

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, October 17, 2023
2:30 PM — Council Chambers
4:00 PM — Council Chambers
6:00 PM — Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A video recording of the 4:00 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/

2:30 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 2:30 PM

ROLL CALL

Present: Kalmick, Moser (arrived at 2:32 pm), Van Der Mark, Strickland, McKeon, Bolton, and Burns
Absent: None

CITY COUNCILMEMBER COMMENTS (3-Minute Time Limit)

Councilmember Burns recognized the Cars 'N Copters event with approximately 30K attendees, the International Surfboard Builders Hall of Fame, and the Great Balls of Fire Charity Golf Tournament; Mayor Pro Tem Van Der Mark recognized the Miss Huntington Beach Pageant, and HB Fire Department Open House; and, Mayor Strickland recognized the Boys and Girls Club Great Futures Start Here Annual Benefit Dinner and Auction.

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 Burns, second by Van Der Mark, to recess to Closed Session.

RECESSED TO CLOSED SESSION — 2:34 PM

CLOSED SESSION

1. 23-874 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager and Melanie Chaney, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Theresa St Peter, Interim Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Scott Haberle, Fire Chief and Sunny Han, Chief Financial Officer. Employee Organization: Fire Management Association (FMA).

2. 23-875 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager and Melanie Chaney, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Theresa St Peter, Interim Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Scott Haberle, Fire Chief and Sunny Han, Chief Financial Officer. Employee Organization: The Huntington Beach Firefighters' Association (HBFA).
3. 23-876 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). People of the State of California/Bonta v. City of Huntington Beach/Zelinka; Case No. 30-2023-01312235-CU-WM-CJC.
4. 23-877 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). City of Huntington Beach v. Newsom/HCD; 8:23-CV-00421-FWS (ADSx).
5. 23-881 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). In re Aqueous Film-Forming Foams Prods. Liab. Litig., Case No. 2:18-mn-02873 (D.S.C.) ("AFFF MDL"), Case No. 2:22-cv-1798-RMG.
6. 23-887 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Nicholas Vella v. City of Huntington Beach; Worker's Compensation No. COHB-22-0063.
7. 23-901 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). City of Huntington Beach v. California Department of Finance; Case No. 34-2018-80002876-CU-WM-GDS.
8. 23-902 CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION. (Paragraph (4) of subdivision (d) of Gov. Code § 54956.9). Number of Matters: One (1).

STUDY SESSION — 4:32 PM

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO STUDY SESSION ITEM (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:

Study Session, #9 (23-878) — Fourteen (14) email communications received.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION ITEM (3-Minute Time Limit) — 19 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>.

Terry Rose, resident since 1983 and homeowner, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:05:15)

Sue Welfringer was called to speak and thanked Librarians for their service, asked that Councilmembers listen closely to the Study Session presentation, and stated support for implementing a Parental Control Card system. (00:07:11)

Tim Geddes, 40-year resident, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:08:52)

Kathie Schey was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content until there has been time for proper community engagement. (00:11:33)

Mary Jo Baretich, a 40-year resident, was called to speak and stated opposition to Study Session Item #9 regarding selection, display and circulation of books and materials within Huntington Beach Public Libraries, and Councilmember Item #20 (23-879) to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:12:40)

Synde Manion was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:15:17)

Mary Kyle, 25-year resident, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:18:02)

Dina Chavez was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:19:37)

Martha Elliott, 30+-year resident, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:22:14)

Melanie Bergeland, a long-time resident, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:23:25)

Lindsay Klick, 20-year resident and Children's Librarian in Orange County, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:24:20)

Carole Kanode, a 50-year resident and Youth Shelter Co-Founder, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:26:50)

Irene Briggs, resident and Youth Shelter Co-Founder, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:29:16)

Jessamyn Garner, a resident, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:31:32)

Bethany Webb, 40-year resident, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:34:01)

Kane Durham, Pride at the Pier Representative, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:36:18)

Wendy Rincon, life-long resident, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:39:24)

