

Special Meeting Minutes
City Council/Public Financing Authority
City of Huntington Beach

Monday, July 19, 2021
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648
Or Virtual via Zoom Webinar

A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk, and archived at
<http://www.huntingtonbeachca.gov>

6:00 PM - COUNCIL CHAMBERS

CALLED TO ORDER — 6:01 PM

ROLL CALL

Present: Peterson, Delgleize, Carr, Posey, Moser, and Kalmick
Absent: None

City Attorney Michael Gates has requested permission to be absent pursuant to City Charter Section 309(d). Chief Assistant City Attorney Mike Vigliotta attended in place of City Attorney Gates.

PLEDGE OF ALLEGIANCE — Led by Councilmember Posey

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Administrative Items

#1 (21-544) Twenty-one (21) email communications received regarding the unscheduled vacancy on City Council.

PUBLIC COMMENTS (3-Minute Time Limit) — 22 In-Person and 3 Call-In Public 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>.

Brian Vea was called to speak and stated his opinion that the Council needs to honor the vote of the people and appoint the candidate that will Make America Great Again (MAGA). (00:04:15)

Pano Frousigus was called to speak and stated his opinion that the open City Council position belongs to the voters and asked that the Council appoint the November 2020 election runner-up, Gracey Van Der Mark. (00:05:21)

Kimo Gandall, a lifetime resident of Huntington Beach, was called to speak and stated his opinion that the open City Council position belongs to the voters and asked that the Council appoint the November 2020 election runner-up, Gracey Van Der Mark. (00:07:18)

Richard Kuo, a resident of Huntington Beach, was called to speak and stated his opinion that Dom Jones should fill the open City Council position, as she is the most qualified applicant to represent all of the residents of Huntington Beach. (00:09:43)

Jenny Braithwaite was called to speak and stated her expectation that Councilmembers will be thoughtful and discerning in making a decision that will restore peace and quality of life for all of Huntington Beach for decades to come. (00:11:33)

Jeanine Davis, a long-time resident of Huntington Beach, was called to speak and stated her opinion that the open City Council position belongs to the voters and asked that the Council appoint the November 2020 election runner-up Gracey Van Der Mark, or request a special election. (00:12:52)

Cara Vienna, a resident of Huntington Beach for over 20 years, was called to speak and shared her opinion that the Council should appoint the applicant that best represents everyone in this very diverse community and Dom Jones is the most qualified applicant to fill the vacant Council position. (00:15:36)

Patrika Jamal, an individual who made the choice to move to California as an adult, was called to speak and shared her opinion that the Council should appoint Dom Jones to fill the vacant Council position, as she is the applicant that best represents everyone in this very diverse community. (00:18:13)

Dennis Davenport, a resident of Huntington Beach for 37 years, was called to speak and stated his opinion that the open City Council position belongs to the voters and asked that the Council appoint the November 2020 election runner-up Gracey Van Der Mark. (00:20:54)

Angeline Duong was called to speak and shared her opinion that the Council should appoint the applicant that best represents everyone in this very diverse community and Dom Jones is the most qualified applicant to fill the vacant Council position. (00:24:23)

Nader Hanna, an applicant for the vacant Council position, was called to speak and shared his opinion that if Council proceeds with their "cancel culture" attitude and doesn't make the right decision, they should expect a strong reaction from the conservative community based on available data which he perceives as documenting a City Council collusion. (00:26:28)

Allison Degenhardt was called to speak and stated her opinion that the Council should appoint Dom Jones as the applicant that best represents everyone in this very diverse community to fill the vacant Council position. (00:29:13)

An unnamed guest was called to speak and stated her opinion that the Council should appoint Dom Jones as the applicant that best represents everyone in this very diverse community to fill the vacant Council position. (00:30:05)

Shane Fleming, a resident of Huntington Beach, was called to speak and stated his opinion that the Council should appoint Dom Jones as the applicant that best represents everyone in this very diverse community to fill the vacant Council position. (00:31:33)

Andrea Smith was called to speak and stated her opinion that the Council should appoint Dom Jones as the applicant that best represents everyone in this very diverse community to fill the vacant Council position. (00:33:29)

