, was called to speak and stated her support for Measure A on the March 5, 2024, Statewide Primary ballot. (00:34:41)

Ann Palmer, long-time Huntington Beach resident, was called to speak and stated her appreciation for the efforts of Councilmembers, City Attorney Michael Gates and staff to regain local control of zoning and planning, and asked for the creation of a local resolution in opposition to SB 951 which if passed would de-commission the California Coastal Commission. Ms. Palmer also stated her support for requiring voter identification to ensure continued election transparency and accountability. (00:36:42)

Barbara Goldberg, speaking on behalf of Benji Blum, was called to speak and stated opposition to the statement by Councilmembers Bolton, Kalmick and Moser that requiring Americans with Disabilities Act (ADA) standards at all polling places is redundant. Ms. Goldberg noted that prior to the passage of the 2016 Voter Choice Act Huntington Beach offered over 60 local polling locations, however now there are just 13 polling locations and she believes this makes voting for the disabled very challenging. (00:38:48)

Ben Goldberg was called to speak and stated support for Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:41:18)

Carol Daus, long-time Huntington Beach resident and Friends of the Library member and volunteer, was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (00:43:38)

Connie Boardman, former Mayor, was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. Ms. Boardman also stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:45:43)

Pat Goodman was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:47:40)

Cathy Ryder, Huntington Beach resident and voter since 1985, was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot; acknowledged February as Black History Month; and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (00:49:53)

Unnamed Speaker was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:51:37)

Unnamed Speaker was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (00:53:47)

Joe Shapiro was called to speak and shared a video clip of Bob Page, Registrar of Voters, explaining the safe and secure Orange County voter elections. (00:56:01)

Unnamed Speaker was called to speak and announced a ProtectHB-sponsored tour of the Orange County Registrar of Voters on February 24, 2024, and shared her opinion that Orange County provides for safe and secure elections. (00:58:10)

Kay Goddard was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (01:00:18)

Paula Schaeffer, Huntington Beach resident and voter since the early 1990s, was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:02:59)

Ann Borren, Huntington Beach resident, was called to speak and shared her opposition to statements made by Councilmembers Bolton, Kalmick and Moser related to issues on the March 5, 2024, Statewide Primary ballot. (01:05:18)

Unnamed Speaker, Huntington Beach resident and homeowner for 35 years, was called to speak and shared her support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:07:30)

Butch Twining, Planning Commissioner, Candidate for City Council in November 2024 and 58-year Huntington Beach resident, was called to speak and stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:09:44)

Don Kennedy, Candidate for City Council in November 2024, was called to speak and stated support for Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:11:55)

Valentina Bankhead was called to speak and stated support for Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:14:07)

Janet Jacobs, a 40-year Huntington Beach resident, was called to speak and stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:17:00)

Linda Diaz, Huntington Beach resident for over 30 years, was called to speak and thanked Councilmembers for ensuring sexually explicit material is not available in the children's section of the library and stated support for Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:19:09)

Becky Ettinger, Huntington Beach resident, was called to speak and stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:21:23)

Barbara Richardson, 51-year Huntington Beach resident, was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:23:39)

Unnamed Guest was called to speak and stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:25:26)

Ken Inouye, 50-year Huntington Beach resident, was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:27:42)

Chad Williams, Candidate for City Council in November 2024, was called to speak and stated support for Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:29:47)

Unnamed Speaker was called to speak and stated opposition to Measure A on the March 5, 2024, Statewide Primary ballot. (01:32:11)

Barbara Van Dine, 27-year Huntington Beach resident, was called to speak and stated support for transparency regarding library material accessibility. (01:35:26)

Lisa Ferraro, 35-year Huntington Beach resident, was called to speak and stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:37:35)

Darcy Lucero was called to speak and stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:39:42)

Nora Pederson, 37-year Huntington Beach homeowner, was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (01:42:01)

