

Minutes

City Council/Public Financing Authority City of Huntington Beach

Special Meeting

Thursday, October 5, 2023
6:00 PM — Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

6:00 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 6:00 PM

ROLL CALL

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

City Attorney Gates requested permission to be absent pursuant to City Charter Section 309(d), and Acting Chief Assistant City Attorney Paul D'Alessandro attended this meeting in his place.

PLEDGE OF ALLEGIANCE — Led by Councilmember McKeon

INVOCATION

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

1. 23-813 Huntington Beach Police and Fire Chaplain James Pike

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:

Administrative Items #2 (76 email communications, and 1 letter)

PUBLIC COMMENTS (90-Second Time Limit) — 41 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/>.

Shirley Dettloff, resident since 1964 and Mayor in 1997, was called to speak, requesting that the process for placement of proposed Charter amendments on the March 5, 2024 ballot be abandoned and replaced by creation of a Charter Review Committee composed of citizens before proceeding. (00:03:56)

Shammy Dee was called to speak and shared her opinions on the proposed Charter amendments regarding elections which she believes would result in voter suppression if implemented. (00:05:39)

Terry Rose was called to speak and stated her opposition to the proposed Charter amendments and suggested the creation of a Charter Review Committee composed of citizens and the Council minority before proceeding. (00:07:19)

Paul Horgan, a resident, was called to speak and stated his opposition to proposed Charter amendment Section 105, Special Provisions Relative to Municipal Elections. (00:08:50)

Unnamed Guest was called to speak and stated his opposition to the proposed Charter amendments for the March 5, 2024 election. (00:09:40)

Mary Ann Celinder, a resident of 48 years, was called to speak and stated opposition to all of the proposed Charter amendments for the March 5, 2024 election. (00:11:17)

Luanne Shoup was called to speak and stated support for the proposed amendment to require voter ID. (00:12:27)

Diane Bentley, a 22-year resident, was called to speak and stated opposition to proposed Charter amendments regarding municipal elections. (00:13:40)

Laura Sire was called to speak and thanked Councilmembers Bolton, Kalmick and Moser for consistently standing for all residents, and stated opposition to proposed Charter amendments regarding municipal elections. (00:15:09)

Synde Manion, a resident, was called to speak and recommended the National Council of State Legislators (NCSL.ORG) website for accurate information about voter ID requirements across the United States. (00:16:50)

Pat Goodman was called to speak and stated her opposition to proposed Charter amendments related to municipal elections and flags on government property and played a 2012 public service video of Tito Ortiz encouraging people to volunteer with the Orange County Registrar of Voters. (00:19:06)

Mary Jo Baretich was called to speak and stated her opposition to proposed Charter amendments regarding voter ID for elections and asked that unrelated items not be bundled on the ballot. (00:20:45)

David Rynerson, 27-year resident, was called to speak and stated opposition to all proposed Charter amendments except for Measure "C" and asked that Councilmembers focus on what is good for all residents. (00:22:18)

Dennis, a long-time resident, was called to speak and asked that the proposed Charter amendment list both Primary and General Elections as voter opportunities to fill Council vacancies, and voiced opposition to any Measure "C" changes. (00:23:40)

T.J. England was called to speak, shared concerns about nepotism and stated opposition to proposed Charter amendments regarding municipal elections. (00:25:19)

Unnamed Guest was called to speak and expressed his appreciation to Councilmember McKeon for breaking the majority vote on a couple of issues, and asked that he use his laser focus to determine potential election costs as he did last week in discussing the reduced income for the Art Fair. (00:26:58)

Mary Kyle, 25-year resident, was called to speak and stated opposition to the proposed Charter amendment regarding voter ID. (00:27:53)

Unnamed Guest, a resident since 1985, was called to speak and stated opposition to proposed Charter amendments regarding municipal elections and asked that each proposed Charter amendment stand on its own for the March 5, 2024 Primary Election ballot. (00:29:29)

Ann Palmer, 30+-year homeowner, was called to speak and asked that Measure "C", 612(c)(7) regarding playgrounds, be restricted to ten percent (10%) within a ten-year period with a cap of one-hundred percent (100%) growth from date of resolution in perpetuity. (00:30:49)

Unnamed Guest was called to speak and stated opposition to all proposed Charter amendments and asked that the Councilmembers begin focusing on solutions to crime and affordable housing. (00:32:18)

