Minutes

City Council/Public Financing Authority Regular Meeting, and Housing Authority, Special Meeting City of Huntington Beach

> Tuesday, June 4, 2024 5:00 PM – Council Chambers 6:00 PM – Council Chambers Civic Center, 2000 Main Street Huntington Beach, California 92648

A video recording of the 5:00 PM and 6:00 PM portion of this meeting is on file in the Office of the City Clerk, and archived at www.surfcity-hb.org/government/agendas/

5:00 PM - COUNCIL CHAMBERS

CALL TO ORDER — 5:00 PM

ROLL CALL

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

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)

Councilmember Moser spoke in recognition and celebration of June as Pride Month; Mayor Pro Tem Burns reported attending a tour of the Boys and Girls Club of Huntington Valley, and a meeting with the Coordinating Council, a group of non-profits organized by the City Council 55 years ago.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEM(S) (Received After Agenda Distribution) — None

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEM(S) (3-Minute Time Limit) - None

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

RECESSED TO CLOSED SESSION - 5:02 PM

CLOSED SESSION

1. 24-425 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Clayton-Tarvin (Gina) v. City of Huntington Beach, Michael Gates, et al.; OCSC Case No.: 30-2023-01329927.

6:00 PM - COUNCIL CHAMBERS

RECONVENED THE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALLED TO ORDER A SPECIAL MEETING OF THE HOUSING AUTHORITY — 6:00 PM

ROLL CALL

Present: Moser, Burns, Van Der Mark, Strickland, McKeon, and Kalmick Absent: Bolton (arrived at 7:12 pm)

Pursuant to Resolution 2001-54, Councilmember Bolton requested and received no objections to be absent for a portion of the meeting, arriving at 7:12 pm.

PLEDGE OF ALLEGIANCE — Led by Director of Human Resources Marissa Sur

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.

2. 24-417 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, 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: <u>Consent Calendar</u> *Item #6 (1 email communication); Item #7 (1 email communication); Item #9 (1 email communication); Item #10 (1 staff memo, 2 email communications); Item #17 (1 staff memo); <u>Councilmember Items</u> <i>Item #20 (8 email communications); Item #21 (30 email communications).*

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

Chad Williams was called to speak and shared his response to Councilmember Kalmick's public comments at the May 21, 2024, City Council meeting regarding the cease-and-desist letter Mr. Williams received from Councilmember Kalmick's attorney. He described contents of the letter including accusations of false and defamatory remarks made at a City Council meeting, and a demand for retraction of these statements by June 6, 2024. (00:08:16)

Aaron Pai, Huntington Surf and Sport Owner and 52-year Huntington Beach resident was called to speak and stated support for Public Hearing Item #18 regarding modifying the Management District Plan for the Huntington Beach Tourism Business Improvement District. (00:10:00)

Don Kennedy, City Council Candidate November 2024, was called to speak and noted the stark contrast between the November 2024 Council Candidates, and stated he will offer truth and transparency in representing all residents of Huntington Beach. (00:11:46)

Butch Twining, 58-year Huntington Beach resident, Planning Commissioner and City Council Candidate November 2024, was called to speak and stated his opposition to Council Member Items #20, item submitted by Councilmember Kalmick — Water is Wet, Sky is Blue, and stated support for City Council Candidates Don Kennedy, Chad Williams and Butch Twining in November 2024. (00:13:55)

Dom McGee was called to speak and stated his support for Council Member Items #21, item submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:15:43)

Patti Pappas was called to speak and shared her support for the current Council majority, and opinions regarding Councilmember Kalmick's recent appearance in Sacramento as a witness for the Assembly Committee on Education supporting AB1825. (00:17:39)

Ann Palmer, long-time Huntington Beach resident, was called to speak and shared her opinions regarding age-appropriate materials in the Huntington Beach Public Library system, and support for a Parent/Guardian Advisory Group. (00:19:44)

Jeanne Paris, long-time Huntington Beach resident, was called to speak and stated her support for Council Member Items #21, item submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:21:30)

Valentina Bankhead, Huntington Beach resident, was called to speak and stated opposition to Council Member Items #20, item submitted by Council Member Kalmick — Water is Wet, Sky is Blue; and support for Council Member Items #21, item submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:22:53)

Barbara Richardson, 51-year Huntington Beach resident and Save the Huntington Beach Library Group member, was called to speak and stated her support for allowing the residents to vote on whether the library is run by a private outside company and announced a petition that addresses the issue will soon be available for signatures. She also announced the Friends of the Children's Library have planned a special Pre-50th Carnival Celebration on Saturday, June 22, 2024, 10 AM – 2 PM. (00:25:06)

Unnamed Speaker was called to speak and shared her support for the United States Constitution and Bill of Rights. (00:26:42)

David Rynerson, 26-year Huntington Beach resident, was called to speak and stated his opposition to the 13 percent increase in the City Attorney's Office budget and shared his opinions related to the Huntington Beach Public Library outsourcing request for proposals (RFP). (00:28:50)

Unnamed Speaker was called to speak and stated opposition to the 13 percent increase in the City Attorney's Office budget and opposition to efforts for outsourcing the Huntington Beach Public Library. (00:31:01)