Gabriel Smith was called to speak and stated his opinion that the Council should appoint Dom Jones as the applicant that best represents everyone in this very diverse community to fill the vacant Council position. (00:34:09)

Dave Sullivan, former Mayor and City Councilmember, was called to speak and shared his disappointment in many of the decisions being made by most of the current councilmembers, except Councilmember Peterson. (00:35:07)

Season Baker, a resident of Huntington Beach, was called to speak and shared her ill opinions of Mayor Carr and Councilmembers Posey, Moser, Kalmick and Delgleize, and stated that the open City Council position belongs to the voters and asked that the Council appoint the November 2020 election runner-up Gracey Van Der Mark. (00:36:24)

John Aird, who served in the Army for 22 years, was called to speak and stated his opinion that true patriotism, to support the oath to the Constitution that he and every Councilmember has taken, requires listening to the voters and supporting the democratic process. (00:39:26)

Victor Valladares was called to speak and stated his expectation that the Council will appoint a candidate to the vacant position that has the best interests of all the residents of Huntington Beach. (00:42:40)

Ruby Lee was called to speak and stated her opinion that the open City Council position belongs to the voters and asked that the Council appoint the November 2020 election runner-up Gracey Van Der Mark, or request a special election. (00:44:25)

Bruce Wareh, a 32-year resident of Huntington Beach, was called to speak and stated his opinion that the open City Council position belongs to the voters and asked that the Council appoint the November 2020 election runner-up Gracey Van Der Mark. (00:46:59)

Call-in speaker Amory Hanson, a member of the Huntington Beach Historic Resources Board and applicant for the vacant Council position, was invited to speak and stated his request for appointment because in his opinion, he can provide the unity and duty that is currently needed on the Council to represent all of Huntington Beach. (00:48:59)

Call-in speaker Robert Sullivan, an applicant for the Council vacancy, was invited to speak and reminded Council of his previous experience at solving issues as a team member, and stated he would be focused on a mutually beneficial future for the City of Huntington Beach. (00:50:29)

Call-in speaker Michelle Krug was invited to speak and stated her opinion that the Council should appoint Dom Jones as the applicant that best represents everyone in this very diverse community to fill the vacant Council position. (00:53:53)

ADMINISTRATIVE ITEMS

1. 21-544 Failed to appoint a candidate to serve the remaining term of former Councilmember Jacob "Tito" Ortiz

City Manager Oliver Chi reviewed actions taken by Council to address the vacancy created on June 1 and explained that at their July 10, 2021 meeting, Council called for this special meeting and approved of each member bringing forward up to three finalists and use a "rounds" selection process to appoint a candidate by majority vote.

Round 1

Mayor Carr thanked applicants for participating in the process, and invited each Councilmember, in order of seniority, to submit their three preferred candidates.

Councilmember Posey stated his opinion that each applicant would most likely serve the position just fine, and presented the three applicants he believes are capable of securing the vote of at least four Councilmembers and summarized their qualifications: Jeff Morin, Charles Ray, and John Piekarski.

Mayor Pro Tem Delgleize thanked each applicant for participating in the process, and presented the qualifications for her choice of top three candidates: John Scandura, Janis Mantini, Jeff Morin.

Councilmember Peterson stated this is not a hard decision for him, and described the qualifications for his top and only candidate, Gracey Van Der Mark.

Councilmember Kalmick also expressed his appreciation to all applicants and stated his top candidates are Rhonda Bolton and Oscar Rodriguez.

Councilmember Moser stated her appreciation to all applicants, and announced her top three candidates: Oscar Rodriguez, Rhonda Bolton, and Jenny Braithwaite.

Mayor Carr announced her top three candidates: Rhonda Bolton, Oscar Rodriguez, and Jenny Braithwaite.

Round 2

Mayor Carr asked that each Councilmember vote for their top candidate from the list of nine (9) candidates: Rhonda Bolton, Jenny Braithwaite, Janis Mantini, Jeff Morin, John Piekarski, Charles Ray, Oscar Rodriguez, John Scandura and Gracey Van Der Mark.

