

## **Minutes**

### **City Council/Public Financing Authority City of Huntington Beach**

Tuesday, September 3, 2024  
4:30 PM – Council Chambers  
6:00 PM – Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**A video recording of the 4:30 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/](http://www.surfcity-hb.org/government/agendas/)**

#### **4:30 PM — COUNCIL CHAMBERS**

#### **CALLED TO ORDER**

#### **ROLL CALL**

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

Pursuant to Charter Section 310 (a), City Clerk Robin Estanislau requested and, with no objections, was granted permission to be absent from this meeting. Assistant City Clerk Juan Esquivel attended this meeting in her place.

Pursuant to Charter Section 309 (d), City Attorney Michael Gates requested and, with no objections, was granted permission to be absent from this meeting. Senior Deputy City Attorney Connor Hyland attended this meeting in his place.

#### **CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)**

Councilmember Bolton announced that September is Library Card Sign-Up Month; Councilmember Moser announced that September is Childhood Cancer Awareness Month; and Mayor Pro Tem Burns announced that September is Prostate Cancer Awareness Month.

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

#### **PUBLIC COMMENTS PERTAINING TO STUDY SESSION/CLOSED SESSION ITEMS (3-Minute Time Limit) — 2 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>.*

Dustin Clapp and David Clapp, Doing Business As (DBA) Jack's Beach Concessions, were called to speak and stated their interest in continuing to serve the community through their generational family business. (00:07:06)

Mayor Van Der Mark announced Closed Session Titles for Item Nos. 2 – 4 related to Real Property Negotiations.

A motion was made by Strickland with a second by Burns to recess to Closed Session.

**RECESSED TO CLOSED SESSION**

**CLOSED SESSION**

1. 24-607 **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Clayton-Tarvin (Gina) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2023-01329927.**
2. 24-608 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: 60 Main Street, Huntington Beach, CA 92648. City Negotiators: Eric Parra, Interim City Manager; Travis Hopkins, Assistant City Manager; Kriss Casanova, Economic Development Manager; Steve Holtz, Deputy Director of Community Development; Jennifer Villaseñor, Director of Community Development; William Krill, Real Estate Project Manager. Negotiating parties: Persons to be negotiated with: (Not Present) Tina Viray and Nelson Wescott DBA The Surf City Store Under negotiation: Price and terms of lease**
3. 24-609 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: 61 Main Street, Huntington Beach, CA 92648. City Negotiators: Eric Parra, Acting City Manager; Travis Hopkins, Assistant City Manager; Kriss Casanova, Economic Development Manager; Steve Holtz, Deputy Director of Community Development; Jennifer Villaseñor, Director of Community Development; William Krill, Real Estate Project Manager. Negotiating parties: Persons to be negotiated with: (Not Present) Dave Shenkman DBA Kite Connection International Incorporated Under negotiation: Price and terms of lease**
4. 24-610 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: 21091 Pacific Coast Highway, Huntington Beach, CA, 92648. (APN 024-281-16). Agency Negotiators: Eric Parra, Interim City Manager; Travis Hopkins, Assistant City Manager; Ashley Wysocki, Director of Community and Library Services; Chris Cole, Community and Library Services Manager; William Krill, Real Estate Project Manager Negotiating Parties: (Not Present) Dave Clapp DBA Jack's Beach Concessions Under negotiation: Price and terms of lease**
5. 24-626 ~~**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Daniels (Enda) v. City of Huntington Beach; OCSC Case No.: 30-2023-01315163.**~~

**6:00 PM — COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:00 PM**

**ROLL CALL**

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

Absent: None

Pursuant to Charter Section 310 (a), City Clerk Robin Estanislau requested and, with no objections, was granted permission to be absent from this meeting. Assistant City Clerk Juan Esquivel attended this meeting in her place.

Pursuant to Charter Section 309 (d), City Attorney Michael Gates requested and, with no objections, was granted permission to be absent from this meeting. Senior Deputy City Attorney Connor Hyland attended this meeting in his place.

**PLEDGE OF ALLEGIANCE** — Led by Huntington Beach Fire Chief Haberle.

## **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.

## **6. 24-554 Huntington Beach Police Chaplain Bob Ewing**

**CLOSED SESSION REPORT BY CITY ATTORNEY** — None

## **ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS** (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Juan Esquivel announced supplemental communications that were received by his office following distribution of the Council Agenda packet which were all uploaded to the City's website and Councilmember iPads: Consent Calendar Items, #10 (1 email communication); #11 (6 email communications); #16 (1 email communication); Ordinances for Introduction, Item #20 (51 email communications); Councilmember Items #21 (9 email communications); #22 (4 email communications); #23 (13 email communications).

## **AWARDS AND PRESENTATIONS**

Mayor Van Der Mark announced that September is National Service Club Month and recognized the following Service Clubs: American Legion, Elks Lodge, Kiwanis, Lions Club, Robyne's Nest and Rotary Club. Mayor Van Der Mark noted that each Club will be individually recognized at the next Mayor's Spotlight Award event, and called Club representatives forward for a picture with Councilmembers.