Cathey Ryder, 39-year Huntington Beach voter and homeowner, was called to speak and stated her opposition to Council Member Items Item #20, item submitted by Councilmember Kalmick — Water is Wet, Sky is Blue and opposition to Item #21, item submitted by Mayor Pro Tem Burns — affirmation of

the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:32:10)

Russ Neal, Huntington Beach resident, was called to speak and stated support for Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:33:43)

Amory Hanson was called to speak and stated support for Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:35:31)

Tim Geddes was called to speak and shared his opinions regarding Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City, and interest in the response to the Huntington Beach Public Library outsourcing request for proposals (RFP). (00:36:42)

Unnamed Speaker was called to speak and shared her support for allowing the voters to decide whether the Huntington Beach Public Library system is privatized; noted the lack of transparency from the City Attorney's Office; and frivolous nature of Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:38:35)

Wendy Rincon, 50-year Huntington Beach resident, was called to speak and stated opposition to privatizing the Huntington Beach Public Library system and noted the frivolous nature of Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:41:25)

Bethany Webb, 40+-year Huntington Beach resident, was called to speak and stated her support for National Gun Awareness Month to recognize citizens who have died because of the 2nd Amendment right to bear arms. (00:43:34)

Kanan Durham, Pride at the Pier, was called to speak and stated his support for Pride month and recognizing the importance of all Amendments to the United States Constitution. (00:45:46)

Dennis, 41-year resident of Huntington Beach, veteran, and freedom-loving taxpayer, was called to speak and shared his support for Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City, and opposition to Council Member Items #20 — item submitted by Councilmember Kalmick — Water is Wet and Sky is Blue. (00:47:25)

Steve Cuniff was called to speak and stated support for Consent Calendar Community and Library Services Item #10 regarding approval of Option 2 for the Marina Park reconfiguration conceptual plan as recommended by the Community and Library Services Commission. (00:48:49)

Steve Bush was called to speak and stated support for Consent Calendar Community and Library Services Item #10 regarding approval of Option 2 for the Marina Park reconfiguration conceptual plan as recommended by the Community and Library Services Commission and read a statement of support from Victoria Rodriguez, 16-year-old Junior National Racquetball Champion who started playing at age 7 on the Huntington Beach Marina Park courts. (00:49:13)

Larry Slonim, 44-year Huntington Beach resident, was called to speak and stated his support for allowing the residents to vote and determine whether the Huntington Beach Public Library system is privatized. (00:51:06)

Harry McLachlan was called to speak and stated opposition to Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City (00:53:00)

Dave Reynolds, nearly 50-year Huntington Beach resident, was called to speak and stated support for Public Hearing adoption of Resolution No. 2024-30 modifying the Management District Plan for the Huntington Beach Tourism Business Improvement District. (00:54:51)

Matt Kern, representing State Senator Dave Min, was called to speak and read a statement from Senator Min regarding his introduction of SB1174 to send a clear message that local jurisdictions do not have the authority to enact their own election requirements even if they are a Charter City. Councilmember Strickland invited Mr. Kern to complete a blue card for follow-up, and Mr. Kern acknowledged the City Clerk as having his contact information to share. (00:56:11)

Linda Moon, 50-year Huntington Beach resident, was called to speak, stated support for June as Pride month, National Gun Awareness Month and noted the frivolous nature of Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (00:58:12)

Lisa, 48-year Huntington Beach resident, was called to speak and stated support for Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (01:00:56)

Unnamed Speaker was called to speak and noted the frivolous nature of Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (01:02:51)

Christopher Rini, life-time Huntington Beach resident, was called to speak and stated support for Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City. (01:05:01)

Don Ramsey, 61-year Huntington Beach resident and 47-year owner of local businesses, was called to speak and stated support for Public Hearing adoption of Resolution No. 2024-30 modifying the Management District Plan for the Huntington Beach Tourism Business Improvement District. (01:07:12)

Rocky McKinnon, McKinnon Surf and SUP Lessons owner, was called to speak and stated support for Public Hearing adoption of Resolution No. 2024-30 modifying the Management District Plan for the Huntington Beach Tourism Business Improvement District. (01:09:27)

Kathryn Goddard was called to speak and urged the Council majority to increase transparency and engage in open dialogue with community members. (01:11:21)

Ken Inouye, 51-year Huntington Beach resident, was called to speak and shared his comments regarding the budget, specifically regarding the fact that City revenue cannot keep up with increasing costs, and respectfully requested that future Council meetings provide periodic financial information so that residents can evaluate the City's financial health. (01:13:30)

George Borrela, long-time Huntington Beach resident, and Coach for Victoria Rodriguez, 16-year-old Junior National Racquetball Champion who started her career on the Huntington Beach Marina Park courts, was called to speak and stated support for Consent Calendar Community and Library Services Item #10 regarding approval of Option 2 for the Marina Park reconfiguration conceptual plan as recommended by the Community and Library Services Commission. (01:15:36)

Unnamed Speaker was called to speak and shared his opinions on the City's looming budget deficit and the impact created by the lack of affordable housing. (01:16:29)

Unnamed Speaker was called to speak and stated support for Council Member Items #21 submitted by Mayor Pro Tem Burns — affirmation of the Huntington Beach City Council's commitment to the United States Constitution and special recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City and stated support for City Council Candidates Don Kennedy, Chad Williams and Butch Twining in November 2024. (01:18:31)

Unnamed Speaker was called to speak and suggested eliminating frivolous lawsuits as a way to cut City costs and approving a compliant Housing Element to increase revenue. (01:20:46)

Unnamed Speaker was called to speak and shared his opinions related to the City's budget and his personal experience regarding automobile parking experiences with the Huntington Beach Police Department. (01:22:54)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS - None

AB 1234 REPORTING - None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT

Interim City Manager Eric Parra introduced Fire Deputy Chief Eric McCoy who reported on the successful CPR collaboration between public safety departments of Police, Fire and Marine Safety. Chief McCoy noted that the City offers free CPR AED classes for residents who are members of the FireMed Program.

