

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, March 7, 2023
4:00 PM – Council Chambers
6:00 PM – Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A video recording of the 4:00 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/

4:00 PM - COUNCIL CHAMBERS

CALLED TO ORDER — 4:00 PM

ROLL CALL

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

CITY COUNCILMEMBER COMMENTS (3-Minute Time Limit)

Councilmember Bolton reported attending: the Soroptimist Scholarship Awards Ceremony to acknowledge young mothers who completed their education in spite of challenging circumstances, and she also attended a meeting of the Council on Aging (COA), and shared her thoughts about extending charity to people in need, and how policy decisions matter.

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

PUBLIC COMMENTS (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/>.

Shirley Dettloff, a Homeless United advocate, was called to speak and shared support for Study Session Item #2 regarding a comprehensive review of homeless services in Huntington Beach. (00:03:50)

Michael Shepard, Housing Advocacy Program Manager, Orange County United Way, was called to speak and shared opinions on the staff report from United Way's perspective. He also offered United Way's assistance in support for Study Session Item #2 regarding a comprehensive review of homeless services in Huntington Beach. (00:04:54)

STUDY SESSION

1. 23-201 Joint Study Session of the Citizen Participation Advisory Board (CPAB) and City Council held to review Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program recommendations

CPAB ROLL CALL:

Present: Vice Chair Hoskinson, Secretary Paris;
Board Members Hammel, Inouye, and Jackson
Absent: Chair Massie, and Board Member Lachman

Charles Kovac, Housing Manager, presented a PowerPoint communication titled *Joint Study Session of the City Council and Citizen Participation Advisory Board*, with slides entitled: *Background; Public Participation; CDBG Objectives; CDBG Local Priority Objectives; CDBG Allocations; HOME Program Objectives; HOME Local Priority Objectives; HOME Allocations; 2023-24 Funding Levels; Schedule; CDBG Public Services; CDBG Administration; CDBG Capital & Housing Preservation Projects; HOME Allocations; and Questions.*

Citizen Participation Advisory Board (CPAB) Vice Chair Hoskinson thanked all of the charities for doing good work, and noted the CPAB will focus on trying to secure additional sources of funding because there are so many good organizations seeking funds.

Councilmember McKeon accepted Housing Manager Kovac's offer for a briefing to discuss projects and funding options in more detail before the Public Hearing scheduled for April 18, 2023.

Councilmember Moser acknowledged South County Outreach for providing assistance for people with food insecurity, and noted that three organizations support under-housed youth in the community.

2. 23-202 Presentation / Comprehensive Review of Homeless Services in Huntington Beach

Lt. Brian Smith of the Huntington Beach Police Department presented a PowerPoint communication titled *Comprehensive Review of Homeless Services in Huntington Beach* with slides entitled: *Timeline of Significant Events Influencing the City's Approach to Engaging Homelessness; Individuals Experiencing Homelessness Population Data (2); Orange County Central Service Planning Area; Impact on our Community - Cost of Homelessness in OC; Available Services; Funding Sources for Huntington Beach Programs; City's Homeless Task Force; HB Homeless Taskforce Outreach Flow Chart; Police Department - Homeless Response Data; Police Department - Homeless Task Force; Homelessness and Behavioral Health Services; Homeless Task Force - City Employee Staffing; Be Well HB Mobile Crisis Response Program (2); Huntington Beach Navigation Center; Huntington Beach Navigation Center Operation By Numbers (2); County of Orange Initiative: HB Oasis Project Home Key Site; City's Total Annual Cost to Address Homelessness & GF Cost Per Resident; What does success look like? (2); and HB Homeless Solutions & Navigation Center/ Homeless Resources.*

Councilmember McKeon clarified the Point in Time Count numbers between 2019 and 2022, and shared his opinion that no one living in the Navigation Center should be categorized as no longer homeless. Therefore, from his perspective, the reduction in homeless individuals is actually 5% (five percent), not 35% (35 percent) as many are stating, adding that the focus should be on getting people out of the Navigation Center and processed to County-provided services.

Councilmember McKeon and Lt. Smith discussed the contract with Mercy House and noted the intention is to move individuals through the system, and out of the Navigation Center, within 90 days; however, the clock can be restarted for an additional 90 days if progress is being made.