Connie Boardman, former Mayor and Councilmember, was called to speak and stated opposition to the proposed Charter amendment regarding flags allowed on City facilities because of the "unanimous" vote requirement. She announced a grassroots effort to defeat proposed amendments they deem harmful: protecthb.org (00:35:09)

Mark Tonkovich, a resident, was called to speak and stated his support for proposed Charter amendments regarding voter ID. (00:35:13)

Tim Geddes, a 40-year resident, was called to speak and shared his opinion that the Council majority is failing to adequately plan for the proposed Charter amendments regarding municipal elections. (00:36:40)

Unnamed Guest was called to speak and asked why Council is proposing a flag flying Charter amendment when they can't even impose the flag ordinance that exists as evidenced by the flying of the Canadian and Australian flags this past weekend for the Pacific Air Show. (00:38:13)

Kathryn Goddard, a resident, was called to speak and asked her fellow voters to do their homework, pay attention and do their research in preparation for the March 5, 2024, Primary Election. (00:39:21)

Ken Inouye, a 50-year resident, was called to speak and shared some financial facts from the recently approved 2023–2024 Budget, requested that Councilmembers look at the facts and oppose proposed Charter amendments regarding municipal elections. (00:40:56)

Unnamed Guest was called to speak and reiterated his list of actions that require individuals have an ID in response to an email that Councilmember Kalmick sent regarding the "disingenuous" list Mr. Twining presented at the previous Special Meeting. (00:42:14)

Unnamed Guest was called to speak and shared his opinions regarding flying flags at the Pacific Air Show, and noted the American flag represents all Americans. (00:43:52)

Harry McLachlan, a resident, was called to speak and stated opposition to proposed Charter amendment regarding flying of flags on municipal property unless "unanimous" vote is replaced with "majority" vote. (00:45:25)

Julia Gomez, Staff Attorney, ACLU, Southern California, was called to speak and stated opposition to adding Section 705 to the Charter as presented in a letter sent earlier today dated October 5, 2023. (00:46:41)

Senator Dave Min was called to speak and shared his concerns about proposed Charter amendment Section 705. As outlined in his letter of August 1, 2023, he stated it is illegal to propose anything that interferes with county, state or federal elections, and it will end up being very costly for the taxpayers if this proposal goes forward. (00:48:22)

Unnamed Guest was called to speak and stated his opposition to the proposed Charter amendment on nepotism. (00:49:50)

Jeanne Farrens was called to speak and thanked Councilmember McKeon for being responsible and bringing the Charter review process out from behind closed doors and being open to reconsidering his positions on proposed amendments. She stated her opposition to the proposed Charter amendments regarding municipal elections. (00:52:10)

Amory Hanson was called to speak and stated his support for a new Charter amendment requiring a Special Election in the case of a City Council vacancy. (00:53:46)

David Cowen, a 35-year resident, was called to speak and stated his opposition to proposed Charter amendments related to municipal voting and bundling amendments for the ballot. (00:54:38)

Unnamed Guest was called to speak and stated her opposition to any proposed Charter amendment related to municipal elections. (00:56:11)

Briana Lee was called to speak and stated her opposition to any proposed Charter amendment related to municipal elections. (00:57:49)

Hera Poon, Huntington Beach High School Junior, was called to speak and stated opposition to any proposed Charter amendment related to municipal elections. (00:59:22)

Dina Chavez was called to speak and stated her opposition to banning library books. (01:00:41)

Perry Clitheroe was called to speak and stated his opposition to any proposed Charter amendment related to municipal elections. (01:01:53)

Valentina Bankhead, a resident, was called to speak and stated her support for the proposed Charter amendments. (01:03:14)

ADMINISTRATIVE ITEMS

2. 23-844 Held City Council discussion for potential Charter amendments to be considered for the March 5, 2024, Statewide Primary Election

Councilmember Kalmick clarified the process for moving ahead with Mayor Strickland which involves an official roll call vote tonight on which proposed Charter amendments have a Council majority, followed by

a roll call vote on how the approved proposed amendments are to be bundled for the ballot, then a final vote to direct staff to return on October 17 with language for submittal to the ROV for City Council consideration.

Biennial Budget

A motion was made by Strickland, second Burns to approve proposed Biennial Budget (Sections 401(b), 601, 602, 603, 604, 605) changes for March 5, 2024, ballot.

The motion carried by the following vote:

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

Election Procedures

Mayor Pro Tem Van Der Mark, speaking as a person of Hispanic heritage, noted how offensive it is to hear that poor people or people of color are not capable of getting an ID.

Councilmember McKeon noted the wording change in these proposals from "shall" to "may" will provide the opportunity for acting, or not, on the election proposals.