CONSENT CALENDAR (Items 3-17)

Councilmember Kalmick pulled Items #5, #6, and #7, Mayor Van Der Mark pulled Item #10 and Councilmember Moser pulled #14 for further discussion.

City Clerk

3. 24-416 Approved and Adopted Minutes

A motion was made by Strickland, second Burns to approve and adopt the City Council/Public Financing Authority regular meeting minutes of May 21, 2024.

The motion carried by the following roll call vote:

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

4. 24-415 Received and Filed Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies — May 2024

A motion was made by Strickland, second Kalmick to receive and file.

The motion carried by the following roll call vote:

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

City Manager

5. 24-422 Approved the appointments of Delaine Bailey, Kristine Carroll, Ellen Kuhnert, Christian Meyer, Ann Palmer, Patricia Pappas, Joe Pena, Brooke Stewart, and Dixie Walters to the City Celebration Committee as recommended by City Council Liaisons McKeon and Strickland

Councilmember Kalmick pulled this item to state his opinion there are more important issues to address and he cannot support this item.

Councilmember Bolton stated she will not support this item because in her opinion the Historical Resources Board should be consulted and setting up a new committee is duplicative.

A motion was made by McKeon, second Strickland to approve the appointments of Delaine Bailey, Kristine Carroll, Ellen Kuhnert, Christian Meyer, Ann Palmer, Patricia Pappas, Joe Pena, Brooke Stewart, and Dixie Walters to the City Celebration Committee. Committee members will serve until their respective successors are appointed and qualified. The Council Liaison has the power to recommend replacement members for any vacancies.

The motion carried by the following roll call vote:

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

6. 24-001 Adopted Resolution No. 2024-23 to Adopt a Revised City Council Manual

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

Councilmember Kalmick pulled this item to thank Deputy City Manager Catherine Jun for her hard work to pull this manual together. He also suggested revisions before the vote: 1) setting a framework of starting the business portion of Council Meetings by 9 PM while allowing for Mayor discretion to adjust public speaker time allowance, thereby giving residents the opportunity to come prepare accordingly; and 2) flying flags at half-staff at the passing of either "current" and "past" elected officials.

Councilmember Strickland stated support for flying flags at half-staff at the passing of both "current" and "past" elected officials.

A motion was made by Kalmick, second Bolton to adopt Resolution No. 2024-23, "A Resolution of the City Council of the City of Huntington Beach Adopting a Revised City Council Manual" *as revised to stipulate that the business portion of Council meetings be started by 9 PM while allowing for Mayor discretion to adjust public speaker time allowance, and flying flags at half-staff for both current and past elected officials.*

The motion failed by the following roll call vote:

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

A motion was made by Strickland, second Van Der Mark to adopt Resolution No. 2024-23, "A Resolution of the City Council of the City of Huntington Beach Adopting a Revised City Council Manual" *as amended to fly flags at half-staff at the passing of current and past elected officials.*

The motion carried by the following roll call vote:

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

7. 24-400 Took a position on legislation pending before the State Legislature, as recommended by the Intergovernmental Relations Committee (IRC)

Councilmember Kalmick pulled this item to state he will not support it.

Councilmember Strickland stated he believes California Attorney General Bonta is filing a frivolous lawsuit because AG Bonta has already lost in court with both Redondo Beach and San Francisco. Councilmember Strickland noted that the California Constitution supports a Charter City's right to manage elections and voter identification requirements and he supports a position of opposing Senate Bill 1174 (Min).

Councilmember Bolton clarified her understanding that the California Constitution states Charter cities can make decisions about municipal affairs, and the constitution does not specifically address voter identification. She added that two opportunities have been missed to support more local control over sober living homes because Councilmembers appear to be chasing windmills.

Councilmember McKeon shared his opinion of how the state pushes as "statewide concern" every housing mandate or agenda item to try circumventing local controls, except for Marin County where Governor Newsom lives.

Councilmember Strickland shared his opinion there is not time to address every single effort from Sacramento to subvert local control. He added that the citizens of Huntington Beach voted for voter identification, and this was not a decision made by Councilmembers.

Councilmember Moser stated her opinion that the voters approved the item without understanding the ramifications.

A motion was made by Strickland, second Van Der Mark to approve the legislative position taken by IRC on May 15, 2024: OPPOSE Senate Bill 1174 (Min) Elections: Voter identification.

The motion carried by the following roll call vote:

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

8. 24-413 Approved and authorized execution of a service agreement between the City of Huntington Beach and Procure America for expense reduction and cost recovery services

A motion was made by Strickland, second Kalmick to approve and authorize the Mayor and City Clerk to execute a "Service Agreement Between the City of Huntington Beach and Procure America for Expense Reduction and Cost Recovery Services."