Councilmember Kalmick confirmed with Lt. Smith the number of sheltered individuals from 2019 and 2022 is a "net" number and fluctuates day-to-day as people fall into or out of homelessness. There is no "name" data to be able to confirm if individuals counted in 2019 remain, or return to a state of homelessness in 2022.

Councilmember McKeon clarified with Lt. Smith the services provided by Huntington Beach that are duplicated, or should be performed by the County. Lt. Smith noted any duplication is to improve quality control and response time.

Councilmember Moser clarified that Be Well HB services may overlap County services, but there is an obvious need for both efforts. Lt. Smith noted that focused local care and long-term follow-up is improved by utilizing Be Well HB.

Councilmember McKeon asked that the funding sources for Huntington Beach programs be made available on the City's website, including details regarding the expiring stimulus funds.

Councilmember Moser asked for a detail of funding resources that could be at risk without a certified Housing Element. She also noted the need for better data management systems and analysis, as well as access to County Homeless Management Information System (HMIS) data.

Councilmember McKeon noted the recent resignation of Justin Austin, Director of Homelessness and Behavioral Health Services and Navigation Center Manager Misty Ashby, and thanked Lt. Smith for stepping up to the plate to ensure continuation of Homeless Services in Huntington Beach. Lt. Smith stated he would be working with the City Manager's Office and City Council to determine future staffing considerations.

Councilmember Moser stated her support for a high level of leadership and thanked Director Austin for his outstanding service to Huntington Beach, and appreciation for his knowledge of County resources and connections. She noted for the record that he left his position with Huntington Beach because of another opportunity.

RECESSED TO CLOSED SESSION — 5:30 PM

A motion was made by McKeon, second by Van Der Mark, to recess to Closed Session.

CLOSED SESSION

3. **23-200 CONFERENCE WITH LEGAL COUNSEL-LITIGATION (Gov. Code section 54956.9(d)(4).): One (1) - SB9, SB10 and Accessory Dwelling Units.**
4. ~~**23-203 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8.) Property: APN numbers 111-372-06 and 111-372-07. Agency negotiator: Al Zelinka, City Manager; Ursula Luna-Reynosa, Director of Community Development; and Sean Crumby, Director of Public Works. Negotiating parties: Timothy A. Fissinger, Vice President of Real Estate for Republic Services. Under negotiation: Price and terms of payment.**~~

5. **23-199 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.)** Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Eric Parra, Chief of Police; Sunny Han, Acting Chief Financial Officer; and, Robin Estanislau, City Clerk. Employee Organization: Police Officers' Association (POA).

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:39 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Councilmember Moser

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. **23-168 Chaplain Roger Wing with the Huntington Beach Police Department**

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Michael Gates reported no action was taken on Closed Session Item No. 4 regarding Conference with Real Property Negotiators; for Closed Session Item No. 3, a unanimous roll call vote of Council directed not to challenge SB 10 (Accessory Dwelling Units) and AB 68 at this time; and, Council provided unanimous consent for the City Attorney to research joining the City of Redondo Beach's State challenge of SB9.

Mayor Strickland explained his recusal from participating in Consent Item No. 12 at the February 21, 2023, City Council meeting (Bonanni Development at 19070 Holly Lane), by stating he lives within 1,000 feet of the proposed development.

CITY ATTORNEY'S REPORT

7. **23-214 City Attorney Report Provided -- Update on Lawsuit City of Huntington Beach v. State of California, Department of Finance**

City Attorney Michael Gates reported that last week the Superior Court issued a final ruling in favor of the City of Huntington Beach for the City of Huntington Beach v. State of California, Department of Finance, court case 34-2018-80002876. The lawsuit against the State sought reimbursement of previous redevelopment loans, namely, the Waterfront Loan in the amount of \$22.4M, plus interest, for a total of approximately \$25M. This is in addition to the \$5.2M the City won last year in the very same case, for a total of just over \$31M. The majority of this money will go into the General Fund. The next step is for the

City to submit for reimbursement in the next couple of months, and the funds from the State will come from the Controller's Office to the City. The State may appeal the Superior Court decision, which would delay the payment.

City Attorney Gates provided a brief history of the case, which was filed in 2018, and specifically thanked Senior Deputy City Attorney Nadin Said, Acting Chief Financial Officer Sunny Han, the City Clerk's Office, and City Council for their support during the process.