Councilmember Kalmick: Rhonda Bolton

Councilmember Moser: Oscar Rodriguez

Councilmember Posey: Jeff Morin

Mayor Carr: Rhonda Bolton

Mayor Pro Tem Delgleize: Jeff Morin

Councilmember Peterson: Gracey Van Der Mark

Round 3

Mayor Carr asked that each Councilmember vote for their top candidate from the new list of four (4) candidates: Rhonda Bolton, Jeff Morin, Oscar Rodriguez, and Gracey Van Der Mark.

Councilmember Peterson: Gracey Van Der Mark
Mayor Pro Tem Delgleize: Jeff Morin
Mayor Carr: Rhonda Bolton
Councilmember Posey: Jeff Morin
Councilmember Moser: Rhonda Bolton
Councilmember Kalmick: Rhonda Bolton

Round 4

Mayor Carr asked that each Councilmember vote for their top candidate from the new list of three (3) candidates: Rhonda Bolton, Jeff Morin and Gracey Van Der Mark.

Councilmember Kalmick: Rhonda Bolton
Councilmember Moser: Rhonda Bolton
Councilmember Posey: Jeff Morin
Mayor Carr: Rhonda Bolton
Mayor Pro Tem Delgleize: Jeff Morin
Councilmember Peterson: Gracey Van Der Mark

Round 5

Mayor Carr called for another Councilmember vote from the list of three (3) candidates: Rhonda Bolton, Jeff Morin and Gracey Van Der Mark.

Councilmember Peterson: Gracey Van Der Mark
Mayor Pro Tem Delgleize: Jeff Morin
Mayor Carr: Rhonda Bolton
Councilmember Posey: Jeff Morin
Councilmember Moser: Rhonda Bolton
Councilmember Kalmick: Rhonda Bolton

A motion was made by Posey, second Peterson, to call for a Special Election to fill the vacant Council seat. The motion failed by the following vote:

AYES: Peterson, and Posey
NOES: Delgleize, Carr, Moser, and Kalmick

Round 6

Mayor Carr stated that since there was not enough support to call for a Special Election, she called for another Councilmember vote from the list of three (3) candidates: Rhonda Bolton, Jeff Morin and Gracey Van Der Mark.

Mayor Carr: Rhonda Bolton
Mayor Pro Tem Delgleize: Jeff Morin
Councilmember Posey: Jeff Morin
Councilmember Peterson: Gracey Van Der Mark
Councilmember Moser: Rhonda Bolton
Councilmember Kalmick: Rhonda Bolton

RECESS

At 7:18 PM, Mayor Carr called for a 5-minute recess to consult with City Manager Chi and Chief Assistant City Attorney Mike Vigliotta. The meeting reconvened at 7:28 PM.

Round 7

A motion was made by Carr, second Delgleize to cast either a yes or no vote for each of the top three candidates: Gracey Van Der Mark, Jeff Morin, and Rhonda Bolton. The motion carried by the following vote:

AYES: Delgleize, Carr, Posey, Moser, and Kalmick
NOES: Peterson

Mayor Carr called for a vote to appoint Candidate Gracey Van Der Mark to the vacant Council position. The motion failed by the following vote:

AYES: Peterson, and Posey
NOES: Delgleize, Carr, Moser, and Kalmick

Mayor Carr called for a vote to appoint Candidate Jeff Morin to the vacant Council position. The motion failed by the following vote:

AYES: Delgleize, and Posey
NOES: Peterson, Carr, Moser, and Kalmick

Mayor Carr called for a vote to appoint Candidate Rhonda Bolton to the vacant Council position. The motion failed by the following vote:

AYES: Carr, Moser, and Kalmick
NOES: Peterson, Delgleize, and Posey

Mayor Carr called for discussion on a motion to reconsider holding a Special Election.

City Manager Chi reiterated that the process for a Special Election can be triggered by either approval of a Council motion, or it will become the default option if Council is unable to appoint a candidate by July 31, 2021. He explained that a Special Election would be held on November 2, 2021, would have to be called for by August 6, 2021, and would cost about \$1 Million (\$1,000,000). City Manager Chi, City Clerk Estanislau and Mayor Pro Tem Delgleize clarified details for interested candidates who would have approximately 2 weeks to file their election paperwork and approximately 80 days to campaign.