Unnamed Guest was called to speak and stated opposition to exposing young children to materials and books that support a gay lifestyle. (00:42:36)

Buffy Channel, 35-year resident, homeowner and business owner, was called to speak and stated opposition to Councilmember Item #20 to consider adopting Resolution No. 2023-41 establishing a policy for the review and re-cataloging library materials containing sexual content. (00:46:01)

9. 23-878 Reviewed Councilmember Item 23-532 — Selection, Display, and Circulation of Library Books and Other Materials within Huntington Beach Public Libraries

Ashley Wysocki, Director of Community & Library Services, presented a PowerPoint communication titled *Review of Councilmember Item 23-532 — Selection, Display, and Circulation of Library Books and Other Materials within Huntington Beach Public Libraries* with slides entitled: *Table of Contents; Review of Councilmember Item 2023-532 (2); Research Conducted; Research Findings: Publisher (3); Research Findings: Book Distributor (3); Data Analysis; Data Analysis: Minor Cards; Data Analysis: Teen Cards; Library Policies; Library Policies: Collection Development; Library Policies: Library Card Types; Library Policies: Rules of Conduct; Library Policies: Unaccompanied Minors; Supporting Parents & Caregivers at HBPL; Supporting Parents & Caregivers: New Cardholder Brochure; Supporting Parents & Caregivers: Book Lists & Content Advisory; Summary of Final Options; and Questions?*

At 5:37 PM, City Council recessed into Closed Session to participate in discussion on Closed Session Item #5, with Study Session discussion to continue after this meeting was reconvened.

RETURNED TO CLOSED SESSION — 5:37 PM

6:00 PM — COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:10 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Mayor Pro Tem Van Der Mark

~~10. 23-766 — HB Pack 435 will post the colors and lead the Pledge of Allegiance~~

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.

11. 23-861 Huntington Beach Police Chaplain Bob Ewing

City Council returned to discussion on Study Session Item #9 (23-878) -- Councilmember Item 23-532 - Selection, Display, and Circulation of Library Books and Other Materials within Huntington Beach Public Libraries.

Councilmember Bolton and Director Wysocki discussed details regarding a proposed Parental Consent Card.

Councilmember Kalmick and Director Wysocki discussed existing unaccompanied minor policies compared to the policies of other area public libraries.

Mayor Pro Tem Van Der Mark and Director Wysocki discussed details regarding existing policies related to children checking out library books and how the proposed Parental Consent Card could change those policies.

Councilmember Moser and Director Wysocki discussed details regarding selecting the appropriate age when a child must be accompanied by an adult, as well as details regarding the review of library policies which was started in 2022 when the Community Development and Library Services departments were combined.

City Manager Al Zelinka thanked all of the staff involved in this process and thanked Councilmembers for directing this robust review of the library system.

Mayor Pro Tem Van Der Mark and Mayor Strickland confirmed with Director Wysocki no book would be banned from the library through any measures presented during the Study Session.

AWARDS AND PRESENTATIONS

12. 23-899 Legislative Update provided by California State Senator Janet Nguyen

California State Senator Janet Nguyen, a resident of Huntington Beach, provided an update on the past Legislative Session and described some of the bills she personally promoted on behalf of her district of just over 1 million people.

CLOSED SESSION REPORT BY CITY ATTORNEY — None

City Clerk Robin Estanislau announced that Assistant City Clerk Steven Aguilar accepted a position in Mesa, Arizona and this is his last City Council meeting.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet, which were all uploaded to the City's website and Councilmember iPads:

Consent Calendar: Item #17 — One (1) email communication; Item #18 — One (1) email communication.

Administrative Items #19 — One (1) staff memorandum, and one hundred forty-two (142) email communications.

Councilmember Items: #20 — One (1) letter from the First Amendment Coalition, Free Expression, and ACLU Foundation of Southern California, and five hundred forty-seven (547) email communications; #21 — Thirty-two (32) email communications.