The motion carried by the following roll call vote:

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

Community and Library Services

9. 24-424 Approved and authorized execution of a Memorandum of Understanding between the City of Huntington Beach and the American Legion Huntington Beach Post 133 for the use of City Facilities and provision of Veterans Services

A motion was made by Strickland, second Burns to approve and authorize the Mayor and City Clerk to execute the Memorandum of Understanding between the City of Huntington Beach and the American Legion Huntington Beach Post 133 for the use of City facilities and provision of Veterans Services.

- AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick NOES: None
- 10. 24-412 Approved Option 1 of the Marina Park reconfiguration conceptual plan as recommended by the Community & Library Services Commission

Mayor Van Der Mark pulled this item for clarification on the options and invited Ashley Wysocki, Community and Library Services Director, to share a PowerPoint communication titled *Marina Park Reconfiguration Project* with slides entitled: *Project Location, Project Site, Project Progress, Stakeholder Meetings, Community Outreach Meeting and Survey No. 1, Community Outreach Meeting and Survey No. 2, Proposed Concept Option 1, Proposed Concept Option 2, Funding, Recommended Action* and *Questions?*

Director Wysocki introduced Consultant Luis Pedraza of David Volz Design who was also available to answer questions.

Mayor Van Der Mark asked whether residents expressed more interest in pickleball or handball space. Director Wysocki replied residents expressed more interest in pickleball, but there was a surge of responses from outside of the city advocating for racquetball courts.

Councilmember McKeon noted that the residents were vocal for the need for more pickleball courts and stated he supports Option 1.

Councilmember Kalmick and Director Wysocki discussed the court reconfigurations are being considered for increased public safety and crime prevention by following Community Policing Through Environmental Design (CPTED) recommendations.

Councilmember Kalmick explained for the benefit of the public that there is no funding at the present time to even begin construction. Director Wysocki stated that it will take about a year to move through the design phase.

A motion was made by McKeon, second Strickland to approve Option 1 of two conceptual plan design options for the Marina Park reconfiguration conceptual plan, and authorized staff to move forward with initiating development of the design and bid package for construction of the updated facility.

* Option 1: Conceptual Plan presented to the Community & Library Services Commission

* Option 2: Conceptual Plan recommended by the Community & Library Service Commission

The motion carried by the following roll call vote:

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

11. 24-403 Approved and authorized execution of a five-year License Agreement with Southern California Edison Company for public parkland located at Edison Park

A motion was made by Strickland, second Burns to approve the License Agreement with Southern California Edison for the use of the 4.71 acres of property commonly known as Edison Park, Contract No. 9.2473, and authorize the Mayor and City Clerk to execute any and all documents necessary to conclude this transaction.

The motion carried by the following roll call vote:

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

12. 24-404 Approved and authorized execution of a five-year License Agreement with Southern California Edison Company for public parkland located at Gisler Park

A motion was made by Strickland, second Burns to approve the License Agreement with Southern California Edison for the use of 10.5 acres of property known as Gisler Park, Contract No. 9.2247, and authorize the Mayor and City Clerk to execute any and all documents necessary to complete this transaction.

The motion carried by the following roll call vote:

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

13. 24-405 Approved and authorized execution of a five-year License Agreement with Southern California Edison Company for public parkland located at LeBard Park

A motion was made by Strickland, second Burns to approve the License Agreement with Southern California Edison for the use of the 2.02 acres of property commonly known as LeBard Park, Contract No. 9.2480 and authorize the Mayor and City Clerk to execute all documents necessary to conclude this transaction.

The motion carried by the following roll call vote:

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

Community Development

14. 24-397 Approved and authorized execution of an 18-month extension to the Exclusive Negotiations Agreement with Jamboree Housing to continue planning and secure funding for the Pathways Project

Councilmember Moser pulled this item to ask staff to review the Jamboree Housing Pathways Project for the benefit of the public.

Steve Holtz, Community Development Deputy Director and Police Lieutenant Brian Smith presented a PowerPoint communication titled *Extension of the Exclusive Negotiations Agreement with Jamboree Housing for the Pathways Project*, with slides entitled: *Background (2); Preliminary Design (2); Surrounding Area — Beach Blvd.; Surrounding Area — Cameron Ln.; Potential Funding Opportunities; and Recommended Action.*

Police Lieutenant Smith introduced Consultant Michael Massey, Executive Vice President and Chief Development Officer, Jamboree Housing who was available to answer questions.

Councilmember Moser stated this project is an investment to improve economic, social and health outcomes for all residents in the community. She asked how not having a certified Housing Element could impact available funding sources for this project. Deputy Director Holtz responded that the Orange County Housing Finance Trust has two funding sources, one which requires a certified Housing Element, and another which does not require a certified Housing Element. He also noted that

Jamboree, not the City, will be the applicant filing for the funds and therefore a certified Housing Element is not required for a majority of funding sources.

Councilmember McKeon noted that the Preliminary Design, as displayed in the PowerPoint communication, was selected because it does shield the Navigation Center from Beach Boulevard.