Councilmember Posey stated his support for reconsidering a Special Election, and stated that for this situation \$1M is the cost of democracy. He acknowledged the good management of City Manager Chi, which has provided for surplus funds in the budget, and added that for future Council vacancies it might be wise to think about possible Charter revisions based on the amount of time remaining for a vacant Council position.

A motion was made by Delgleize, second Peterson to reconsider holding a Special Election to fill the vacant Council position. The motion failed by the following vote:

AYES: Peterson, Delgleize, and Posey
NOES: Carr, Moser, and Kalmick

Councilmember Kalmick described how Council has followed the process for appointment as described in the City Charter, and his opinion, the \$1M cost of holding a Special Election would be better spent for the benefit of the community. He outlined his reasons for supporting candidate Rhonda Bolton for the vacant position, and suggested it might be time to call another Special Meeting within the next week to allow Councilmembers time for further reflection on their responsibility for filling this vacancy.

Mayor Carr expressed her commitment to filling the position, and stated her opinion that any one of the final three candidates is certainly qualified to help make the important upcoming decisions Council will be facing.

Councilmember Moser stated this decision provides an opportunity to continue the focus on the City's work, business and goals. She further stated her opinion that it is time to shift the focus away from obstruction, adversity and extremism. Councilmember Moser continued by reviewing the qualifications for her candidate choice, Rhonda Bolton.

Councilmember Posey stated appreciation for the passion his colleagues have expressed for their favorite candidate, the need for the seventh person to prevent continued tied votes, and his opinion that a Special Election is the fair compromise.

Councilmember Peterson stated his opinion that former Councilmember Ortiz is not to blame for the current situation as some have insinuated, and his perception of the personal and political damage experienced by Mr. Ortiz since he took office. Councilmember Peterson further stated his opinion that a Special Election is the best option for proceeding under the current circumstances.

Round 8

A motion was made by Carr, second Kalmick to cast either a yes or no vote to appoint Candidate Rhonda Bolton to the vacated City Council seat. The motion failed by the following vote:

AYES: Carr, Moser, and Kalmick
NOES: Peterson, Delgleize, and Posey

RECESS

At 7:59 PM, Mayor Carr requested a 10-minute recess to consult with City Manager Chi and Chief Deputy City Attorney Vigliotta to review options. Chief Deputy City Attorney Vigliotta stated that all Councilmembers must remain in Council Chambers. The meeting reconvened at 8:15 PM.

Round 8, continued

Mayor Carr explained the deadlock votes for a Special Election as well as candidate Rhonda Bolton, and asked for a yes or no vote on each of the two remaining candidates: Jeff Morin and Gracey Van Der Mark.

Mayor Carr called for a vote to appoint Candidate Jeff Morin to the vacant Council position. The motion failed by the following vote:

AYES: Delgleize, and Posey
NOES: Peterson, Carr, Moser, and Kalmick

Mayor Carr called for a vote to appoint Candidate Gracey Van Der Mark to the vacant Council position. The motion failed by the following vote:

AYES: Peterson, and Posey
NOES: Delgleize, Carr, Moser, and Kalmick

Mayor Carr asked if any Councilmember wanted to reconsider their vote, and stated the Charter clearly states that a Special Election must be held if Council cannot make an appointment by July 31, 2021. She described the three options available to fill the Council vacancy: 1) take another vote; 2) adjourn this meeting to another Special Meeting; or 3) take no action and thereby force a Special Election.

A motion was made by Posey, second Peterson to adjourn this meeting until August 1, 2021.

A substitute motion was made by Carr to adjourn this meeting to a Special Meeting on July 30, 2021. With no second, the substitute motion failed.

A substitute motion was made by Kalmick, second Carr, to adjourn this meeting to a reconvened Special Meeting within the next seven days to continue the process of appointing a candidate to the vacated City Council seat. The substitute motion carried by the following vote:

AYES: Delgleize, Carr, Posey, Moser, and Kalmick
NOES: Peterson

ADJOURNMENT — at 8:19 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, July 20, 2021, at 5:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

An Adjourned Special Meeting to be held within seven days (date/time to be determined) in the Civic Center 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