Jacqueline Brodt, Huntington Beach resident, Huntington Beach Wetlands Conservancy Board Member and Friends of the Library former board member, was called to speak, stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (01:43:58)

Larry Schiel, 35-year Huntington Beach resident, was called to speak and stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (01:45:19)

Russ Neal, Huntington Beach resident, was called to speak and suggested a substitute action for Councilmember Items #24 by Councilmember Moser that would address the issue of protecting our children in the library in a more concise and rational manner. (01:47:09)

Unnamed Speaker was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (01:49:52)

Tory Johnson, 13-year Huntington Beach resident, was called to speak, shared his opinions on the City's changing human dignity policies and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (01:51:30)

Bethany Webb, 40+-year Huntington Beach resident, was called to speak, stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (01:53:34)

Cecilia Pham was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (01:55:20)

Kaitlin Riley, Huntington Beach Library teen employee, was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (01:57:24)

Joclyn Rabbit-Sire, Huntington Beach resident since 1999, was called to speak, stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility and encouraged everyone to vote. (01:59:15)

Cheryl Browning was called to speak and shared her opinions regarding Measures A and B on the March 5, 2024 ballot. (02:00:43)

Mary Kyle was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility, and noted the violation of the City's flag-flying policy at a beach event on February 19, 2024. (02:02:56)

Amory Hanson was called to speak and expressed his appreciation for the efforts of City Council and City Attorney Michael Gates to assure a reasonable housing allocation number as evidenced in Consent Calendar Item #8 regarding the 2023 Housing Element Annual Progress Report. (02:04:56)

Alan Ray, Planning Commissioner, was called to speak and shared his opinion that the water fountains at Central Library need to be repaired and refilled prior to the 50th Anniversary celebration in 2025. (02:05:55)

Briana Lee was called to speak, stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (02:07:54)

Tim Geddes, a trained poll worker for the March 5, 2024, Election, was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (02:10:54)

Derek Jenkins, Huntington Beach High School graduate and homeowner, was called to speak, and provided examples of how his mother and family have supported Huntington Beach for many years. He noted his mother's name is on a purported "bullies" list of old ladies that care about their community, and who are not afraid to speak their minds and take direct action. He asked what the purpose of this list is, and suggested people could learn a thing or two from his mother, a real local. (02:12:59)

Sarah Huffman, an Orange County Roller Derby (OCRD) Coach and Team Manager, was called to speak and suggested Huntington Beach invest in roller derby facilities to be used for training and playing.

She stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (02:15:11)

Heather Blake was called to speak and shared her and her daughter's personal positive experiences in the roller derby world and stated support for a covered roller derby rink in Huntington Beach. (02:17:26)

Jessica Rockwell, born and raised in Huntington Beach, was called to speak and stated support for a covered roller derby rink in Huntington Beach to increase year-round sport diversity. (02:19:44)

Joyce Noelani, Orange County Roller Derby (OCRD) Member, was called to speak and stated support for a covered roller derby rink in Huntington Beach for a sport built on collaboration, support and respect. (02:22:03)

Wendy Rincon, 50-year Huntington Beach resident, was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (02:24:20)

Tom McGrath, Independent Candidate, U. S. House of Representatives, was called to speak and shared his opinions on causes and solutions for the U. S. migrant situation, and suggested Huntington Beach Councilmembers could be more productive sending a statement of solutions to Congress rather than a statement of solidarity to Texas Governor Abbott. (02:26:26)

Mark Tonkavich was called to speak and thanked the Councilmembers who supported the statement of solidarity to Texas Governor Abbott. He stated support for Measure A on the March 5, 2024, Statewide Primary ballot. (02:28:32)

Tony Bisson, Huntington Beach Southeast resident representing 6 neighbors near LeBard Park, was called to speak and asked that the tennis court lights be programmed to go off at 9 PM rather than 10 PM to greatly improve their quality of life. He also noted that pickle ball creates much greater noise pollution than tennis does and requested pickle ball be added to the list of prohibited activities for that tennis court. (02:31:17)