PUBLIC COMMENTS (3-Minute Time Limit) — 100 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>.

Lolly McHardy and representatives of Sea Isle Garden Club were called to speak and presented a check for \$5,817.50 to the City, in addition to over \$200,000 previously donated, for continued maintenance and repairs on Edinger "mudflat" trails from Saybrook Lane to Sunset Aquatics bridge. It was noted that the Sea Isle Garden Club and City have split costs 50/50 since the beginning of the project. (01:45:07)

Janet Jacobs, 43-year resident and homeowner, was called to speak and stated support for Councilmember Items #20 to consider adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (01:47:54)

Jeanne Paris, a 27-year resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (01:50:28)

Delaine Bailey, a resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (01:53:01)

Patti Pappas, a 44-year resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (01:56:09)

Ann Palmer, 30+-year resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (01:59:20)

Unnamed Guest was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:02:34)

Don Kennedy, City Council Candidate for 2024, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:05:46)

Steve Quinn was called to speak and stated support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (02:08:58)

Senator Dave Min, who represents approximately half of Huntington Beach, was called to speak and stated his opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:11:41)

Cari Swan was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:15:21)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:19:02)

Synde Manion, a resident, was called to speak and shared her opinions regarding deaths from COVID-19 and suicides during the pandemic. (02:22:36)

Russell Neal, a resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:25:46)

Andrew Einhorn, a 40-year healthcare professional, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (02:28:53)

Carol Daus was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:32:06)

Laura Sire, long-time resident and retired First Grade teacher, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:35:21)

Joclyn Rabbitt-Sire, a retired teacher, was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election, and opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:38:31)

Luanne Shoup, a fourth generation Huntington Beach property owner, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:41:40)

Unnamed Guest was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (02:44:27)

Doris Hill, a long-time resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (02:47:47)

Nora Pedersen, a 37-year resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:49:40)

Brett Bush, resident and U. S. Airforce Veteran, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (02:52:39)

Brenda Glim was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:55:52)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (02:58:43)

Jeanne Goodin was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (03:01:58)

Joyce Reilley was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (03:04:55)

Kimberly Barnes was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (03:07:08)

Chad Williams, resident, Former Navy Seal and Candidate for City Council in 2024, was called to speak and stated support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (03:10:19)

Paul Horgan, a resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:13:57)

Karen Riley was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (03:17:01)

Barbara Richardson, 50-year resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:18:41)

Mark Alvarado, former Library Services employee, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:21:44)

Ray Raines, a resident since 1964, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (03:24:21)

Kevin Otis, a 3-year resident and alumni of UC Berkeley, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (03:26:40)

Unnamed Guest was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:29:23)

Unnamed Guest was called to speak and shared his opinions on a variety of current world events and situations. (03:32:16)

Briana Lee was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:35:44)

Unnamed Guest stated opposition to Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (03:38:47)

Kelly Hubbard, a life-long resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:41:31)

Diane Bentley, 22-year resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:45:23)

Elaine Bauer Keely, 59-year resident and 44-year Friends of the Library Member, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:47:24)

Meg Robinson, a resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:50:37)

Shirley Dettloff, resident since 1964 and Former Mayor, was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election, and opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:53:47)

Karen Carroll was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (03:56:48)

Pat Goodman was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election; opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content; and opposition to Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (03:59:12)

Linda Moon, a 49-year resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:02:21)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:05:35)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:08:47)

Vincent Nakhoul was called to speak and stated opposition to Councilmember Items #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (04:11:21)

Unnamed Guest, a high school Junior, was called to speak and stated opposition to Councilmember Items #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (04:14:35)

Sue Welfringer, 26-year Huntington Beach homeowner, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:18:21)

Kathie Schey was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, until there has been proper time for staff, citizen and elected officials input for a detailed plan to consider. (04:21:30)

Connie Boardman, Former Mayor, was called to speak and stated opposition to Administrative Items #19 regarding submission of three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election, and opposition to Councilmember Items #20 regarding adoption of

Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:23:46)