## **PUBLIC COMMENTS** (2-Minute Time Limit due to number of speakers) — 50 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>.*

Wendy Rincon, 50-year Huntington Beach resident, was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (00:22:57)

Dom McGee was called to speak and stated his support for former Navy Seal Council Candidate Chad Williams in November 2024. (00:25:06)

Andrew Einhorn was called to speak and stated his support for Council Candidates Bolton, Kalmick and Moser in November 2024. (00:27:24)

Unnamed Speaker was called to speak and stated support for Council Candidates Bolton, Kalmick and Moser in November 2024. (00:29:33)

Bethany Webb, 40+-year Huntington Beach resident, was called to speak and stated opposition to Ordinances for Introduction for Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (00:32:03)

Unnamed Speaker was called to speak and stated support for Councilmember Items #23 submitted by Councilmembers Bolton, Kalmick and Moser demanding the resignation of Supervisor Andrew Do, and opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (00:34:19)

Ms. Ligan, a 24-year Huntington Beach resident, was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (00:36:17)

Unnamed Speaker, a 45-year Huntington Beach resident, stated support for Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City, and support for Council Candidates Don Kennedy, former Navy Seal Chad Williams and Butch Twining in November 2024. (00:37:35)

Janet Jacobs, 40-year Huntington Beach resident, was called to speak and stated support for Council Candidates Don Kennedy, former Navy Seal Chad Williams and Butch Twining in November 2024. (00:39:39)

Amory Hanson was called to speak and shared his support for Measure U on the November 2024 ballot, and commended City Attorney Michael Gates for his August 6, 2024, reports. (00:41:53)

Dixie Terry, Huntington Beach homeowner, was called to speak and shared details related to what she considers shoddy repairs to her home from a company hired by her Home Owner Association which she believes do not meet Huntington Beach building codes. Ms. Terry asked for City Council's assistance to determine why proper permits were not required. Mayor Van Der Mark asked Ms. Terry to complete a blue card for staff follow-up. (00:43:15)

Stacey Grosvenor, 24-year Huntington Beach resident homeowner, was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (00:45:45)

Pat Goodman was called to speak and stated her opposition to Measure U on the November 2024 ballot as she believes more needs to be done to provide affordable housing in Huntington Beach. (00:47:58)

Charles Jackson, 23-year Huntington Beach resident, was called to speak and suggested the City would save money if it re-joined the Orange County Power Authority (OCPA) to offer energy options for residents. (00:50:14)

Joey Macesies, Gays Against Groomers, California Chapter Outreach and Events Coordinator, was called to speak and stated support for Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (00:52:06)

Linda Diaz was called to speak and thanked Councilmembers for LeBard Park renovations, ensuring pornographic material is properly located in Huntington Beach Public Libraries, and stated support for former Navy Seal Chad Williams Council Candidate in November 2024. (00:53:50)

Luanne Nichols Shoup, fourth generation Huntington Beach property owner, was called to speak and stated support for Consent Calendar Item #12 to approve the Huntington Beach Downtown Business Improvement District's (District Annual Report and Budget for Fiscal Year (FY) 2024-2025. Ms. Shoup noted the great improvement to the Downtown District area shortly after Councilmembers Burns, McKeon, Strickland and Van Der Mark were elected to office and suggested even more can be done. (00:56:05)

Ann Palmer was called to speak and noted the successful Civil War Days event. She asked for cleaning of the Downtown District area after special events, suggested not allowing for exceptions to future zoning changes, and stated support for encouraging parent/guardian and teacher communication. Ms. Palmer also shared her concerns regarding the Magnolia Tank Farm Development. (00:58:11)

Kanan Durham was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (01:00:22)

Samuel Carsillas, Gays Against Groomers California Chapter Leader, was called to speak and stated support for Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (01:03:14)

Urson Russell was called to speak and shared his opinions regarding common sense vs ideological blindness and asked that government leave the kids alone. (01:04:55)

Unnamed Speaker was called to speak and shared his support for military heroes like former Navy Seal Chad Williams Council Candidate in November 2024 and the many military heroes who have and continue to defend the United States. (01:07:09)

Unnamed Speaker was called to speak and as an Army Nurse Corps veteran noted she no longer carries her former 1st Lieutenant title. She stated opposition to local election laws, Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City, as well as interfering with librarians running the libraries. (01:09:36)

Joyce Riley was called to speak and commended City Attorney Michael Gates for his outstanding achievements, including prevailing in a lawsuit last year which returned \$30M to Huntington Beach from the State and for championing law and order within Huntington Beach through his criminal prosecution program which has reduced crime by 11% since 2017. (01:11:23)

Jasemine Stoelting was called to speak and expressed her appreciation for City Attorney Michael Gates not only for his service as an elected official, but also for all of the ways he is involved through his personal commitment to benefit Surf City children and families, and stated support for former Navy Seal Chad Williams Council Candidate in November 2024. (01:12:49)

Butch Twining, 59-year Huntington Beach resident and Air Force veteran, was called to speak and shared his opinions on the recent lawsuit against Chad Williams, and encouraged voters to support

former Navy Seal Chad Williams, Butch Twining and Don Kennedy as Council Candidates in November 2024. (01:14:57)

Jeanne Goodin was called to speak and expressed her appreciation for City Attorney Michael Gates who is focused on providing quality legal representation for the benefit of Huntington Beach and keeping the City free and safe from the tentacles of the State. (01:16:30)

Deon, a long-time Huntington Beach resident, was called to speak and expressed her appreciation to the four most recently elected Councilmembers and City Attorney Michael Gates for standing up to the State of California. (01:18:42)

Unnamed Speaker was called to speak and thanked all Councilmembers for doing their best to serve Huntington Beach. He asked why a traffic light is being installed on each end of Admiralty Drive bridge and stated he sees this project as a waste of resources. (01:20:11)

Dr. Frances Marquez, City of Cypress Councilmember and Orange County Board of Supervisors District One Candidate in November 2024, was called to speak and stated her support for Councilmember Items #23 submitted by Councilmembers Bolton, Kalmick and Moser demanding the resignation of Supervisor Andrew Do. (01:22:57)