Councilmember Moser and Deputy Director Holtz discussed that the Navigation Center is designed as flex space and as the need for services shrinks the Navigation Center space could become available for other uses. Deputy Director Holtz added that the Jamboree Permanent Supportive Housing will be deed restricted to remain apartments.

Mayor Pro Tem Burns confirmed with Deputy Director Holtz that all potential funding sources consist of taxpayer funded programs.

A motion was made by Moser, second Strickland to approve and authorize the Chair, Authority Clerk and Executive Director to enter into an agreement with Jamboree Housing, extending the Exclusive Negotiations Agreement between the Housing Authority and Jamboree Housing; and approve and authorize the Chair, Authority Clerk and Executive Director to approve Jamboree Housing's submission of funding applications for the Pathways Project.

The motion carried by the following roll call vote:

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

Public Works

15. 24-387 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with RJ Noble in the amount of \$4,046,298.55 for the FY 23/24 Arterial Rehabilitation Project, CC-1741

A motion was made by Strickland, second Burns to accept the lowest responsive and responsible bid submitted by RJ Noble in the amount of \$4,046,298.55 (Base Bid + Alternative Bid); and authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following roll call vote:

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

16. 24-389 Approved and authorized execution of Amendment No. 1 to add Yorktown bridge to the existing Cooperative Agreement with the Orange County Flood Control District for funding, construction, and maintenance of bridges

A motion was made by Strickland, second Burns to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Cooperative Agreement MA-080-23011516, between Orange County Flood Control District and City of Huntington Beach for addition of Funding, Construction, and Maintenance of the Talbert Channel (DO2) at Yorktown Avenue Improvements Project."

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

17. 24-393 Adopted Resolution No. 2024-15 concerning the status and update of the Pavement Management Plan for the Measure M2 Program, and adopted a 7-year Capital Improvement Program for Fiscal Years 2024/2025 through 2030/2031 to comply with renewed Measure M eligibility requirements

A motion was made by Strickland, second Burns to adopt Resolution No. 2024-15, "A Resolution of the City Council of the City of Huntington Beach Concerning the Status and Update of the Pavement Management Plan for the Measure M2 Program"; and adopt the 7-year Capital Improvement Program for Fiscal Years 2024/2025 through 2030/2031 to comply with renewed Measure M eligibility requirements, as amended by Supplemental Communication (Revised Attachment 2 – Removal of "2" from Maintenance Zone on pages 5 and 6 of the Orange County Transportation Authority FY 2024/25 – FY 2030/31 Capital Improvement Program).

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

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

PUBLIC HEARING

18. 24-406 Public Hearing held — Adopted Resolution No. 2024-30 Modifying the Management District Plan for the Huntington Beach Tourism Business Improvement District

City Clerk Robin Estanislau reported that the Notice of Public Hearing was completed in the manner and form as required by Section 36636 of the California Streets and Highways Code.

Kriss Casanova, Economic Development Manager, presented a PowerPoint communication titled Public Hearing to consider adoption of Resolution No. 2024-30 Modifying the Management District Plan for the Huntington Beach Tourism Business Improvement District, with slides entitled: Background; HBTBID; Visit Huntington Beach (VHB); HBTBID Modification Request; OC Product Additions/Enhancements; Proposed Modified Budget (2); HBTBID Modification Schedule; Management Agreement Modification; VHB Tourism Enhancement Programs; Public Hearing; Recommendation; and Questions?

Manager Casanova announced that Kelly Miller, VisitHB President, was in attendance to answer any questions.

Mayor Van Der Mark opened the Public Hearing.

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: *(1 letter)*

Public Speakers — 4 Speakers

Peter "PT" Townend, 45-year Huntington Beach resident was called to speak and stated his support for adoption of Resolution No. 2024-30 Modifying the Management District Plan for the Huntington Beach Tourism Improvement District. (02:13:56)

Tony Duran, Huntington Beach resident and business owner, and Huntington Beach Downtown Business District Executive Director, was called to speak and stated his support for adoption of Resolution No. 2024-30 Modifying the Management District Plan for the Huntington Beach Tourism Improvement District. (02:15:02)

Bethany Webb, long-time Huntington Beach resident, was called to speak and stated her support for adoption of Resolution No. 2024-30 Modifying the Management District Plan for the Huntington Beach Tourism Improvement District. She encouraged Councilmembers to focus on keeping Huntington Beach a family-friendly tourist destination. (02:17:03)

Kelly Miller, Visit HB President and CEO was called to speak, and on behalf of himself and the Visit HB Board, stated support for adoption of Resolution No. 2024-30 Modifying the Management District Plan for the Huntington Beach Tourism Improvement District. He noted that Visit HB has supported Huntington Beach tourism for 33 years by helping to bring in millions of annual visitors to Surf City USA. He stated it has taken over a year of cooperation between the City and VisitHB to reach this point. He reminded everyone this plan adjusts the Huntington Beach Tourism Improvement District (TBID) assessment from 4 percent (4%) to six percent (6%) for overnight lodging businesses and clarified this is not a sales or property tax, but rather a fee paid by overnight lodging guests. He explained the funds are used to market, sell, and distribute public relations around the world promoting Surf City USA. Funds will also be used to enhance and promote various tourist enhancement projects as described in the presentation and supports local employment. (02:20:05)

There being no more public speakers, Mayor Van Der Mark closed the Public Hearing.