Mary Jo Baretich, a 40-year resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:26:51)

Mary Kyle, 25-year resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:29:39)

Alicia Quezaba was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (04:31:59)

Unnamed Guest, a 40-year resident, was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:34:25)

Unnamed Guest, a 15-year resident, was called to speak and stated opposition to Councilmember Items #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (04:38:03)

Tim Geddes was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024 Statewide Primary Election. (04:41:15)

Lindsay Klick, 20-year resident and Child Librarian, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:44:20)

Daniella Murray, Marina High School Junior, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:47:37)

Ayesha Latif, a long-time resident, was called to speak and stated opposition to Councilmember Items #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas, because this resolution ignores the plight of Palestinians. (04:49:00)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (04:52:10)

Hannah Cole, Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:55:30)

Wendy Rincon was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (04:58:05)

Kane Durham, Pride at the Pier Representative, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and opposition to #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas, as a situation that exists on another continent. (05:01:16)

Jessamyn Garner, Huntington Beach resident, was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election, and opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:04:07)

Julie Killeen, 45-year Huntington Beach resident and former Lakeview Elementary School Librarian, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:07:14)

Jacqueline Brodt, a resident of Huntington Beach, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:10:23)

Unnamed Guest, a 35-year resident and business owner, was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election, and opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:11:59)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:15:48)

Harry McLachlan, Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:19:00)

Maggie Ratanapnanh was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:22:07)

Marissa Jackson was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:24:06)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas, because this resolution ignores the plight of Palestinians. (05:27:46)

Hera Poon, Huntington Beach High School Junior, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:29:59)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:32:51)

Bethany Webb, Huntington Beach resident, was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election, opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and opposition to Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (05:36:10)

Ken Inouye, a 50-year resident, was called to speak and stated opposition, from his business perspective to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election. (05:38:58)

Heidi Vea was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:40:56)

Julie Bixby, 40-year resident of Huntington Beach, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:43:31)

Unnamed Guest was called to speak and shared her opinions regarding the service of various Councilmembers, City Manager, City Clerk, Police and Fire Chiefs and staff. (05:46:09)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content, and opposition to #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (05:49:48)

Amory Hanson was called to speak and stated his support for an additional Charter amendment to require a special election in the event of a Council vacancy. (05:52:58)

Dennis was called to speak and stated support for Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election. (05:53:41)

Celia Jaffe, 36-year Huntington Beach resident, Huntington Beach School District Former Board Member and State Parent Teacher Association (PTA) Former President, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:55:13)

Erin Spivey, life-long resident of Huntington Beach AKA "Erin the Librarian", was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (05:57:41)

At 10:59 PM, a motion was made by Burns, second Moser, to continue the meeting past the hour of 11:00 PM. (06:00:51)

Scott Malabarba, 20-year Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (06:01:45)

Melanie Tioleco-Cheng, Huntington Beach resident and Pediatrician, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (06:05:00)

Nickolas Baghara was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (06:07:56)

Stacy Mignano, 20-year resident of Huntington Beach, was called to speak and stated opposition to Administrative Items #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election, and opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (06:10:10)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (06:11:52)

Jennifer Cohen, was called to speak and stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content. (06:14:41)

Derek Yeghiazarian, UCI Law student, was called to speak and stated opposition to Administrative Item #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election; opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content; and opposition to Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas because this resolution ignores the plight of Palestinians. (06:17:41)

Martha Hamilton, a resident, was called to speak and shared personal opinions on a wide variety of different topics. (06:19:58)

Gina Clayton-Tarvin, 30-year resident of Huntington Beach and Ocean View School District Board of Trustees Vice President, was called to speak and on behalf of the Ocean View School District stated opposition to Administrative Item #19 regarding three Charter amendment ballot measures for voter approval at the March 5, 2024, Statewide Primary Election; as a resident, stated opposition to Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content; and opposition to Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas, because this resolution is authored by Mayor Pro Tem Van Der Mark. (06:24:05)