Zachary Stevens was called to speak and stated his support for Measure A, and opposition to Measures B and C on the March 5, 2024, Statewide Primary ballot. He also stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (02:33:28)

Unnamed Speaker was called to speak and shared his opinions on the housing shortage and encouraged Councilmembers to support much more locally controlled building before the state implements the chaotic builder's remedy solution. (02:35:34)

Amberlyn Riecken, a Roller Derby player, was called to speak and stated support for this all-inclusive sport that can improve the lives of individuals and make them more productive community members. (02:37:33)

James Gilbert, a Roller Derby Coach and player, was called to speak and asked that Huntington Beach bring back roller skating for players, facilitators and spectators. (02:39:11)

Linda Freedlein, a Roller Derby player, was called to speak and shared a brief history of Orange County Roller Derby as a skater operated and owned effort that has broken down inclusivity barriers through a sport which welcomes skaters of all levels and backgrounds. (02:40:26)

Vic Cerby, Huntington Beach High School student and Long Beach Roller Derby team captain, was called to speak and shared support for having roller skate facilities back in Huntington Beach. (02:42:09)

Elle Rogers, a Roller Derby community member, was called to speak and shared her support for having roller skate facilities back in Huntington Beach. (02:43:36)

Unnamed Speaker was called to speak and stated support for Measures A, B and C on the March 5, 2024 ballot. (02:45:37)

Jenn Cohen, Feminist Uprising Co-Founder, concerned parent and former Huntington Beach resident, was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (02:47:56)

Unnamed Speaker, representing Pride at the Pier, was called to speak and stated support for Councilmember Items #24 by Councilmember Moser regarding transparency and reporting on the implementation of Resolution 2023-41 regarding library material accessibility. (02:49:44)

Roger Noor, a Huntington Beach resident for over 27 years, was called to speak and shared his opposition to Consent Calendar Item #12 regarding the formal naming of parkland located at 17281 Eucalyptus Lane as "Vella Park." (02:50:59)

Debbie Cook, a former Mayor, was called to speak and stated opposition to Measures A, B and C on the March 5, 2024, Statewide Primary ballot. (02:53:02)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY CLERK'S REPORT

4. 24-140 Presentation on the Safe and Sane Fireworks Stand Application and Lottery Process for 2024

City Clerk Robin Estanislau presented a PowerPoint communication titled *2024 Safe and Sane Fireworks Stand Application and Lottery Process* with slides entitled *Application Period: March 1 through March 29; Civic Organizations (5); High School (5); High School (Private); Youth Sports (5); Application Process - 2; and Questions?* City Clerk Estanislau noted that Consent Calendar Item #14 regarding a change in the number of permits issued for Safe and Sane Firework does not impact the Fireworks Stand Application and Lottery Process.

CITY MANAGER'S REPORT

Assistant City Manager Travis Hopkins announced the withdrawal of Consent Calendar Items #10 regarding a 5-year joint use agreement between the City of Huntington Beach and the Westminster

School District and #13 regarding a 5-year professional services contract between the City of Huntington Beach and PSQ Productions.

5. 24-145 Caltrans Pacific Coast Highway Construction Update

Interim City Manager Eric Parra introduced Assistant City Manager Travis Hopkins who introduced Caltrans District 12 Representative Marc Talevera and Office Chief for Project Management Bassem Barsoum, as well as City Transportation Engineer Bob Stachelski and Public Works Director Chau Vu who were available for questions. Mr. Talevera presented a PowerPoint communication titled *Purpose and Scope* with slides entitled *Project Benefits; Project Location; Schedule; Traffic Impacts; Public Information Opportunities; and Questions?*

Councilmember Kalmick and Caltrans Representative Barsoum discussed several topics: the objective of the next Caltrans 2025/26 project for basically the same area; considerations of sea level rise; the "fix-it-first" focus for the current project; coordination with partners such as Orange County Transportation Authority (OCTA); and the time it takes to properly plan implementation of approved projects and also secure the funding.