Tim Geddes was called to speak and stated his reasons for opposing the three Council Candidates in the November 2024 election which are supported by the current Council majority. Mr. Geddes stated support for Councilmember Items #23 submitted by Councilmembers Bolton, Kalmick and Moser demanding the resignation of Supervisor Andrew Do. (01:25:11)

Mary Jo Baretich, 41-year Huntington Beach resident, was called to speak and stated support for Public Hearing Item #19 regarding adoption of Ordinance No. 4321, specifically changing the zoning from "industrial" to "residential medium density" for the land along Newland Street most recently used for parking for people working on the latest AES facility construction. She recommended also updating zoning discrepancies between the zoning map and the General Plan map for specific parcels located at Beach Boulevard and Pacific Coast Highway, as well as specific parcels at the corner of Newland Street and Pacific Coast Highway. (01:27:14)

Harry F. McLachlan, a resident of Huntington Beach, was called to speak and expressed his opposition to Council Candidates Don Kennedy, Butch Twining and Chad Williams. (01:29:25)

Larry Slonim, a 40+-year Huntington Beach resident, was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City, as it is currently written, and suggested either tabling the item for further review, or bringing it back as a ballot item for voter consideration. (01:30:51)

Larry Schiel, 34-year Huntington Beach homeowner, was called to speak and stated support for the existing City Charter and opposition to the efforts to change it by increasing Councilmember pay, removing Councilmember oversight over the Public Library system, and removing the election process for the City Clerk, City Treasurer and City Attorney. Councilmember Moser asked Mr. Schiel to complete a blue card for follow-up. (01:33:03)

Russ Neal, resident of Huntington Beach, was called to speak and stated support for Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (01:35:17)

Ken Inouye, a 50-year Huntington Beach resident, was called to speak and shared his concern that the City Manager position has not been filled. He also addressed the budget deficit, which he believes would increase by \$35M per year if the budget included funding for needed infrastructure and repair costs, and encouraged Councilmembers to focus on issues directly related to the well-being of Huntington Beach. (01:37:11)

Steve Engel was called to speak and stated support for Consent Calendar Item #11 regarding the renaming of a portion of Huntington Central Park to "Huntington Central Park Nature Plateau" as recommended by the Community & Library Services Commission. (01:39:22)

Unnamed Speaker was called to speak and stated support for Mr. Inouye's comments regarding the budget deficit. Unnamed Speaker also stated support for more affordable and moderate-income housing which will increase development and property tax revenues. (01:41:10)

Unnamed Speaker invited residents to sign petitions to keep Councilmembers from deciding what Huntington Beach residents can read and stop the efforts to sell out the library system. (01:43:39)

Joe Shapiro was called to speak and stated he was using his speaking time to share a video but a video was not available. (01:46:03)

Jeff Beal, a 3-year Huntington Beach resident, was called to speak and stated his opposition to getting Huntington Beach employees involved in the intimate lives of children. (01:47:25)

Christopher Rini, 43-year-old Huntington Beach native, was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (01:48:13)

Perry Clitheroe was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (01:50:17)

Unnamed Speaker was called to speak and stated support for Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (01:51:46)

Kathy Carrick was called to speak and stated support for former Navy Seal Council Candidate Chad Williams as well as Don Kennedy and Butch Twining in November 2024. (01:53:59)

Kim Sorgente, was called to speak and read a message on behalf of Tony Roman, owner of Basilico's Restaurant, stating support for Councilmember Items #21 submitted by Mayor Pro Tem Burns to establish a flagpole at Baca Park in honor of Vietnam Veteran Medal of Honor recipient John P. Baca. (01:56:07)

Unnamed Speaker was called to speak and stated opposition to the government push to encourage children to lie to or keep secrets from their parents. (01:58:21)



David Rynerson, 27-year Huntington Beach resident, was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City and support for Council Candidates Bolton, Kalmick, Moser and City Clerk Candidate Blankenhorn in November 2024. (02:00:39)

Gina Clayton-Tarvin, Ocean View School District Board of Trustees Clerk and former President, and 29-year elementary teacher, was called to speak and stated opposition to Ordinances for Introduction Item #20, Ordinance No. 4326 regarding adding Chapter 1.23 to the Huntington Beach Municipal Code relating to Parents' Right to Know City. (02:02:24)

**COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None**

**AB 1234 REPORTING — None**

**OPENNESS IN NEGOTIATION DISCLOSURES — None**

**CITY MANAGER'S REPORT — None**

**CONSENT CALENDAR (Items 7 - 18)**

Councilmember Bolton pulled Items #9 and #16 and Councilmember McKeon pulled Items #12 and #15 for further discussion.

City Clerk

**7. 24-553 Approved and Adopted Minutes**

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

The motion carried by the following roll call vote:

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

**8. 24-555 Approved Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies — August 2024**

A motion was made by Strickland, second Van Der Mark to Receive and File.

The motion carried by the following roll call vote:

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

City Manager

**9. 24-572 Adopted Resolution No. 2024-45 appointing David Cain as Interim Chief Financial Officer and approved the Employment Agreement**



Councilmember Bolton pulled this item to confirm with staff the recruiting plan for permanently filling the Chief Financial Officer position, and asked if any current employee had applied. Staff responded that open recruiting is currently taking place, applications are being reviewed to schedule interviews, and no current employees have yet applied.