Unnamed Guest was called to speak and stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library

materials containing sexual content, and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (06:26:50)

Valentina Bankhead was called to speak and stated support for Consent Calendar Items #17 amending Huntington Beach Municipal Code (HBMC) Chapter 10.84 relating to bicycle regulations; stated support for Item #18 accepting the Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) and Pedestrian and Bicycle Safety grants; stated support for Councilmember Items #20 regarding adoption of Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content; and support for Item #21 regarding adoption of Resolution No. 2023-50 in support of Israel and condemning the attacks on Israel by Hamas. (06:29:58)

Roger Noor was called to speak and shared his opinions on a number of international and local issues. (06:32:41)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT — None

CITY TREASURER'S REPORT

13. 23-863 Update on City Treasurer's Department

City Treasurer Alisa Backstrom provided a verbal financial report on the re-organization of her Office as approved by City Council in March 2023 to realign the City Treasurer's responsibilities to match those in the City Charter.

CONSENT CALENDAR (ITEMS 14-18)

Councilmember Bolton pulled #16 for further discussion.

CITY CLERK

14. 23-836 Approved and Adopted Minutes

A motion was made by Kalmick, second Strickland to approve and adopt the City Council/Public Financing Authority regular meeting minutes of August 1, 2023; and approve and adopt the City Council/Public Financing Authority special meeting minutes of September 21, 2023; and approve and adopt the City Council/Public Financing Authority special meeting minutes of September 28, 2023; and approve and adopt the City Council/Public Financing Authority regular meeting minutes of October 3, 2023; and approve and adopt the City Council/Public Financing Authority special meeting minutes of October 5, 2023.

The motion carried by the following roll call vote:

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

CITY MANAGER/INFORMATION SERVICES

15. 23-775 Approved and Authorized execution of a Professional Services Agreement with IK Consulting, LLC for the Accela Citizen Access online permitting system improvement project and on-call project support services

A motion was made by Kalmick, second Strickland to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract between the City of Huntington Beach and IK Consulting, LLC for Project Management and Implementation Services."

The motion carried by the following roll call vote:

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

POLICE

16. 23-864 Approved responses to the 2022-2023 Orange County Grand Jury Report related to Animal Welfare

Councilmember Bolton pulled this item to thank Captain Riley for assistance in updating the City's response to the Orange County Grand Jury report. After discussion with staff, Councilmember Bolton amended the action to "authorize the Mayor to sign on behalf of the City Council."

A motion was made by Bolton, second Strickland to approve the City's responses to findings and recommendations posed by the Orange County Grand Jury report entitled "Gimme Shelter and a Pound of Advice — The State of Animal Welfare Overseen by the County of Orange;" and authorize the City Manager to submit the City's responses to the Presiding Judge of the Superior Court, ***as amended to authorize the Mayor to sign on behalf of the City Council.***

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

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

**17. 23-845 Adopted Ordinance No. 4302 amending Huntington Beach Municipal Code (HBMC) Chapter 10.84 relating to bicycle regulations
Approved for Introduction on September 19, 2023 by a vote of 6-0-1 (Burns-Absent)**

A motion was made by Kalmick, second Strickland to adopt Ordinance No. 4302, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 10.84 of the Huntington Beach Municipal Code Relating to Bicycle Regulations."

The motion carried by the following roll call vote:

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

18. 23-843 Approved and accepted the Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) and Pedestrian and Bicycle Safety grants; authorized

the Chief of Police to execute documents and approved appropriation and expenditure of funds

A motion was made by Kalmick, second Strickland to approve and accept the STEP and "Pedestrian and Bicycle Safety" grant agreements between OTS and the City of Huntington Beach for \$800,000 and \$42,895, respectively; and, authorize the Chief of Police to execute the grant agreements with OTS; and, approve appropriations and estimated revenue source in the amount of \$800,000 and \$42,895; and, authorize the Chief of Police to establish separate business units for this funding and expend up to a total of \$800,000 and \$42,895 on the Selective Traffic Enforcement Program (STEP) grant and "Pedestrian and Bicycle Safety" grant.

