

Minutes

City Council/Public Financing Authority City of Huntington Beach

Special Meeting

Thursday, September 14, 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 — 6:01 PM

ROLL CALL

Pursuant to Resolution No. 2002-54, Councilmember Burns requested and was granted permission to be absent; Councilmember Moser arrived late due to conflicting obligations.

Present: Kalmick, Moser (*arrived at 7:03 pm*), Van Der Mark, Strickland, McKeon, and Bolton
Absent: Burns

PLEDGE OF ALLEGIANCE — Led by Councilmember McKeon

INVOCATION — Mayor Strickland

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.

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:

Item #1 (31 email communications as of 9:00 AM)

Catherine Jun, Deputy City Manager, presented a brief verbal overview of the process to allow for public comments prior to and immediately after Councilmember discussion on proposed Charter amendments at this meeting. She also briefly outlined the expected process for the remaining three scheduled meetings.

Councilmember McKeon stated this process will provide transparency and public involvement in determining if Charter amendments are needed to promote good governance. He noted the costs can be covered by available funds for one-time expense projects such as this, and that the proposed process would ultimately allow voters to have the final say on March 5, 2024. Speaking as a member of the former Charter Review Commission, he stated that very few members of the public attended any of the Charter Review Commission meetings in 2022.

City Clerk Robin Estanislau described the proposed public comment process, and clarified that speakers would be called up in the order their Request to Speak forms are received.

PUBLIC COMMENTS (90-Second Time Limit) — 39 Public Speakers

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

Unnamed Guest was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:12:01)

Shammy Dee was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:13:46)

Unnamed Guest was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:15:25)

Pat Goodman was called to speak and asked that a Charter amendment for appointment of City Attorney, City Clerk and City Treasurer positions, be considered. She stated support for the proposed two-year budget process, and park facility improvements, and opposition to the other proposed Charter amendments. (00:16:55)

Meg Robinson was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:18:17)

Linda Moon was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:19:32)

Wendy Rincon was called to speak and asked questions which she had already emailed to Councilmembers: 1) reasons the City should manage elections; 2) what disqualifies Orange County Registrar of Voters from managing the voting process; and 3) examples of voter fraud in Huntington Beach or Orange County to support the request for voter ID. (00:21:02)

Carol Daus, Huntington Beach resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:22:19)

Harry McLachlan, a long-time resident, was called to speak and stated his opposition to proposed Charter Amendment regarding the voting process. (00:24:06)

Paula Schaefer, a 30-year resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:25:50)

Ken Inouye, a resident for over 50 years, was called to speak and asked for disclosure of the Unrestricted Reserve budget balance at the next meeting so that informed decisions can be made. (00:27:49)

Mary Kyle, a 25-year resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election, specifically related to the voting process. (00:28:52)

Karen Jackle, a 50-year resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:30:34)

Tim Geddes was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:31:27)

Neal was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election, specifically related to the voting process. (00:32:55)

Amory Hanson was called to speak and suggested an additional Charter amendment to require a special election in the event of a Council vacancy, unless the Councilmember's term would soon expire and a general election would be held anyway. (00:33:46)

Laura Steingold, a long-time resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election, specifically related to the voting process. (00:34:40)

Kathryn Goddard was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:35:48)

Brad Bergeland, a 37-year resident of Huntington Beach, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:37:25)

Ryan Messick, a local drug and alcohol counselor, was called to speak and shared his opinions regarding local politics. (00:39:00)

Melanie Bergeland, a long-time resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:41:01)

Tony Duran, resident, local business owner, and Downtown Business Improvement District (BID) Executive, was called to speak, and speaking as a resident stated support for proposed Charter amendments for the March 5, 2024 statewide primary election related to requiring voter ID. (00:42:04)

Andrew Einhorn, Huntington Beach resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:43:42)

David Rynerson, long-time resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:45:16)

Unnamed Guest was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:46:38)

Mason Creyanfmiller was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:47:49)

Unnamed Guest was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:49:29)

Jeff Lebow, 37-year Huntington Beach home owner, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:51:07)

Bethany Webb, 40-year+ resident, was called to speak and thanked Councilmember McKeon for speaking up and representing all people in Huntington Beach, and encouraged Council to spend money on real issues. (00:52:37)

Jeanne Farrens was called to speak and shared her appreciation for Councilmember McKeon making these open meetings possible, and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (00:54:41)

Terry Rose was called to speak and shared her opinions that the newly-elected Councilmembers and City Attorney Gates are interested in personal agendas, not serving the residents of Huntington Beach. (00:56:24)

Jerry Donohue, a 40-year resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election, specifically related to the voting process. (00:57:58)

Diana Lithgow, 41-year resident, was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election, specifically related to the voting process, changed requirements for the City Clerk position, and making it easier to cancel City Council meetings. (00:58:50)

Mary Jo Baretich was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (01:00:27)

Unnamed Guest, a 40-year resident, was called to speak and stated support for proposed Charter amendments for the March 5, 2024 statewide primary election, specifically requiring voter ID. (01:02:08)

Ann Palmer, 30+-year resident, was called to speak and voiced concerns regarding petitioners collecting signatures within any City building, and shared her support for amendments related to 2344 Section 5 regarding acquisition of property that would restrict or eliminate property taxes, local elections, and eliminating some exceptions for development related to housing. (01:03:48)

Unnamed Guest was called to speak and stated support for proposed Charter amendments for the March 5, 2024 statewide primary election. (01:05:26)

Unnamed Guest was called to speak and stated support for voter ID. (01:07:05)

Ellen Riley was called to speak and stated opposition to proposed Charter amendments for the March 5, 2024 statewide primary election. (01:08:40)

ADMINISTRATIVE ITEM

- 1. 23-765 Discussion Presentation of Potential Charter Amendments for the March 5, 2024 Statewide Primary Election**

Catherine Jun, Deputy City Manager, presented a PowerPoint communication titled *Discussion of Potential Charter Amendments for the March 5, 2024, Statewide Primary Election* with slides entitled: *Background (3); Timeline Leading Up to Today; and 2023 Charter Review Process (4)*.