A motion was made by Bolton, second Moser to adopt Resolution No. 2024-45, "A Resolution of the City Council of the City of Huntington Beach Appointing David Cain as Interim Chief Financial Officer;" and approve and authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and David Cain."

The motion carried by the following roll call vote:

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

Community and Library Services

**10. 24-597 Approved and authorized execution of a Lease Agreement between the City of Huntington Beach and HBSC Partners, LLC, for operation of two food concessions at the Huntington Beach Sports Complex located at 19260 Goldenwest Street and 7300 Talbert Avenue**

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute the "Lease Agreement Between the City of Huntington Beach and HBSC Partners, LLC, for Operation of Food Concessions at the Huntington Beach Sports Complex."

The motion carried by the following roll call vote:

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

**11. 24-593 Approved the naming of the area located on the upper east side of Huntington Central Park commonly referred to as "The Nature Plateau," to "Huntington Central Park Nature Plateau" as recommended by the Community & Library Services Commission**

A motion was made by Strickland, second Van Der Mark to approve the naming of the area of Huntington Central Park referred to as "The Nature Plateau," to "Huntington Central Park Nature Plateau" as recommended by the Community & Library Services Commission.

The motion carried by the following roll call vote:

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

Community Development

**12. 24-592 Approved the Huntington Beach Downtown Business Improvement District's (District) Annual Report and Budget for Fiscal Year (FY) 2024-2025 and Adopt**

**Resolution No. 2024-41 to continue levying an Annual Assessment on businesses within the District, with a public hearing scheduled for October 1, 2024**

Councilmember McKeon pulled this item to ask staff if it is possible to ensure enhanced street and sidewalk cleaning early in the morning after big events. Kriss Casanova, Economic Development Manager, responded that currently there is an effort to establish peak and off-peak hours for services and any proposed changes will be brought back [for Council approval].

Councilmember Moser noted for the benefit of the public record that permits include trash and clean-up fees, and suggested it is important to regularly review if any policy changes are needed.

Councilmember McKeon confirmed with Manager Casanova that replacement bollards for the front of Starbucks have been ordered.

A motion was made by McKeon, second Strickland to approve the Huntington Beach Downtown Business Improvement District Annual Report and Budget for FY 2024-2025; and, adopt Resolution No. 2024-41, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for FY 2024-2025 within the Huntington Beach Downtown Business Improvement District," and schedule a public hearing on October 1, 2024, to consider the continuation of the Huntington Beach Downtown Improvement District.

The motion carried by the following roll call vote:

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

Fire

**13. 24-534 Approved and authorized execution of a Professional Services Contract with Hoag Clinic for medical/wellness blood cancer and ultrasound screening**

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute a Professional Services Contract between the City of Huntington Beach and Hoag Clinic for medical/wellness blood cancer and ultrasound screening for an amount not to exceed \$158,720.

The motion carried by the following roll call vote:

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

**14. 24-600 Approved and authorized execution of Amendment No. 1 to the American Integrated Services, Inc. agreement for the Miley Keck Tank Farm Lease Closure and approved an appropriation of \$241,039**

A motion was made by Strickland, second Van Der Mark to approve and authorize Mayor and City Clerk to execute Amendment No. 1 to the American Integrated Services, Inc. agreement for the Miley Keck Tank Farm Lease Closure, in the amount of \$149,599 plus a 15% contingency; and, approve an appropriation of \$241,039 from HB Recovery Funds to the Oil Well Abandonment business unit 31465001.82800.

The motion carried by the following roll call vote:

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

- 15. 24-599 Approved and authorized execution of an agreement between the California Department of Health Care Services (DHCS) and City of Huntington Beach; Approved and authorized execution of a Health Plan-Provider Agreement - Intergovernmental Transfer Rate Range Program Agreement between CalOptima Health and the City of Huntington Beach; Authorized designated City staff to execute the agreements; and, Approved an appropriation of \$468,843 for the agreements during FY 2024/25**

Councilmember McKeon pulled this item to invite Fire Department staff review of this important agreement for benefit of the public.

Jeff Lopez, Fire Division Chief, explained this item is a funding opportunity to participate in CalOptima's variable rate range program which includes return of State and Federal monies. This program provides a Return on Investment (ROI) of about 142%, or \$3.9M if this agreement is approved.

A motion was made by McKeon, second Strickland to approve and authorize execution of an agreement between the California Department of Health Care Services (DHCS) and City of Huntington Beach; B) Approve and authorize Mayor and City Clerk to execute the Health Plan-Provider Agreement - Intergovernmental Transfer Rate Range Program Agreement between CalOptima Health and City of Huntington Beach; authorize the designation of the City Manager, Chief Financial Officer, and/or Fire Chief to execute the agreements; and approve an appropriation of \$468,843 to business unit 10065403 for the agreements during FY 24/25.

The motion carried by the following roll call vote:

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

#### Human Resources

- 16. 24-590 Adopted Resolution No. 2024-44 Amending the Memorandum of Understanding Between the City and Huntington Beach Management Employees' Organization by Adopting a Side Letter of Agreement**

Councilmember Bolton pulled this item, which involves increased pay for the attorneys in the City Attorney's Office and asked staff for clarification on the letter received from the Teamsters Union (HBMT). Assistant City Manager Travis Hopkins clarified that the HBMT inquiry was asking for information, and added that HBMT is not part of the bargaining unit (HBMEO) for this item.

A motion was made by Bolton, second Strickland to adopt Resolution No. 2024-44, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Management Employees' Organization (MEO) by Adopting a Side Letter of Agreement."

