

Minutes

City Council Special Meeting City of Huntington Beach

Monday, March 29, 2021
5:00 PM – via Zoom
Huntington Beach, California 92648

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

5:00 PM - VIRTUAL LOCATION

CALLED TO ORDER — 5:00 PM

ROLL CALL

Present: Kalmick, Ortiz, Carr, Posey, Moser, and Delgleize
Absent: Peterson (excused)

Councilmember Peterson requested and was granted permission to be absent pursuant to Resolution 2001-54.

PLEDGE OF ALLEGIANCE — Led by Mayor Carr

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. (21-275) Two (2) email communications regarding adoption of COVID-19 safety guidelines related to in-person City Council meeting protocols.

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

The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>.

Amory Hanson, a Candidate for City Council in 2022 and member of the Huntington Beach Historic Resources Board, was called to speak and stated his support for re-opening Council Chambers with appropriate safety measures, suggested an ending date be included in any action, and requested that all of the City's deliberative assemblies be included in the action for in-person meetings. (00:02:45)

ADMINISTRATIVE ITEMS

- 1. 21-275 Failed to Adopt COVID-19 safety guidelines related to in-person City Council meeting protocols**

City Manager Chi presented a PowerPoint communication entitled: *In-Person City Council Meeting Protocols* with slides titled: *Covid-19 Situational Update, Orange County in Red Tier, With Orange Tier Status Likely This Week, In-Person Council Meetings, April Transition Planned for Initial Reopening Efforts, Covid-19 Reopening Plan, Guidance for Businesses and Employers Responding to COVID-19, Objections Raised, Council Members Have Requested Discussion Regarding In-Person Protocols, City Council Direction Needed, and Questions.*

Mayor Carr opened comments by expressing her disappointment that Councilmember Peterson chose not to attend the meeting, as he had previously asked questions that could have been addressed if he were present to participate.

Councilmember Delgleize and City Manager Chi discussed details regarding installation of Plexiglas shielding in the Council Chambers, the temperature check process required for anyone entering to make Public Comments, and safety protocols requiring face coverings and social distancing.

Councilmember Kalmick and City Manager Chi discussed the handling of non-compliant visitors who may disrupt the meeting. City Manager Chi explained that the Mayor chairs the meeting, staff would monitor for compliance, and disruptive visitors would agree to comply or risk being escorted from the meeting by the Sergeant-at-Arms

Councilmember Posey stated that while he does not enjoy wearing a mask, he does so to show respect for others, and supports reopening the Chambers for safe in-person meetings as quickly as possible. Councilmember Posey added his opinion that elected officials are in a position of leadership that requires mutual respect and trust among peers, and should focus on doing the right thing with decency, respect, compassion, integrity, honesty and trust.

Mayor Pro Tem Ortiz described his public experiences and interactions without wearing a mask during his candidacy, personal exposure to individuals infected with COVID-19, and his belief that each U. S. citizen has the freedom to make choices regarding their own health. Mayor Pro Tem Ortiz also explained his choice to focus on maintaining a healthy immune system, and acknowledged that while his choice may not be appropriate for everyone, he chooses to remain true to his beliefs.

Councilmember Moser described holding the special meeting as an evidence-based approach to address a problem, her appreciation for Councilmember Posey's comments, and her support for wearing masks. She also acknowledged Mayor Pro Tem Ortiz's right to wear or not wear a mask, but described his reasoning's as "anecdotal fallacy," and her opinion that he does not have the right to ignore safety guidelines in a public setting. She concluded by stating that his decision on wearing a mask will determine how he participates in future Council meeting should the Council choose to adopt the re-opening plan.

Mayor Carr expressed her opinion that Councilmembers have a job to do, paid by the government, and do not have the authority to ignore safety guidelines that at this time include wearing a mask in a public meeting. She encouraged Council to do what it takes to engage with the people who elected them, especially in light of pandemic barriers. Mayor Carr described her knowledge of other agencies adhering to CDC COVID-19 safety protocols, and expressed appreciation for Mayor Pro Tem Ortiz attending tonight's meeting to share his opinion. She stated that everyone, including elected officials, staff, the public, must all abide by the same rules, and strongly encouraged Mayor Pro Tem Ortiz to either wear a mask, or attend future Council meetings virtually.

Councilmember Kalmick and Mayor Pro Tem Ortiz further discussed their differing opinions on the issue of wearing masks. Mayor Pro Tem Ortiz stated his choice to represent his constituents who have made the same choice about not wearing masks. Councilmember Kalmick shared his concerns about asymptomatic exposure and after receiving a definitive response that Mayor Pro Tem Ortiz plans to attend future in-person meetings without a mask, Councilmember Kalmick moved to continue the practice of conducting Council meetings virtually until CDC COVID-19 guidelines lift the mask mandate.

Mayor Carr stated her support for Councilmember Kalmick's motion to keep Council meetings remote until masks are no longer required in order to prevent the potential spectacle of having to escort any Councilmember or member of the public out of a meeting.

Mayor Pro Tem Ortiz expressed strong concerns about the distribution of false information nationally, described his strong commitment to public service, and stated it is not his intention to cause a public spectacle.

Councilmembers Moser, Delgleize and Posey offered closing thoughts on Mayor Pro Tem Ortiz's refusal to wear a mask, the importance of moving forward to do the public's business, public perception of leadership, and mutual respect for each other's safety. In closing, Councilmember Posey provided a second to Councilmember Kalmick's motion to continue meeting virtually until CDC mask guidelines change.

At approximately 6:00 PM, City Manager Chi announced that Mayor Pro Tem Ortiz had to leave the meeting due to a previous commitment.

The motion by Kalmick, second Posey to hold meetings virtually until CDC mask guidelines ease, carried by the following vote:

AYES: Kalmick, Carr, Posey, Moser and Delgleize

NOES: None

ABSENT: Peterson, and Ortiz

ADJOURNMENT at 6:04 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, April 5, 2021, at 4:00 PM 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, California

ATTEST:

City Clerk

Mayor