City Clerk Robin Estanislau reported receipt of one (1) protest totaling less than one percent (1%) of the total assessments proposed for levy. Therefore, the City Clerk's Office has determined that a majority protest has not been received from owners or authorized representatives of businesses in the district that will pay 50% or more of the assessments proposed to be levied.

Councilmember McKeon invited Mr. Miller, VisitHB President and CEO, to return to the podium and describe some of the major improvements coming to the Downtown area from Huntington Beach Tourism Improvement District funding: additional restrooms next to Zack's; continued monitoring through the Ambassador Program to ensure public safety; enhanced connectivity between Pacific City, the hotels, Downtown and Fifth Street; completion of the Wayfinding Project, including a sign over the Pier: Welcome to Huntington Beach Surf City USA; and focus on increasing utilities availability and access

A motion was made by Strickland, second Burns to conduct the Public Hearing; and, since written protests of at least 50 percent or more of the total assessments were not received, adopt Resolution No. 2024-30, "A Resolution of the City Council of the City of Huntington Beach Declaring Results of Majority Protest Proceedings and Modifying the Huntington Beach Tourism Business Improvement District (HBTBID);" and, approve and authorize the City Manager to execute the Second Amendment to the Tourism Business Improvement District Management Agreement between the City of Huntington Beach and Visit Huntington Beach.

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

19. 24-420 Adopted Resolution No. 2024-29 to Adopt a Budget for the City for Fiscal Year 2024/25; Resolution No. 2024-28 Establishing the Gann Appropriation Limit for Fiscal Year 2024/2025; Resolution No. 2024-27 Levying a Retirement Property Tax for Fiscal Year 2024/2025 to Pay for Pre-1978 Employee Retirement Benefits; Resolution No. 2024-24 Modifying Salary and Benefits for Non-Represented Employees by Adding the Deputy Public Works Director/City Engineer Classification; Resolution No. 2024-25 Amending the City's Classification Plan by Adding the Classifications of Capital Projects Supervisor and Real Time Crime Center Supervisor; Resolution No. 2024-33 Modifying Salary and Benefits for Non-Represented Employees by Adding the Senior Deputy Community Prosecutor Classification and Establishing the Compensation and Amending the Non-Elected Non-Represented Employees Pay Schedule to Update the Compensation Range for the Chief Assistant City Attorney and Deputy Community Prosecutor; Resolution No. 2024-31 Adopting an Updated Master Fee and Charges Schedule, as amended: Resolution No. 2024-32 Setting Advanced Life Support, Basic Life Support, and Emergency Ambulance Transportation Fees to be Charged by the Fire Department of the City of Huntington Beach; and Resolution No. 2024-26 Acknowledging Receipt of a Report Made by the Fire Chief of the Huntington Beach Fire Department Regarding the Inspection of Certain Occupancies Required to Perform Annual Inspections in such Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code; and Authorize the City Manager or Designee to Purchase One Triple Combination Pumper Engine in the Amount of \$1,257,063.

Sunny Han, Chief Financial Officer, presented a PowerPoint communication titled *City of Huntington Beach FY 2025/25 Budget Adoption* with slides entitled: *Presentation Overview; FY 2024/25 General Fund Proposed Budget Review; FY 2024/25 General Fund Proposed Revenues* – \$301.7*M* (2); FY 2024/25 General Fund Proposed Expenditures – \$300.0*M*; FY 2024/25 General Fund Proposed Expenditures – \$300.0*M* Historical By Department; FY 2024/25 General Fund Proposed Expenditures – \$300.0*K*; Recommended FY 2024/25 Authorized Positions (2); FY 2024/25 Full Time Equivalent – All Funds; EMS Cost Recovery Fee Adjustment; Master Fee and Charges Schedule Adjustments (8); Master Fee and Charges Schedule Summary; General Fund Long-Term Financial Plan with Proposed Master Fee and EMS Fee Changes; General Fund Long-Term Financial Plan without Proposed Master Fee and EMS Fee Changes; City Council Approval Requested; and Questions? (02:30:41)

Councilmember McKeon, Chief Financial Officer (CFO) Han and various staff members reviewed General Fund Proposed Revenues, General Fund Proposed Expenditures, Authorized Positions, EMS Cost Recovery Fee Adjustment, Master Fee and Charges Schedule Adjustments, for the benefit of the public and addressed several concerns expressed earlier by public speakers. Councilmember McKeon confirmed with CFO Han that Resolution No. 2024-31 adopting an updated Master Fee and Charges Schedule, could be amended to exempt senior residents from increased Consumer Price Index (CPI) adjustments.

Councilmember Bolton clarified that from her perspective, just because Councilmembers critique a particular department and its performance does not mean those employees should fear for their jobs. She stated she has some discomfort regarding all of the fee increases being proposed because there

are still big parts of the revenue stream that need to be figured out such as allowing un-hosted Short-Term Rentals in the coastal zone and cannabis.

City Clerk Robin Estanislau explained that Councilmember questions prior to opening of the Public Hearing should focus on the budget material presented, and that opinions should be saved and shared AFTER the Public Hearing has been closed.

Mayor Van Der Mark opened the Public Hearing.