Councilmember Moser and Caltrans Representative Barsoum discussed the method Caltrans uses to determine appropriate speed limits which includes consideration of federal and state mandates. Councilmember Moser asked, on behalf of Sunset Beach residents, for more dialogue between City and Caltrans staff to consider ways the speed limit might be lowered on Pacific Coast Highway through Sunset Beach.

Mayor Pro Tem Burns confirmed with Caltrans Representative Barsoum that they do their best to coordinate their projects around scheduled major Huntington Beach events.

CONSENT CALENDAR (Items 6-23)

Councilmember Moser pulled Item #8 and Councilmember Kalmick pulled Item #14 for further discussion.

City Clerk Robin Estanislau confirmed for the record that Consent Calendar Items #10 and #13 were withdrawn from consideration by Administration, and Item #18 was withdrawn from consideration by the Police Department.

City Clerk

6. 24-138 Approved and Adopted Minutes

A motion was made by Strickland, second Burns to approve and adopt the City Council/Public Financing Authority regular meeting minutes of February 6, 2024.

The motion carried by the following roll call vote:

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

City Treasurer

7. 24-084 Received and Filed the City Treasurer's Quarterly Investment Report for December 2023

A motion was made by Strickland, second Burns to receive and file the City Treasurer's Quarterly Investment Report for December 2023, pursuant to Section 18.0 of the Investment Policy of the City of Huntington Beach.

The motion carried by the following roll call vote:

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

Community Development

8. 24-113 Directed staff to forward the Amended 2023 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research

Councilmember Moser pulled this item to publicly review Table D, specifically the total number of Huntington Beach households receiving Section 8 and Tenant-Based Rental Assistance (TBRA). She asked for an upcoming opportunity to look more closely at what is planned for the Mobile Home TBRA program moving ahead.

Councilmember Moser noted that the Mobile Home Advisory Board, referenced in the report, has been disbanded and confirmed with staff that fact will be noted in the report before it is submitted.

Councilmember Moser also noted that as presented the report makes it appear as if Homeless services are only provided through or managed by the Police Department when in fact the City Manager's Office is also involved. She suggested that clarity on that might impact future funding opportunities.

A motion was made by Strickland, second Moser to approve the 2023 Housing Element Annual Progress Report, and direct staff to submit the 2023 Housing Element APR to the California Department of Housing and Community Development and Governor's Office of Planning and Research, ***as amended to note the disbandment of the Mobile Home Advisory Board and adding the City Manager's Office as also providing/managing services for the Homeless.***

The amended motion carried by the following roll call vote:

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

9. 24-076 Approved Final Tract Map No. 19118, accepted bonds and authorized execution of a Subdivision Agreement for the Holly Triangle Townhomes subdivision by Bonanni Development Company IV, LLC at 19070 Holly Lane

A motion was made by Strickland, second Burns to approve Final Tract Map No. 19118 and accept the offer of easements 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 Bonanni Development Company IV, LLC (Attachment No. 6); and, accept Faithful

Performance Bond No. 4470394, Labor and Material Bond No. 4470394, and Monument Bond No. 4470395 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, SureTec Insurance Company, of this action.

The motion carried by the following roll call vote:

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

Community and Library Services

- 10. 24-119** ~~ITEM WITHDRAWN FROM CONSIDERATION Approve and execute a 5-year Joint Use Agreement between the City of Huntington Beach and the Westminster School District for Clegg Stacey Park on 6161 Larchwood Drive~~
- 11. 24-120** **Approved and executed a 5-year Recreation Facility Use Agreement between the City of Huntington Beach and the Huntington Beach City School District for joint use of school recreation facilities**

A motion was made by Strickland, second Burns to authorize the Mayor and City Clerk to execute and approve a Recreation Use Agreement between the City of Huntington Beach and Huntington Beach City School District for joint use of school recreation facilities.