Councilmember Kalmick referenced the ACLU letter which noted the change in wording from "shall" to "may" does not protect the proposed Charter amendment from being illegal because of conflict with state law. He also noted that "ADA" is not defined anywhere when it comes to describing ADA-compliant polling locations. Acting Chief Assistant City Attorney D'Alessandro confirmed if this item is approved, Americans with Disabilities Act would be spelled out, as well as consideration of whether or not California could approve even stricter requirements.

Mayor Strickland confirmed with Acting Chief Assistant City Attorney D'Alessandro that the City Attorney's Office believes the State Constitution provides the City authority over local elections.

Councilmember Moser asked if any Councilmembers who received voter questions about potential voter fraud had reached out to the Registrar of Voters.

Councilmember McKeon responded that this item is not about voter fraud, but an opportunity to increase faith in elections and increasing voter turnout.

Councilmember Moser shared her opinion it is disingenuous to say this will increase voter turnout when the opposite is most likely to happen, and she believes it will also place the City in potential legal jeopardy in a number of ways.

An Ami Horowitz Digital Short video was played at the request of Mayor Pro Tem Van Der Mark which compared how people on the street responded to questions related to voter ID in Berkeley, California and East Harlem.

Councilmember Kalmick noted there are actual researched reports that document how difficult it is for poor people to get IDs, regardless of what this anecdotal video shows.

A motion was made by Strickland, second Burns to approve new Charter Sections 702 — Procedure for Holding Elections, and 705 — Special Provisions Relating to Municipal Elections for March 5, 2024, ballot.

Councilmember Kalmick stated his reasons for not moving forward on any further proposed Charter amendments at this time, and suggested the November 8, 2024, election as more appropriate when elected official positions will be on the ballot.

Councilmember Bolton shared facts she researched related to voter ID, control of polling places, lack of language help for people who are not native English speakers and the unknown costs to implement as her reasons to oppose this item.

A substitute motion was made by Kalmick, second Bolton to table all Charter amendments until 2024 and direct staff to return with recommendations for the best way to gain public input for Measure "C" for the next City Council meeting on October 17, 2023.

The substitute motion failed by the following vote:

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

The motion made by Strickland, second Burns to approve new Charter Sections 702 — Procedure for Holding Elections, and 705 — Special Provisions Relating to Municipal Elections for March 5, 2024, ballot, carried by the following vote:

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

Display Of Flags

Councilmember Bolton stated her opinion there is no need to place this item in the Charter as there already exists an ordinance which can be easily changed by Councilmembers. She added that the only reason she voted against the Biennial Budget is because of the illegitimate process being used.

Councilmember McKeon, speaking as a member of the former Charter Review Commission, noted that the public did not show up for Commission meetings to observe or participate in the discussion, except for those interested in placing a mobile home issue on the ballot. He believes the current process has provided much more transparency. Regarding the display of flags, he noted the proposed amendment states "... the City shall only fly or display at or on any of the City's properties the following flags: ..." It does not state permit holder, or private company, or private residence.

A motion was made by Strickland, second Burns to approve new Charter Section 806. Display of Flags for March 5, 2024, ballot.

The motion carried by the following vote:

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

Conflict Of Interest, Nepotism

Councilmember Bolton stated she is interested in prohibiting cronyism, or participating in any employment decision that may be viewed as a conflict of interest such as involving a close friend, a business partner, and/or professional political or commercial relationship that would lead to preferential treatment or compromise the appearance of fairness. This policy should apply to all elected officials in Huntington Beach.

Councilmember McKeon stated he believes this topic is already covered in the Charter and creating a new Charter amendment is not necessary.

A motion was made by Bolton, second Kalmick to approve new Charter Section 313. Conflict of Interest, Nepotism.

The motion failed by the following vote:

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

2022 Measure L - Council Vacancies; Cancellation of Meetings

Staff confirmed they removed reference to changing the title of Mayor Pro Tem from Measure L and stated the updated language in Council Vacancies Section 312 needs to be updated to reflect “four affirmative votes” in the Vacancy Section.

A motion was made by Strickland, second Kalmick to approve 2022 Measure L/Council Vacancies (as amended with exclusions and discrepancies in Sections 303 and 312 incorporated) / Cancellation of Meetings (Sections 300, 303, 304, 311, 312, 400, 601, 604, 801, 804) for March 2024 Ballot.