The motion carried by the following roll call vote:

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

Public Works

**17. 24-567 Approved and authorized the execution of the Cooperative Agreement for Disaster-Related Debris Management Services with DRC Pacific, Inc.**

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute the Cooperative Agreement for Disaster-Related Debris Management Services with DRC Pacific, Inc.

The motion carried by the following roll call vote:

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

**18. 24-577 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with TTS Engineering Inc in the amount of \$174,624 for the Retaining Wall Rehabilitation Project, CC-1770**

A motion was made by Strickland, second Van Der Mark to accept the lowest responsive and responsible bid submitted by TTS Engineering in the amount of \$174,624; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs, or \$26,194.

The motion carried by the following roll call vote:

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

**PUBLIC HEARING**

**19. 24-551 Continued to the October 1, 2024, City Council meeting with the Public Hearing open, to ~~Approve~~ Introduce Zoning Map Amendment No. 23-001 by adopting Ordinance No. 4306; ~~Approve~~ Introduce Zoning Map Amendment No. 23-002 by adopting Ordinance No. 4316; ~~Approve~~ Introduce Zoning Map Amendment No. 24-001 by adopting Ordinance No. 4321; ~~Approve~~ Introduce Zoning Map Amendment No. 24-003 by adopting Ordinance No. 4323; ~~Approve~~ Introduce Zoning Map Amendment No. 24-004 by adopting Ordinance No. 4324; ~~Approve~~ Introduce Zoning Map Amendment No. 24-005 by adopting Ordinance No. 4325; ~~Approve~~ Introduce Local Coastal Program Amendment No. 24-001 by adopting Resolution No. 2024-14**

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Juan Esquivel announced supplemental communications that were received by his office following distribution of the Council Agenda packet which were all uploaded to the City's website and Councilmember iPads: *1 Staff memo and 12 email communications.*

Ricky Ramos, Planning Manager, presented a PowerPoint communication titled *Zoning Map Amendment*, with slides entitled *Request; Background; Analysis; Existing Zoning; Amended Zoning; Example 1: Bartlett Park (2); Example 1: Existing; Example 1: Proposed; Example 2: Temporary Parking Lot (2); Example 2: Existing; Example 2: Proposed; Example 3: SCE Sites along Santa Ana River Channel (2); Example 3: Existing; Example 3: Proposed; Example 4: Single Family Residential (2); Example 4: Existing; Example 4: Proposed; Planning Commission; Recommendation and Questions?*

Mayor Van Der Mark opened the Public Hearing.

Assistant City Clerk Juan Esquivel announced there were no public speakers.

Mayor Pro Tem Burns stated that after several hours of personal investigation and a couple of meetings with staff, he still has a lot of questions related to this item and made a motion to continue this Public Hearing to October 1, 2024. Mayor Pro Tem Burns explained he would like some time to learn more about the General Plan so he can make a more educated vote on this item.

Councilmember Kalmick stated most of this is just General Plan clean-up and noted the concerns of Public Speaker Mary Jo Baretich relate to future considerations. Councilmember Kalmick stated he has no problem with someone needing more time for more information, and confirmed with staff that a re-notice for the Public Hearing is not required when the meeting is continued to a date specific.

Councilmember Moser noted that a number of mobile home owners are deeply concerned about this item, and staff confirmed that nothing changes through this item for any mobile home parks, nor are any changes to mobile home parks anticipated for the future.

A motion was made by Pat Burns, second Van Der Mark **to continue this open Public Hearing to October 1, 2024**. Find the proposed project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183, Projects Consistent with a Community Plan or Zoning. Approve the following:

1. Zoning Map Amendment No. 23-001 with findings (Attachment No. 1) and introduce Ordinance No. 4306, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 17 Parcels Consisting of City Parks and City Owned Property into Conformance with their General Plan Designations (Zoning Map Amendment No. 23-001)"; (Attachment No. 7);
2. Zoning Map Amendment No. 23-002 with findings (Attachment No. 2) and introduce Ordinance No. 4316, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 18 Parcels Consisting of Churches and Schools into Conformance with their General Plan Designations (Zoning Map Amendment No. 23-002)"; (Attachment No. 8);
3. Zoning Map Amendment No. 24-001 with findings (Attachment No. 3) and introduce Ordinance No. 4321, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 23 Parcels within the Coastal Zone to be in Conformance with their General Plan Designations (Zoning Map Amendment No. 24-001)"; (Attachment No. 9);
4. Zoning Map Amendment No. 24-003 with findings (Attachment No. 4) and introduce Ordinance No. 4323, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 42 Parcels Consisting of Utility Type Uses into Conformance with their General Plan Designations (Zoning Map Amendment No. 24-003)"; (Attachment No. 10);
5. Zoning Map Amendment No. 24-004 with findings (Attachment No. 5) and introduce Ordinance No. 4324, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 5 Parcels Consisting of Commercial Uses into Conformance with their General Plan Designations (Zoning Map Amendment No.

24-004)"; (Attachment No. 11); 6. Zoning Map Amendment No. 24-005 with findings (Attachment No. 6) and introduce Ordinance No. 4325, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 28 Inconsistently Zoned Parcels into Conformance with their Residential General Plan Designations (Zoning Map Amendment No. 24-005)"; (Attachment No. 12); 7. Local Coastal Program Amendment (LCPA) No. 24-001 with findings (Attachment No. 3) by introducing City Council Resolution No. 2024-14, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 24-001 and Requesting Certification by the California Coastal Commission"; (Attachment No. 9).