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: (1 staff PowerPoint communication, 1 letter, and 2 email communications)

Public Speakers — 5

Cathey Ryder, 39-year Huntington Beach voter and homeowner, was called to speak and shared her opinions regarding the year-over-year cost increases associated with the City Attorney Office and stated her objection to the proposed 14% increase for the 2024/25 FY Budget for this department. (03:03:11)

Unnamed Speaker was called to speak and shared her opinion that the demographics for income and housing costs for Huntington Beach are not the same as the demographics for Newport Beach and therefore should not be compared for budget purposes in establishing increased Master Fee rates. She also asked for an explanation as to why the budget for the City Attorney Office keeps increasing year after year while that office is experiencing increased legal losses. (03:05:22)

Perry Clitheroe was called to speak and shared his opinion that in order to have a balanced budget services will have to be cut or taxes increased. He suggested allowing the free market to build housing and encouraged Councilmembers to decide where approximately 13,000 new housing units can be built. He expressed concern about the City subsidizing credit card fees, and staff confirmed for him the proposed fee increases take into consideration the potential reduction in users because of the fee increases. (03:07:42)

Bethany Webb was called to speak and shared her concerns related to City Attorney Office legal losses, specifically the payout to Pacific Air Show Promoter Code Four; stated her support for allowing the sale of cannabis in Huntington Beach, and encouraged Councilmembers to increase the amount of affordable housing. (03:09:50)

Ken Inouye was called to speak and noted that his prior reference to the \$11M budget deficit is an "all funds" deficit and tonight's discussion appears to be limited to only the General Fund. (03:12:32)

There being no more public speakers, Mayor Van Der Mark closed the public hearing.

Councilmember Kalmick, responding to an email asking about the Professional Services expense category in the City Manager Office, and asked CFO Han to explain. CFO Han stated there is an \$800,000 clean-up from Public Educational and Governmental [PEG] funds used on ineligible costs as well as one-time contracts that are carried over from the prior fiscal year.

Councilmember Kalmick stated his support for full cost recovery through fees and addressed subsidizing credit card fees, parking fees, and facility rent fees at City Hall. He confirmed that the increase in the City Clerk Office budget is due to the costs related to the upcoming election; that Fire and Police Department increases are due to new contracts; use of the "adopted" rather than "revised" budget for 2023/24 was to include carryovers and to be more consistent; Worker's Comp and trip and fall liability claims are shown under Human Resources; and General Fund non-departmental increase of nearly 7% includes the Waterfront transfer. Councilmember Kalmick stated his support for outsourcing at least one position in the City Attorney Office due to the cyclical nature of cases; concern about the lack of serious conversations about what to do in the out years now, rather than waiting 6 months to discuss recurring expenses; and lack of appropriate Council action regarding Short-Term Rentals and cannabis as income-producing options.

Councilmember Strickland confirmed with Chief Financial Officer Han that the budget presented includes funding for approximately 35 – 40 of the current 107 open positions; more cities than Newport Beach were reviewed in determining Master Plan fees; disbursement of the \$38M received from successful litigation by the City Attorney Office; discussion with City Attorney Michael Gates to define the process for his increased compensation; staff increases due to union negotiations; and noting that outside legal support is used on a consultation basis rather than handing off an entire case, unless there is internal conflict of interest which requires handing off the case.

Councilmember Strickland noted last year Council addressed this year's projected deficit of \$7M which actually resulted in a surplus this year.

Councilmember Bolton reviewed with City Attorney Michael Gates the process for elected officials to receive increased compensation.

Councilmember Moser recommended a Volunteer Coordinator position for Community and Library Services to focus on the things accomplished by library and park volunteers. She and Chief Financial Officer Han discussed the increase in the 2023/24 Budget vs the 2024/25 Budget for Human Resources as due to increased Worker's Comp costs and insurance cost increases due to a one-time exceptional case.

Councilmember Moser and Fire Chief Haberle discussed the need to replace a 2005 Fire Engine, a process that takes two to four years, and noted that if the process is not started this fiscal year the Fire Engine would be pushing the 25-year mark which increases maintenance costs and decreases reliability. Chief Financial Officer Han confirmed that specific funds are set aside annually for equipment replacement.

Councilmember Moser and Chief Financial Officer Han discussed the Revenues and Expenditures Total for All Funds \$10.9M difference.

Councilmember Moser stated her concern about not considering projected revenues and costs over a longer timeframe and consideration of potential actions to mitigate shortfalls moving forward such as Short-Term Rentals and cannabis. She requested more regular reporting and transparency from the City Attorney Office on budget for the benefit of Councilmembers and the public.

Councilmember Kalmick referenced the Financial Outlook Report from February 15 Mid-Year Budget Update showing surpluses through FY 2025/26, and noted that deficits in out years is a relatively new situation.

Councilmember Strickland responded that last year's budget projection changes resulted in an actual surplus this year.

City Clerk Robin Estanislau confirmed that Resolution No. 2024-31 adopting an Updated Master Fee and Charges Schedule was the only item amended through this discussion.

Councilmember McKeon confirmed his amendment is to carve out or exempt the City's senior residents from the automatic Consumer Price Index (CPI) increase of not more than five percent.