The motion carried by the following roll call vote:

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

- 12. 24-137** **Approved the formal naming of parkland located at 17281 Eucalyptus Lane as "Vella Park," as recommended by the Community & Library Services Commission**

A motion was made by Strickland, second Burns to approve the naming of parkland located at 17281 Eucalyptus Lane, "Vella Park," in honor of fallen Police Officer Nicholas Vella, as recommended by the Community & Library Services Commission.

The motion carried by the following roll call vote:

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

- 13. 24-144** ~~ITEM WITHDRAWN FROM CONSIDERATION Approve and execute a five-year Professional Services Contract between the City of Huntington Beach and PSQ Productions for production and management service of the annual Independence Day Celebration~~
- 14. 24-154** **TABLED TO A DATE UNCERTAIN** request to adopt Resolution No 2024-08 revising and restating Resolution No. 2016-01 related to implementing Charter Section 805

and Municipal Code Chapter 5.90 regarding the number of permits issued for Safe and Sane Fireworks from fifteen (15) to sixteen (16)

Councilmember Kalmick pulled this item to share his opinion that increasing a revenue stream should be an Administrative Item and not considered as a Consent Item. He also shared staff's explanation that since the 4th of July celebration costs are increasing this is a way to increase revenue to offset those costs. He also noted there is a missing definition for the term "foundation".

A motion was made by Kalmick, second Bolton to table to a date uncertain request to adopt Resolution No 2024-08, "A Resolution of the City Council of the City of Huntington Beach revising and restating Resolution No. 2016-01 related to implementing Charter Section 805 and Municipal Code Chapter 5.90 regarding safe and sane fireworks," ***to allow time for staff to include a definition for "foundation"***.

The amended motion carried by the following roll call vote:

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

Fire

15. 23-1050 Approved and authorized execution of three (3) contracts: Oil Well Abandonment, Civic Center Lease Closure, and Miley Keck Tank Farm Lease Closure and approve an appropriation of \$1,236,763 in HB Recovery Funds for the Project

A motion was made by Strickland, second Burns to approve and authorize the Mayor and City Clerk to execute a \$1,099,770 "Agreement between the City of Huntington Beach and Excalibur Well Services Corp. for Oil Well Abandonment;" and, approve and authorize the Mayor and City Clerk to execute a \$405,514 "Service Agreement between the City of Huntington Beach and O.C. Vacuum, Inc. for Civic Center Lease Closure;" and, approve and authorize the Mayor and City Clerk to execute a \$189,932 "Service Agreement between the City of Huntington Beach and American Integrated Services, Inc. for Miley Keck Tank Farm Lease Closure". Authorize the appropriation and transfer of \$1,236,763 in HB Recovery Reserves to Business Unit 31465001 (Oil Well Abandonment) to fund the unbudgeted portion of the project.

The motion carried by the following roll call vote:

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

16. 24-123 Approved and authorized execution of a "Health Plan-Provider Agreement — Intergovernmental Transfer Rate Range Program Agreement" between CalOptima Health and the City of Huntington Beach

A motion was made by Strickland, second Burns to approve and authorize execution of a "Health Plan-Provider Agreement - Intergovernmental Transfer Rate Range Program Agreement" between CalOptima Health and the City of Huntington Beach.

The motion carried by the following roll call vote:

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

Police

17. 24-087 Approved and authorized a six-month extension to a Service Agreement with the City of Newport Beach for Public Safety Helicopter Services

A motion was made by Strickland, second Burns to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Services Agreement for Public Safety Helicopter Support Between the City of Huntington Beach and the City of Newport Beach."