The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

- 19. 23-871 Approved the submission of three Charter amendment ballot measures for voter approval at the March 5, 2024 Statewide Primary Election and the adoption of Resolution Nos. 2023-42, 2023-43, 2023-44, and 2023-45**

Shannon Levin, Council Policy Analyst, presented a PowerPoint communication titled *Charter Amendment Ballot Measures* with slides entitled: *Charter Amendment No. 1; Charter Amendment No. 2; and Charter Amendment No. 3.*

A motion was made by Strickland, second Van Der Mark, to consider the three proposed Charter amendment ballot measures, ballot language, and exhibits for placement on the March 5, 2024 Statewide Primary Election ballot for voter approval; and adopt Resolution No. 2023-42, "A Resolution of the City Council of the City of Huntington Beach, California, Calling for the Holding of a Special Municipal Election to be held on Tuesday, March 5, 2024, for the Submission to the Voters Questions Relating to City Charter Amendments;" and adopt Resolution No. 2023-43, "A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a Special Municipal Election to be held on March 5, 2024, with the Statewide Primary Election to be held on the Date Pursuant to Section 10403 of the Elections Code;" and adopt Resolution No. 2023-44, "A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding City Measures and Directing the City Attorney to Prepare Impartial Analyses;" and adopt Resolution No. 2023-45, "A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections;" and appropriate \$459,628 in General Funds to business unit 10040101; and dissolve the Charter Review Ad Hoc Council Committee, as their scope of work has been completed, **as amended by supplemental communication and revision to Measure 1 language (substitute identification for ID).**

A substitute motion was made by Kalmick, second Bolton to **TABLE** Consider the three proposed Charter amendment ballot measures, ballot language, and exhibits for placement on the **November 5, 2024 General Election** ~~March 5, 2024 Statewide Primary Election~~ ballot for voter approval **to allow time for more details on the costs and logistics for voter identification.**

The substitute motion failed by the following roll call vote:

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

The original motion by Strickland, second Van Der Mark to consider the three proposed Charter amendment ballot measures, ballot language, and exhibits for placement on the March 5, 2024 Statewide Primary Election ballot for voter approval; and adopt Resolution No. 2023-42, "A Resolution of the City Council of the City of Huntington Beach, California, Calling for the Holding of a Special Municipal Election to be held on Tuesday, March 5, 2024, for the Submission to the Voters Questions Relating to City Charter Amendments;" and adopt Resolution No. 2023-43, "A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a Special Municipal Election to be held on March 5, 2024, with the Statewide Primary Election to be held on the Date Pursuant to Section 10403 of the Elections Code;" and adopt Resolution No. 2023-44, "A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding City Measures and Directing the City Attorney to Prepare Impartial Analyses;" and adopt Resolution No. 2023-45, "A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections;" and appropriate \$459,628 in General Funds to business unit 10040101; and dissolve the Charter Review Ad Hoc Council Committee, as their scope of work has been completed, **as amended by supplemental communication and revision to Measure 1 language (substitute identification for ID)** carried by the following roll call vote:

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

City Clerk Robin Estanislau explained the timeline moving forward which includes impartial analyses from the City Attorney's Office within 14 days, as well as the direct arguments in favor and against each ballot Measure.

A motion was made by Strickland, second Van Der Mark to approve Councilmember Burns as author of Argument in Favor of Charter Amendment Measure 2 (Flags); Mayor Strickland as author of Argument in Favor of Charter Amendment Measure 3 (Two-Year Budget); Mayor Strickland and Mayor Pro Tem Van Der Mark as authors of Argument in Favor of Charter Amendment Measure 1 (Voter Identification); and, Councilmembers Kalmick, Moser and Bolton as authors of Arguments Against Charter Amendment Measures 1 (Voter Identification), 2 (Flags), and 3 (Two-Year Budget).