The motion carried by the following vote:

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

Measure “C”

Councilmember McKeon thanked staff for working on this complicated issue, and stated his support for continued effort at City Council meetings over the coming months to include input from the residents who initially proposed Measure "C".

Director Wysocki presented a brief overview of the proposed changes to date for Measure “C”.

Councilmember Moser stated her support for Councilmember McKeon's recommendation to continue review of Measure “C”, however she would like to see this addressed through special Measure “C” Review meetings with a professional facilitator.

Councilmember Burns suggested asking the Community and Library Services Commission to review and return through a Study Session with their recommendations.

Councilmember Kalmick recommended moving forward by starting with community input, including the Community and Library Services Commission review and then revisiting at a Study Session

By consensus, with no objections, Councilmembers agreed to table Measure "C" (Section 612) to be considered at a later date.

Bundle Proposed Charter Amendments

A motion was made by Strickland, second Burns to bundle amendments into 3 Measures: 1) Sections 702 and 705 — Elections; 2) Section 806 — Display of Flags; and 3) Former 2022 Measure L items (including amended language for Section 303, Cancellation of Meetings and Section 312, Vacancies) and Section 401 (b), 601-605 — Biennial Budget for March 5, 2024, ballot

The motion carried by the following vote:

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

Direct Staff

A motion was made by Strickland, second Burns to direct the City Attorney and City staff to prepare and return ballot measure language on approved amendments and all other materials required for submittal to the ROV for City Council consideration at the regular meeting on October 17, 2023.

The motion carried by the following vote:

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

PUBLIC COMMENTS (90-Second Time Limit) — 20 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>.

Unnamed Guest was called to speak and shared his opinion this process was just a sham. (02:03:10)

Tim Geddes, a 40-year resident, was called to speak and shared his disappointment in this process and lack of proper direction from City Attorney Michael Gates. (02:03:37)

Unnamed Guest was called to speak and thanked Councilmember Bolton for her proposed items and shared his opinions on the proposed Flags Charter amendment. (02:04:32)

Synde Manion, a resident, was called to speak and shared her disappointment at how the Council majority plowed through the process and obviously didn't listen to a majority of residents. (02:05:16)

Unnamed Guest was called to speak and shared his personal experience for the process and cost to get an ID as a white guy. (02:06:33)

Mary Kyle was called to speak and stated her opposition to the proposed Flags Charter amendment. (02:08:05)

Unnamed Guest was called to speak and shared her opinion this whole process is flawed from the beginning. (02:09:34)

Unnamed Guest was called to speak and stated she would like to see respect returned by Councilmembers and see them focused on protecting all citizens of Huntington Beach. (02:10:23)

Unnamed Guest was called to speak and stated her opposition to the proposed Charter amendment related to elections. (02:11:39)

Unnamed Guest was called to speak and shared examples of racism from the previous generations that might have material impacts on people even today. (02:12:25)

Harry McLachlan, a resident, was called to speak and stated Councilmembers failed to listen to a majority of their constituents, and in fact acted against them. He thanked Councilmembers Bolton, Kalmick and Moser for using intelligence and reason during these discussions. (02:14:04)

Ann Palmer, over 30-year resident, was called to speak and thanked Mayor Strickland for allowing public discourse and noted that these proposed Charter amendments will ultimately return to the public for their vote. She also stated her support for voter ID and e-verify. (02:14:59)

Unnamed Guest was called to speak and thanked Mayor Strickland, Mayor Pro Tem Van Der Mark and Councilmembers Burns and McKeon for standing up to the fire. (02:16:31)

Ken Inouye was called to speak and asked Councilmembers why they support spending taxpayer money on a proposed election Charter amendment when in his opinion it is not needed. (02:17:55)

Pat Goodman was called to speak and stated opposition to the proposed voter ID and flags Charter amendments. (02:18:44)

Laura Sire was called to speak and stated her opposition to the proposed Charter amendment related to elections. (02:20:19)

Unnamed Guest was called to speak and suggested returning to the days of fingerprint and paper ballot to eliminate opportunity for election fraud. (02:21:20)

Shirley Dettloff was called to speak and shared her opinion if the process had started properly with a citizen Charter Review Committee it would not have resulted in the division and potential expense which she believes ultimately will negatively affect business and tourism. (02:22:01)

Unnamed Guest was called to speak and shared her opposition to the proposed Charter amendment related to elections. (02:23:49)

Valentina Bankhead was called to speak and stated her support for the proposed Charter amendments that will benefit all residents. (02:25:13)

ADJOURNMENT — At 8:27 PM 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, October 17, 2023, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

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