The motion carried by the following roll call vote:

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

## **ORDINANCES FOR INTRODUCTION**

### **20. 24-622 Approved for Introduction Ordinance No. 4326 Adding Chapter 1.23 of the Huntington Beach Municipal Code Relating to Parents' Right to Know City**

Assistant City Manager Travis Hopkins introduced this item and provided a brief verbal history.

Councilmember Bolton stated the City does not have any jurisdiction over the matter of education policy and practice. She added it would be a fiduciary breach of the public's money to approve this. Councilmember Bolton stated she is concerned about giving the City Attorney the power to represent any individual plaintiff, as opposed to representing the City, as she does not see any part of the City Charter that allows this.

Senior Deputy City Attorney Connor Hyland responded that it is unusual to allow the City Attorney's Office to represent individuals, and noted in the past City Council has authorized this or spending City funds to hire outside counsel to represent individuals when it was determined that action would benefit the City. He acknowledged he did not have any specific examples at the moment, and agreed to try to get that information before the next Council meeting.

Councilmember Kalmick stated he understands the politics of this ordinance, but doesn't understand what it will actually accomplish. He believes this effort should be a resolution rather than an ordinance. He asked Senior Deputy City Attorney Hyland if any violation of the municipal code is an infraction or a misdemeanor. Senior Deputy City Attorney Hyland replied a violation would result in an Administrative Citation unless the code describes it as a misdemeanor.

Councilmember Kalmick stated that currently only building codes provide for legal findings, and asked why the City would try to step into the middle of private and highly personal situations. Councilmember Kalmick listed the typical services that a municipality provides and added there is nothing that relates to what this ordinance proposes. He added that Items K and M do not apply to Huntington Beach, and there is no definition of terms like "educator" or "who work in".

Councilmember Kalmick stated he is not aware of a single Huntington Beach parent who has communicated this is a problem that needs to be solved by the City. He added that in Section 1.23.030 Item B that the City Council already has the right to "upon a majority vote of the City Council, the City Attorney may initiate a legal action on behalf of the City of Huntington Beach" and asked why AB 1955 is not defined anywhere. He also noted that Resolution No. 2015-61 listed in Item D makes no reference to

"The City Attorney may immediately engage in defense of the City in any legal challenge brought by the State or other agency for the City's adoption of this Ordinance," rather it does allow the City Attorney to initiate or prosecute on behalf of a City complaint, cross-complaint, or counter-claims related to, or claims related to subrogation, debt collection, bankruptcy or claims indemnification insurance coverage policy interruptions. Councilmember Kalmick stated this appears to him as a dishonest way to expand the City Attorney's power.

Senior Deputy City Attorney Hyland responded that if this Ordinance is passed, Councilmembers would be enabling the City Attorney to engage in defense of any illegal actions. He explained that Paragraph D was included after meetings with City staff, the City Manager's office and multiple Department Heads to determine what the H Item intended, and Council can amend this item any way they would like.

Councilmember Kalmick reiterated that Council should be focused on the budget, and recruitment of executive staff rather than on issues that don't exist or pertain to the City's corporate body, and he will not be supporting this item.

Councilmember Bolton thanked Senior Deputy City Attorney Hyland for the offer to amend this item, but she does not see any way to save it as in her opinion it is indefensible.

Councilmember Strickland confirmed with Senior Deputy City Attorney Hyland that he personally does not have examples of City Council authorizing the City Attorney's office to represent or spend City funds to hire outside counsel to represent individuals when it was determined that action would benefit the City, but he has been told that has happened and will ask City Attorney Michael Gates to provide Council with examples before the next Council meeting. Senior Deputy City Attorney Hyland confirmed that Council is looking for examples related to a non-City employee, non-elected official, or non-appointed individual.

Councilmember Moser stated she strongly opposes this Ordinance despite the effort to narrow it down from the original to apply only to "educators" within City facilities. She sees this as a significant overreach of Council jurisdiction, misuse of public funds and a politically motivated attempt to insert government into the private lives of residents. She noted the Ordinance references public schools, which the City does not directly manage or control, and asked Senior Deputy City Attorney Highland to explain. He responded the understanding, after discussions with City staff, was that Council intended to cover all educators within the territorial bounds of Huntington Beach.

Councilmember Moser stated she believes this Ordinance actually puts transgender and gender nonconforming students at greater risk of suicidal thoughts and attempts. She stated her agreement that the matters being addressed are "private" and highly "personal" and asked why the City is proposing to intrude upon them. These issues should be shielded from government influence, not exposing the children to it, and this Ordinance overreaches the authority granted as a Charter City. This ordinance does nothing to address local economic challenges, and in fact, may exacerbate them by creating a hostile environment for businesses.

Councilmember Moser continued by noting that this Ordinance does not define City educators leaving it open to broad and potentially harmful interpretations. She asked what happens to educators who appear to not follow this Ordinance, and what the specific triggers are that require providing information to a parent or guardian.

Councilmember Strickland stated his opinion that government overreach is actually coming from Sacramento. No one has more at stake in the future of a child than the parent, and children are not property of the state. Councilmember Strickland acknowledged that some of the opposing statements



are valid, but he will fall on the side of parents right to know about what is best for their child. Regarding the comments that this Ordinance is being used as a distraction from the Air Show settlement, Councilmember Strickland noted that any long-term contract for the Air Show will have to come back to City Council for approval.

Councilmember Bolton confirmed with Human Resources staff that there has not yet been a meet and confer with HBMT as they have requested. In response, Senior Deputy City Attorney Hyland stated he believes that normally ordinances can be introduced before a meet and confer has taken place and clarified that he is not an expert in employment law and does not have an accurate reply at the top of his head.