A motion was made by McKeon, second Strickland to A) Adopt Resolution No. 2024-29, "A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2024/25" (Attachment 2); and, B) Authorize the Professional Services included in the FY 2024/25 budget to be representative of the services projected to be utilized by departments in FY 2024/25 (Attachment 3); and, C) Adopt Resolution No. 2024-28, "A Resolution of the City Council of the City of Huntington Beach Establishing the Gann Appropriation Limit for Fiscal Year 2024/2025" of \$1,217,866,589" (Attachment 4); and, D) Adopt Resolution No. 2024-27, "A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2024/2025 to Pay for Pre-1978 Employee Retirement Benefits" (Attachment 5); and, E) Adopt Resolution No. 2024-24, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees by Adding the Deputy Public Works Director/City Engineer Classification and Establishing the Compensation" (Attachment 6); and, F) Adopt Resolution No. 2024-25. "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Classifications of Capital Projects Supervisor and Real Time Crime Center Supervisor" (Attachment 7); and, G) Adopt Resolution No. 2024-33, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees by Adding the Senior Deputy Community Prosecutor Classification and Establishing the Compensation and Amending the Non-Elected Non-Represented Employees Pay Schedule to Update the Compensation Range for the Chief Assistant City Attorney and Deputy Community Prosecutor" (Attachment 8); and, H) Adopt Resolution No. 2024-31, "A Resolution of the City Council of the City of Huntington Beach Adopting an Updated Master Fee and Charges Schedule" (Attachment 9) as amended to exempt the City's senior residents from the automatic Consumer Price Index (CPI) increase of not more than five percent, and, I) Adopt Resolution No. 2024-32, "A Resolution of the City Council of the City of Huntington Beach Setting Advanced Life Support, Basic Life Support, and Emergency Ambulance Transportation Fees to be Charged by the Fire Department of the City of Huntington Beach" (Attachment 10); and, J) Adopt Resolution No. 2024-26, "A Resolution of the City Council of the City of Huntington Beach, California Acknowledging Receipt of a Report Made by the Fire Chief of the Huntington Beach Fire Department Regarding the Inspection of Certain Occupancies Required to Perform Annual Inspections in such Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code" (Attachment 11); and, K) Authorize the City Manager or designee to purchase one Triple Combination Pumper Engine in the amount of \$1,257,063; and L) Direct 40 percent of Huntington Central Park Sports Complex (HCPSC) Tournaments and Special Events Parking to the HCPSC Capital Improvements Fund (Fund 325) to provide for HCPSC capital improvements.

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

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick NOES: Bolton, *Resolution No. 2024-31 as amended relating to CPI adjustments for senior residents*

COUNCIL MEMBER ITEMS

20. 24-433 WITHDRAWN — Item Submitted by Council Member Kalmick — Water is Wet, Sky is Blue

Councilmember Kalmick apologized for even having to place this item on the agenda.

Councilmember Bolton questioned if either Councilmember Items #20 or #21 relate to the budget, homelessness, or any other topic that Council should be focused on.

Councilmember Kalmick responded that neither item is related to solving budget deficits or issues that affect the residents, and that is where he would like to focus his efforts, rather than on national issues. He withdrew his item from the agenda and announced he was leaving the meeting.

At 10:03 PM, Councilmembers Bolton, Kalmick, and Moser left the meeting.

Councilmember Strickland stated he believes Council has been focused on the business of the people, including approving tools necessary so the Police and Fire Departments can keep public safety as their #1 priority; noting that officials from San Diego and Oceanside are visiting to learn how homelessness is being reduced in Huntington Beach; just approved the 2024/25 Budget; reduced last year the projected \$7M Budget deficit for 2024; approved the proposed Management District Plan for the Huntington Beach Tourism Business Improvement District; and that saving the Pacific Air Show will provide over \$100M to the local economy. He added his opinion that the remaining body of four can be more productive without the interference of those who walked out of this meeting.

21. 24-427 Affirmed Item Submitted by Mayor Pro Tem Burns — the Huntington Beach City Council's Commitment to the United States Constitution and Special Recognition that Huntington Beach is a 1st and 2nd Amendment Friendly City

Mayor Pro Tem Burns read his Issue Statement from his memo supporting this Council Member Item. He noted this action is the result of a conversation with a concerned resident, which he considers a bipartisan issue.

Councilmember Strickland quoted Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere." He added there is a lot of injustice in this country, people don't like it, and he thanked Mayor Pro Tem Burns for bringing this item forward.

Councilmember McKeon stated we are a nation built on laws which have been shredded the last few years which results in the decay of society. He stated his support for re-affirming his commitment to the rule of law and the Constitution of the United States.

Mayor Van Der Mark stated her support for re-affirming her commitment to the Constitution and shared her disappointment that three Councilmembers would choose to walk out rather than participate in this discussion.

A motion was made by Burns, second Strickland that the City of Huntington Beach City Council affirms and communicates our commitment and respect for the Constitution of the United States of America, and with special recognition that Huntington Beach is a 1st and 2nd Amendment friendly city.

AYES:Burns, Van Der Mark, Strickland, and McKeonNOES:NoneABSENT:Moser, Bolton, and Kalmick

ADJOURNMENT — at 10:10 PM, a motion was made by McKeon, with a second by Van Der Mark, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, June 18, 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