The motion carried by the following roll call vote:

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

A motion was made by Strickland, second Van Der Mark to **revise Charter Amendment Measure 3 language (in Section 300, "reaffirmed to 2022" in two locations, to "reaffirmed in 2024").**

The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

20. 23-879 Adopted Item Submitted by Mayor Pro Tem Van Der Mark — Resolution No. 2023-41 establishing a policy for the review and re-cataloging of library materials containing sexual content

Mayor Pro Tem Van Der Mark introduced this item by providing a brief history of the process, procedure and procurement to ensure safe libraries for children. This item only ensures sexually explicit books be moved from the Children's Section to the Adult Section of the libraries.

Mayor Pro Tem Van Der Mark confirmed with Community and Library Services Director Ashley Wysocki that moving books from one section to another within the library is not a book ban. Mayor Pro Tem Van Der Mark stated her effort is to engage the community in the process of reviewing books. She added that the current library card system allows any child to check out any book in the library, and this proposed resolution would create another option for empowering parents who choose to have more control over which books their child(ren) can check out.

Councilmember Kalmick and City Attorney Michael Gates discussed how one Councilmember can ask the City Attorney to prepare a resolution, as a Councilmember Item on the agenda, rather than follow protocol whereby a Council majority directs staff for a policy document. Councilmember Kalmick noted the Resolution appears with typos and internal inconsistencies and has a signature line for the Mayor Pro Tem which no other resolution has ever had before. He asked many questions about procedures and noted the lack of many definitions as well as text ambiguities.

Councilmember Bolton explained, for the benefit of the public in regard to the discussion on how library materials can be categorized, the First Amendment prohibits the government from restricting speech or information based on the content. She added the First Amendment prevents the library from using the system used by private businesses, such as Blockbuster used when they placed R-rated movies in a back room.

Councilmember Bolton and City Attorney Michael Gates discussed potential legal risks by creating a community board to review and re-catalogue library materials based on their sexual content. City Attorney Gates stated that several attorneys in his office worked on this resolution and believe it is a safe path forward.

City Attorney Gates noted for the record that Councilmember Bolton's First Amendment explanation does apply to adults, but not in the same way for children. He added that everyday across the country, school personnel, as government employees are constantly determining what is appropriate for children in every grade. He also noted children get different treatment in all of the Bill of Rights. City Attorney Gates added that the intent here is not to take any books out of circulation, but rather to relocate selected books so that parental involvement is required for access.

Councilmember Bolton stated she cannot support this item.

Mayor Strickland stated that no books will be removed or restricted from the library, but rather the intent is to develop a system to protect children.

Councilmember Moser shared her thoughts regarding the process for this resolution which in her mind appears to be rushed, and stated she expected a Study Session presentation followed by bringing the topic back at another time as an H Item for full Council discussion. She stated her belief that decisions regarding library books are best made by trained experts or librarians who review data and circulation

numbers down to the branch level. She further added this resolution is broad, subjective, and without proper definitions, which she believes will lead to potential inconsistencies in enforcement and application.

Councilmember Moser stated developing a community review board could result in potential censorship based on the personal biases of a few people and noted that librarians are trained and educated with ethical standards. She believes this process will create an administrative and financial burden, and this effort is about power and control which will result in reduced trust in government institutions.

Councilmember Moser asked a multitude of logistical questions regarding definitions, policies and enforcement methods which she believes must be answered before proceeding. She stated since the proposed community review board will be reviewing and evaluating books, they must have the same training and degrees that librarians do.

Councilmember McKeon stated he cannot understand why people appear to support children having access to sexually explicit material without parental consent. He noted that library book placement mistakes have happened in the past, there is a system used for controlling which movies children can see, and this resolution is an effort to put policies and procedures in place to enhance parental control.

Councilmember Burns stated it is apparent that some books are slipping through the current process, and he sees this resolution as an effort to support and assist the librarians. He noted that not every City board, committee or commission requires members to be experts in their field. He added no book will be removed or banned from the library, but books currently in, or procured for, the Children's Department may be moved to a more age-appropriate library section.