A motion was made by Van Der Mark, second Strickland to after the Assistant City Clerk reads by title, approve for introduction Ordinance No. 4326, "An Ordinance of the City Council of the City of Huntington Beach Adding Chapter 1.23 of the Huntington Beach Municipal Code Relating to Parents' Right to Know City."

The motion carried by the following roll call vote:

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

#### **COUNCIL MEMBER ITEMS**

##### **21. 24-617 Approved Amended Item Submitted by Mayor Pro Tem Burns — Establishing a Flagpole at Baca Park in Honor of Vietnam Veteran Medal of Honor Recipient John P. Baca**

Mayor Pro Tem Burns introduced this item by stating it is an effort to show respect and honor for Huntington Beach resident John Baca who received the highest honor for his military service, the Vietnam Veteran Medal of Honor. Mayor Pro Tem Burns explained there are very specific rules regarding flying the Medal of Honor Flag including that the honoree must be present when it is flown, and amended this item to include that fact.

Councilmember Kalmick stated his appreciation for this item, confirmed the park land is owned by the City and asked if any Home Owner Association (HOA) approval is needed to proceed. He asked if the HOA CC&Rs might prohibit the digging required to install a 34–45 foot flagpole, and if the local area homeowners support having a flag flying in that park. Councilmember Kalmick noted there will be ongoing costs for lighting and maintenance and asked what will be cut from next year's deficit budget to cover this expense. He also asked if Mr. Baca approves of this action and the costs, or would he rather spend the \$18,000 for addressing the needs of homeless veterans. He also asked if there were any conversations with any local non-profit organizations, or an Eagle Scout, who might be interested in supporting this project.

Mayor Pro Tem Burns replied that Councilmember Kalmick is looking to increase Councilmember stipends to equal fifty percent of County Judge pay, plus a staff person for each Councilmember, which would probably cost about \$1.5M per year, and finds it interesting Councilmember Kalmick is the one questioning the expense to recognize a Medal of Honor veteran.

Mayor Pro Tem Burns noted that Tony Roma has had personal conversations with John Baca regarding this item and received his approval. Mayor Pro Tem Burns stated there were "possible" other funding

options, but he decided this is important enough to move ahead. Councilmember Kalmick stated he sees no rush for this project in a park that already shows the need for existing equipment maintenance, and if another funding source can be found, he would support the City waving permit fees.

Assistant City Manager Travis Hopkins advised this item be divided for two separate votes since Part B) must be a unanimous vote.

A motion was made by Pat Burns, second McKeon to direct the City Manager and Public Works Director to provide and install an approximate 35–45 foot flagpole for an American Flag to be displayed at John Baca Park;

The motion carried by the following roll call vote:

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

An amended motion was made by Pat Burns, second McKeon to consider displaying the Medal of Honor flag, for ceremonial purposes only, for John Baca on a separate mobile or temporary pole at a dedication ceremony, as amended to include ***if John Baca is present***. Per City Charter Section 806, "the City may display any other flag in addition to those already enumerated, but only if authorized by a unanimous vote of all members of the City Council."

The amended motion carried by the following roll call vote:

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

**22. 24-624 Approved Amended Item Submitted by Council Member McKeon — Establish Tobacco Retailer Regulations**

Councilmember McKeon introduced this item and explained a number of residents reached out to him concerned about the recent proliferation of tobacco clusters near youth populated areas. He noted that tobacco use is the most preventable cause of disease, disability and death in the U. S. and California recently passed policies to further regulate the sale of tobacco in the retail environment.

Councilmember McKeon stated that currently the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) does not explicitly identify tobacco retailers, including smoke or tobacco shops, in the Land Use tables, therefore these uses may be permitted as General Retail uses which are allowed by right. In light of the statistics just cited, Councilmember McKeon believes the City should adopt an ordinance to regulate the use by A) defining the uses to be regulated such as "tobacco retailers", "tobacco product or paraphernalia", and "youth-populated areas", and B) establishing minimum zoning standards for the land uses such as prohibiting new tobacco retailers at any location exclusively zoned for residential use, prohibiting new tobacco retailers within a certain distance of youth-populated areas, including schools, and establishing minimum distance requirements between tobacco retailers. Councilmember McKeon noted these regulation changes would not apply to existing locations.

Councilmember Bolton clarified she agrees that tobacco products are hazardous, but she does have some process and implementation concerns and asked how many businesses this could potentially impact. Councilmember McKeon responded that would be determined by staff if Council chooses to proceed with this item. The process will include staff review of what other cities are doing. He reiterated

that existing businesses will not be impacted and he expects the staff report will include the circumstances that could trigger inclusion, and stated support for Councilmember Bolton's recommendation that business and school outreach is included as part of the process of moving forward.

Councilmember Bolton suggested this process proceed as a Study Session item and Councilmember McKeon said he could support that. He also noted there are cities who have implemented successful policies that staff will review, and clarified no rush is intended.

Councilmember Strickland confirmed with Community Development Director Jennifer Villasenor that there are a lot of existing policies to review, including San Clemente and Westminster who just recently implemented tobacco regulations. Director Villasenor confirmed there are a number of State laws addressing tobacco retailer locations near schools and that cities and counties usually add to the State laws.