Councilmembers Kalmick, Bolton and McKeon as well as Mayor Strickland shared their opinions on the proper way to proceed with this meeting to maximize opportunities for public speaking as well as properly utilize the time of assembled Councilmembers.

Councilmembers Moser and Bolton asked for a written legal opinion on the proposed Charter amendments at the next meeting, as well as a response from the Orange County Registrar of Voters regarding the proposed voting process.

City Clerk Robin Estanislau noted for the record that the title for Agenda Item #1 (23-765) stated "discussion" of potential Charter amendments and her belief the public expected to hear Councilmember discussion on the items just shared by the public speakers. Mayor Strickland responded he directed the City Manager's office to prepare for the presentation that described the process for the four scheduled meetings.

City Clerk Estanislau noted that the Orange County Registrar of Voters has been unwilling to respond to proposed Charter amendments impacting the election process without having all the details.

Councilmember Kalmick asked that written response from the District Attorney and Attorney General be presented confirming whether or not they have capacity or authority to handle the types of referrals as listed in the proposed Charter amendment regarding malfeasance, i.e., all investigations of elected officials would be referred to the District Attorney.

A motion was made by Kalmick, second Bolton to abandon all proposed Charter amendments for the March 5, 2024 Statewide Primary Election, and/or assemble a Charter Review Commission to determine whether or not any Charter amendments are needed.

The motion failed by the following roll call vote:

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

PUBLIC COMMENTS — Round Two (90-Second Time Limit) — 21 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 expressed her disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers pertaining to the proposed Charter amendments. (01:30:02)

Unnamed Guest was called to speak and expressed her disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers pertaining to the proposed Charter amendments. (01:31:52)

Ken Inouye was called to speak and shared his opinion that most people are interested in the price tag for the proposed election process and implementation, as well as Reserve balance. He also expressed appreciation for knowing there will be a legal opinion coming from the City Attorney's Office. (01:33:00)

Karen Jackle was called to speak and asked that Ad Hoc Committees include all Councilmembers with their expertise, not just a select few. (01:33:59)

Mary Kyle was called to speak and recommended establishing a committee consisting of all Councilmembers, as well as members of the community, to address proposed Charter amendments. She noted her questions have not been addressed, specifically related to the proposed voting changes. (01:34:34)

Tim Geddes was called to speak and urged Councilmembers to take actions based on the comments shared by the public, and provide the community with facts and figures. (01:36:15)

Paula Schaefer was called to speak and shared her observation that a majority of public speakers do not support the proposed changes, asked who is expected to benefit from the proposed changes, and asked that Councilmembers abandon the proposed Charter amendments. (01:37:03)

Linda Moon, a 49-year resident, was called to speak and requested a return to a deliberate and thoughtful process for Charter amendment changes, and suggested that anyone questioning the security of the current voting process take a tour of the Orange County Registrar of Voters facilities. (01:38:22)

Tony Duran, resident, business owner and Downtown Business Improvement District (BID) Executive, speaking as a resident, was called to speak and offered his time to assist Councilmembers in the Charter review process, as well as to address e-bike issues. (01:40:04)

David Rynerson was called to speak and asked that Councilmembers listen to what people are saying, and expressed disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers. (01:40:50)

Terry Rose was called to speak and shared her opinion that the latest changes to the Policy on Human Dignity will allow and promote hate crimes, and that Mayor Pro Tem Van Der Mark should be removed from City Council based on previous actions and statements. (01:41:54)

Unnamed Guest was called to speak and expressed her disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers. (01:43:32)

Unnamed Guest was called to speak and expressed her disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers. (01:44:58)

Unnamed Guest was called to speak and expressed her disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers. She also shared her opinion related to inappropriate Councilmember statements at the last City Council meeting. (01:46:34)

Unnamed Guest was called to speak and expressed embarrassment and disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers pertaining to the proposed Charter amendments. (01:48:16)

Zachary Stevens, a new resident of two months, was called to speak and expressed disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers pertaining to the proposed Charter amendments. (01:49:52)

Unnamed Speaker was called to speak and expressed disappointment there was no Councilmember discussion this evening regarding questions raised by the first round of public speakers pertaining to the proposed Charter amendments. (01:51:28)

Diana Brinkley, a longtime resident, was called to speak, and shared her expectation when attending City Council meetings is to hear discussions to learn details regarding the proposed Charter amendments. She thanked Councilmembers for their service, and stated interest in meeting them personally. Mayor Pro Tem Van Der Mark asked her to complete a blue card for follow-up. (01:52:28)

Unnamed Guest was called to speak and shared his opinion that Councilmembers have a lot of homework to do after hearing tonight's speakers and he looks forward to upcoming meetings regarding the proposed Charter amendments. (01:54:16)

Ellen Riley was called to speak and encouraged Councilmembers to spend their time focused on the City's business such as roads, housing, public safety, and prudent spending. Councilmember McKeon asked her to complete a blue card for follow-up. (01:55:19)

Unnamed Guest was called to speak and shared his confusion as to how it was determined to group items for the proposed Charter amendments, noting that they appear unrelated and most people couldn't be expected to support all items that have been grouped together. (01:56:19)

ADJOURNMENT — 8:00 PM, a motion was made by McKeon and second by Van Der Mark to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, September 19, 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