Councilmembers Moser, McKeon and Burns shared their opinions regarding the rating system used by the movie system vs First Amendment protected free speech; existing process for handling potentially miscatalogued books; and the necessity or not of a new review committee.

Councilmember Kalmick asked City Attorney Michael Gates hypothetical book scenarios related to adults wanting to read books in the children's section, and City Attorney Gates stated there is no law stating every book must be available in a library, noting there are book resources outside of the public library system which anyone can access.

Councilmember Moser recommended that if a community review board is approved it be established as a committee that functions under Brown Act guidelines. Mayor Pro Tem Van Der Mark noted the Youth Board was recently eliminated and replaced with a non-Brown Act group to enhance productivity and for the same reasons she would not support Councilmember Moser's recommendation.

City Attorney Gates stated Council could require noticed and open meetings of the community review board without also requiring it to be Brown Act compliant.

Councilmember Bolton asked what the procedure will be if this resolution is approved as far as determining review committee qualifications. City Attorney Gates explained that resolutions are policy directions to staff and this resolution is silent on review committee qualifications, and he added that if Councilmembers expect to have input on that, now is the time to make that clear.

Councilmember Kalmick confirmed with City Attorney Gates there is no appeal process regarding a review committee's decisions.

A motion was made by Strickland, second Burns to request the City Council adopt Resolution No. 2023-41 to establish a policy for the review and re-cataloging of library materials containing sexual content (Attachment #2).

The motion carried by the following roll call vote:

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

21. 23-894 Adopted Item Submitted by Mayor Pro Tem Van Der Mark — Resolution No. 2023-50 in Support of Israel and Condemning the Attacks on Israel by Hamas

Mayor Pro Tem Van Der Mark introduced this item with a timeline of recent terrorist activities.

Mayor Strickland stated it is important for Huntington Beach to publicly stand with Israel, one of the strongest allies the United States has.

Councilmember Burns noted Israel has Palestinian, Muslim, Christian and Jewish residents which were all indiscriminately fired upon by Hamas terrorists.

Councilmember Moser stated she doesn't believe this resolution is appropriate and read statements from the Greater Huntington Beach Interfaith Council and Groundswell, formerly known as O. C. Human Relations, as examples of what she considered more appropriate responses.

Mayor Strickland noted that Israel was attacked by Hamas in the same fashion that the U. S. was attacked on 9/11 in Washington DC, Israel has a right to defend itself when attacked and to know that Huntington Beach supports that right.

Councilmember Burns asked that additional signature lines be provided so any Councilmember who wishes may sign this resolution.

Councilmember Kalmick, speaking as the only Jewish Councilmember, stated he will support this resolution, and presented what he described as potential flaws he would like to see amended. He further stated his belief it is not the role of Huntington Beach City Council to be involved in international affairs and referenced current conflicts around the world.

Councilmember Bolton proposed a friendly amendment, based upon her personal conversation with a local Jewish leader, to add to the third paragraph, "that the City publicly expresses sympathy for those Israelis and Palestinian civilians who are suffering dying, or being held hostage," and add a fourth paragraph, "The City supports and stands with our community members who have family and friends in Israel and Gaza, and denounces anti-Semitism and Islamophobia in any form or place."

Mayor Strickland shared his opinion that the proposed changes could create the impression that Israel is as responsible as Hamas for the lost lives, and that is not factually correct. He noted he also reached out to American Israel Public Affairs Committee (AIPAC) in helping to draft this resolution.

A motion was made by Strickland, second Van Der Mark to adopt the attached Resolution stating that the City publicly declares support for Israel, condemns the barbaric attacks on Israel by Hamas, publicly expresses sympathy for those Israelis who are suffering and dying at the hands of Hamas, and that the City publicly calls for an immediate end to the war.

The motion carried by the following roll call vote:

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

ADJOURNMENT — at 1:31 AM on Wednesday, October 18, 2023, a motion was made by Strickland, second by Burns, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, November 7, 2023, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

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



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