Councilmember Moser supports the concern about tobacco use by youth and also wants to ensure the process reviews potential unintended consequences. She referred to some studies that show nearly 80% of youth tobacco users actually acquire product from social sources such as friends, or someone who bought product on their behalf, and noted that simply restricting retail sales is not enough. Curtailing of youth tobacco use also should focus on deterring or penalizing legal-age purchasers who provide products to minors. She also noted the 20% of youth tobacco users who purchase their own products generally do so at gas stations and convenience stores, not tobacco retailers.

Councilmember Moser asked that the following questions be considered while moving forward on this issue: How does the Police Department currently enforce laws related to the sale of tobacco and vaping products to minors? What are the challenges faced while enforcing these laws? Are there any existing strategies or penalties in place that address the legal-age purchaser of tobacco for minors?

Councilmember Moser stated the importance of being able to accurately measure the effectiveness of any plan being considered.

Councilmember McKeon clarified with Director Villasenor that the process for this item would include going before the Planning Commission for a Public Hearing, and the Planning Commission presenting their findings to City Council for another Public Hearing.

Councilmember Kalmick, as a former Planning Commissioner, noted the Planning Commission is focused on implementing and validating City Council policies, not making policy. He stated support for a Study Session to define terms, buffers and acquire public input in response to the staff report. He would like to see a map of existing smoke shops and their locations. He added the plan would proceed to the Planning Commission for a deep dive after the Study Session, and then their report would come back to Council.

Councilmember Strickland stated he will support whatever process that Councilmember McKeon, as author of the item, chooses to use for moving forward.

Councilmember McKeon responded that he appreciates hearing fellow Councilmember concerns and reiterated that successful policies exist in other cities and he does not believe this is a complicated issue.

Mayor Pro Tem Burns stated many good concerns have been expressed, but he believes the item under consideration is focused on zoning changes which can be the starting point.

Councilmember Strickland noted that moving this item forward will direct staff to provide the information that Councilmembers have requested during this discussion.

A substitute motion was made by Bolton, second Moser to bring this back as a Study Session item before directing the City Manager to work with the City Attorney to prepare an Ordinance for introduction at a future City Council Meeting to amend the Huntington Beach Zoning and Subdivision Ordinance to establish regulations for tobacco retailers Citywide.

The substitute motion failed by the following roll call vote:

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

An amended motion was made by McKeon, second Pat Burns to direct the City Manager to work with the City Attorney to prepare an Ordinance for introduction at a future City Council Meeting to amend the Huntington Beach Zoning and Subdivision Ordinance to establish regulations for tobacco retailers Citywide, ***as amended to include Department of Alcoholic Beverage Control (ABC) process for existing tobacco retail shops.***

The amended motion carried by the following roll call vote:

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

**23. 24-628 Approved Item Submitted by Council Members Bolton, Kalmick, and Moser — Demand Resignation of Supervisor Andrew Do**

Councilmember Bolton introduced the item and stated it is time for the residents of Board of Supervisors District 1 to have representation and this item is to show support for that position.

Councilmember Moser stated that taking a public stand against public corruption sends a clear message that Huntington Beach will not tolerate breaches of public trust. She added that if elected officials remain silent in the face of public corruption allegations, it sends the message that accountability is optional. Taking a stand reinforces the principle that no one is above the law and public officials must be held to the highest standards of integrity.

Councilmember Strickland asked if any of the funds were used for their intended purpose and Councilmember Bolton replied that at the present time the funds are unaccounted for.

Councilmember Strickland stated that based on what he has read about the situation he agrees Supervisor Do should resign. He also noted that all of the facts have not been discovered and at this point there are only allegations of impropriety. Councilmember Strickland asked if Supervisor Do's colleagues had taken any action related to these allegations, and Councilmember Bolton responded that his colleagues are considering removing Representative Do from all committees and two of his colleagues are requesting that he resign. She stated she believes just the appearance of impropriety supports this action.

Councilmember Strickland stated that in America a person is considered innocent until proven guilty, and asked what would happen if this item is approved and then information comes out that may negate the allegations.

Mayor Pro Tem Burns stated he agrees that erosion of public trust cannot be tolerated, our democracy is founded on transparency and accountability and when these principles are compromised the integrity of the office is lost, and the misappropriation of funds without any accountability is a grave breach of the public trust. He added that unfortunately there are too many examples of lack of fund accountability and the appearance of misappropriation of funds at all levels of government. Based on his 30 years of law enforcement experience, he stated that evidence is crucial and justice needs to be served when people are found guilty.

Mayor Van Der Mark stated she also believes a person is innocent until proven guilty, that the residents of District 1 should have Supervisor representation, and the allegations have negatively impacted Supervisor Do's ability to do his job.

Councilmember Kalmick summarized that this has been a good debate that has shown there are two separate issues: crimes and representation with the appearance of impropriety. Councilmember Kalmick stated that Supervisor Do's inability to represent our District for the next four months has eroded public trust, and this is a political, not a criminal, decision.

A motion was made by Moser, second Kalmick to demand that Supervisor Andrew Do resign his seat immediately.

The motion carried by the following roll call vote:

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

**ADJOURNMENT** — at 9:45 PM a motion was made by Strickland with a second by Burns to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, September 17, 2024, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

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

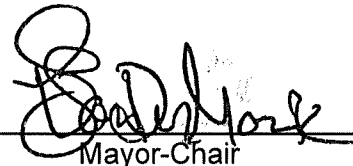


City Clerk and ex-officio Clerk of the City Council  
of the City of Huntington Beach and Secretary of  
the Public Financing Authority of the City of  
Huntington Beach, California

ATTEST:



City Clerk-Secretary

  
Mayor-Chair