The motion carried by the following roll call vote:

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

18. 24-103 ITEM WITHDRAWN FROM CONSIDERATION ~~Approve and authorize a one-year contract extension with Universal Protection Services, LP, DBA Allied Universal Security Services (UASS) for street sweeping parking enforcement services~~

19. 24-083 Approved and accepted the California Office of Emergency Services (Cal OES) Violence Against Women Act Grant (LE23 07 6860); authorized the Chief of Police to execute documents; approved appropriations and contract Amendment No. 3 with Waymakers in the amount of \$116,032 for continued management of the Victim and Witness Assistance Services Program

A motion was made by Strickland, second Burns to accept the grant between the State of California, Governor's Office of Emergency Services (Cal OES) and the City of Huntington Beach; assign authority to the Chief of Police as the official to execute and sign for the award and to approve amendments and extensions; approve the appropriation and expenditure of \$270,857 of which \$203,143 is to be fully reimbursed by the grant from Cal OES. The remaining \$67,714 will be funded from appropriations in the Police Department's budget; and approve and authorize "Amendment No. 3 to Agreement between the City of Huntington Beach and Waymakers for Victim and Witness Assistance Services."

The motion carried by the following roll call vote:

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

Public Works

20. 24-079 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with R.J. Noble Company in the amount of \$4,044,900 for the Residential Zone 1 Street Maintenance Project, CC-1743

A motion was made by Strickland, second Burns to accept the lowest responsive and responsible bid submitted by R.J. Noble Company in the amount of \$4,044,900; 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 roll call vote:

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

21. 24-094 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with Nobest, Inc. in the amount of \$315,000 for the Residential Zone 1 Curb Ramp Project, CC-1742

A motion was made by Strickland, second Burns to accept the lowest responsive and responsible bid submitted by Nobest Inc. in the amount of \$315,000; 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 roll call vote:

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

22. 24-124 Adopted Resolution No. 2024-07 approving the submittal of two applications to the Orange County Transportation Authority (OCTA) for grant funding for Special Event Shuttle Services and the HB Circuit Program

A motion was made by Strickland, second Burns to adopt Resolution No. 2024-07, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Submittal of Two Project Applications: Special Event Shuttle Service and HB Circuit Rideshare Program to the Orange County Transportation Authority for Funding Under the Project V Community-Based Transit/Circulators Program".

The motion carried by the following roll call vote:

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

23. 24-127 Adopted Resolution No. 2024-05 certifying that the City has the resources to implement the projects to be included in the FY 2024/25 — FY 2029/30 Federal Transportation Improvement Program (FTIP) as required by the Orange County Transportation Authority (OCTA)

A motion was made by Strickland, second Burns to adopt Resolution No. 2024-05, "A Resolution of the City Council of the City of Huntington Beach Certifying that the City has the Resources to Fund the Projects in the FY 2024/25 - 2029/30 Transportation Improvement Program and Affirms its Commitment to Implement All Projects in the Program."

The motion carried by the following roll call vote:

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

COUNCIL MEMBER ITEMS

24. 24-143 Denied Item Submitted by Council Member Moser — Request for Transparency and Detailed Reporting on the Implementation of Resolution 2023-41 Regarding Library Material Accessibility

Councilmember Moser introduced her item by stating she unequivocally disagrees with Resolution 2023-41 regarding library material accessibility. She proceeded to describe how disturbing it was to see the actions taken by library staff to implement a policy document approved by Councilmembers and noted there was no advanced public notice.

Councilmember Moser proceeded to read her memorandum to her fellow Councilmembers regarding this item which provided background, outlined concerns and detailed her requested actions. She noted this item also included concerns expressed by community members and library staff.

Councilmember Moser stated her opinion that Resolution 2023-41 does not protect youth and a detailed project plan and framework needs to be provided. She stated the need to be aware that government rhetoric can potentially contribute to an environment that is unwelcoming and intolerant and can result in hate crimes. She encouraged focus on creating inviting and welcoming spaces in the library for youth where they can access information through "windows" to see other ways of living and "mirrors" to view themselves.

Councilmember Kalmick shared his concerns about how action on Resolution 2023-41 moved forward and reviewed Municipal Code Section 2.30.030 addressing the power and duties of the Director of Library Services. He specifically referenced the last item "challenging censorship and affirming that all libraries are forums for information and ideas and library resources be provided for the interests, information and enlightenment of the people." He continued that the Library Bill of Rights also states that a person's right to use a library should not be denied or abridged because of origin, age, background or views. He asked how the Director of Community and Library Services could issue a directive to start moving books under Resolution 2023-41, purportedly using Wikipedia's definition of sexual content, when it is in direct violation of Huntington Beach Municipal Code.

City Attorney Michael Gates clarified that his office does not give orders, and stated since this is an "H" item he would be happy to return at the next meeting to allow further review of the questions posed. He added that as a matter of law, Resolution 2023-41 is not censorship nor in conflict with the Municipal Code from a legal standpoint. City Attorney Gates noted that Councilmembers have the prerogative to revise any resolution.

Councilmember Kalmick acknowledged the legal standpoint and noted that unfortunately Councilmembers were not made aware of any directive to staff regarding implementation. He stated his support for Councilmember Moser's item, especially the requirement to document the movement of what some call objectionable books and materials and asked if staff was provided with an objective process or framework for implementing this policy.

Councilmember Bolton asked how staff could begin to move books without any clear criteria or definitions, and added that Wikipedia is not an appropriate basis for any kind of decision. She stated

these books belong to the public and staff needs to do a much better job of helping residents understand what they are doing. She asked why this process started last week and under what directive.

Interim City Manager Eric Parra responded that staff was making a good faith effort to comply with the direction of City Council.

Mayor Pro Tem Burns asked why the expertise of the librarians cannot be relied on.

Councilmember Bolton responded that librarians are expected to apply the Library Bill of Rights as stated in the Municipal Code and this action requires clear standards.

Councilmember Moser noted that Resolution 2023-41 states the Library Bill of Rights will be followed, and read three sections from the Library Bill of Rights that she felt pertained specifically to this situation: Access to Library Resources and Services for Minors; Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation; and Restricted Access to Library Materials.

Councilmember Moser stated she does not understand how Resolution 2023-41 moved from the City Attorney's Office to being acted upon by library staff since her understanding is the actions taken are illegal per Huntington Beach Municipal Code.

Councilmember Strickland confirmed with City Attorney Michael Gates that no part of Resolution 2023-41 breaks any law. Councilmember Strickland shared his opinion that Councilmember Moser didn't like the results of the first vote on October 17, 2023, and this item is an attempt to just rehash the discussion. He stated his "No" vote for this item.

Councilmember Moser responded this item is to provide a framework for transparency for the public and the library staff, and added that books should not start moving until the committee has been established.

Mayor Van Der Mark stated she believes Councilmember Moser is asking for an audit of a program that hasn't even been implemented, and added she does believe in transparency and all of the great questions raised at this meeting will be answered as the program is being implemented.

Councilmember Moser stated there should be a public plan before implementation and noted there is no information or details regarding the supposed expiration date of March 1 for some existing library cards.

A motion was made by Moser, second Bolton to request City staff prepare and present a comprehensive report on the various aspects related to the implementation of Resolution 2023-41. This includes criteria for material assessment and relocation; list of relocated materials; newly acquired materials; library access changes; community engagement and feedback process; digital assets; and clarification on youth re-carding process.

This report is requested to be prepared and presented at the next available City Council meeting. In the interim, staff is also asked to make (1) the criteria for assessment and re-location; and (2) the list of relocated books and materials available to the public as soon as possible (available at each library location and via the library website) to ensure ongoing transparency and community engagement.

The motion failed by the following roll call vote:

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

ABSENT: McKeon

ADJOURNMENT — 10:00 PM

A motion was made by Strickland with a second by Burns to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, March 5, 2024, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND
STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT
<http://www.huntingtonbeachca.gov>

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

ATTEST:

City Clerk-Secretary

Mayor-Chair