Councilmember McKeon congratulated City Attorney Gates for being willing to fight on behalf of the Huntington Beach taxpayers.

Councilmember Kalmick reiterated that the State is expected to appeal this decision, and shared his opinion it is not appropriate to begin spending this money until it is actually received.

Mayor Strickland also congratulated City Attorney Gates and noted how fortunate Huntington Beach is to have an elected City Attorney. He noted that most other California cities have to hire outside legal counsel for any lawsuits, which can make any legal issue very expensive.

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:

Consent Calendar

#10 (23-190) Memo received from Robin Estanislau, City Clerk regarding correct version of Ordinance No. 4280.

#12 (23-192) Letter received from Kenady Osborne, chairperson of the Huntington Beach Youth Board regarding the adoption of Ordinance No. 4283 relating to government flags on City property.

Letter received from Tony Hoang, Executive Director of Equality California regarding the adoption of Ordinance No. 4283 relating to government flags on City property.

Letter received from Stephanie Camacho-Van Dyke, Director of Advocacy and Education at the LGBTQ Center OC regarding the adoption of Ordinance No. 4283 relating to governmental flags on City property.

Two hundred seventy-eight (278) email communications received regarding the adoption of Ordinance No. 4283 relating to government flags on City property.

#13 (23-193) Two (2) email communications received regarding adoption of Ordinance No. 4284 relating to public conduct within City-owned public parking structures.

#14 (23-194) Email communication received regarding adoption of Ordinance No. 4273 relating to the use of tents and other uses within City parks.

Administrative Items

#17 (23-187) Ten (10) email communications regarding community feedback for Main Street Redevelopment.

Councilmember Items

#18 (23-227) Six (6) email communications received regarding continuation of processing SB9 and ADU applications.

PUBLIC COMMENTS (3-Minute Time Limit) — 59 Speakers

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

Shirley Dettloff, one of the original authors of the 1996 Huntington Beach Human Dignity Statement, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property; and opposition to Public Hearing Item #16, regarding Builder's Remedy Ordinance No. 4285. (02:30:01)

Diane Bentley, a 22-year resident of Huntington Beach and Homeless United of Huntington Beach Advocate, was called to speak and stated support for continuation of City programs to assist unhoused residents. She also stated support for the need to quickly submit the City's Housing Element to the State for certification. (02:32:31)

Unnamed Guest, Homeless United Huntington Beach Advocate, was called to speak and stated her support for continuation of City programs to assist unhoused residents. (02:35:38)

Gigi Jackson, a Huntington Beach homeowner and Homeless United Huntington Beach Advocate, was called to speak and stated opposition to Consent Calendar Item #13 regarding Ordinance No. 4284 relating to public conduct within City-owned public parking structures, and Item #14 regarding Ordinance No. 4273 relating to the use of tents and other uses within City parks. (02:37:29)

David Drakeford, NAACP of Orange County President, was called to speak and shared first-hand experiences of dealing with human dignity incidents for area African-American students and encouraged everyone to act in accordance with the Huntington Beach Human Dignity Statement. (02:40:32)

Kanan Durham was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (02:44:38)

Connie Boardman was called to speak and congratulated and thanked all staff who were instrumental in the recent Supreme Court decision regarding return of funds related to the City of Huntington Beach Redevelopment Agency. Ms. Boardman also stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (02:47:48)

Zell Vidal was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (02:51:02)

Dr. Kristy Scarlett, resident of Huntington Beach and local psychologist, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (02:52:14)

Khloe Rios-Wyatt, Alianza Translatinx CEO, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (02:55:38)

Pat Goodman was called to speak and stated support for submitting the City's Housing Element to the State for certification. Ms. Goodman also stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (02:59:20)

Patricia Pappas, a 43-year resident of Huntington Beach, was called to speak and thanked the newly elected Councilmembers for making Huntington Beach safer and following through on their campaign promises. She also expressed appreciation for the upcoming Town Hall meetings and opportunities for dialogue regarding the issues that divide Huntington Beach residents. (03:02:03)

Delaine Bailey, a 9-year resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:04:15)

Jignesh Padhiar was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:08:35)

Andrew Einhorn was called to speak and shared his opinions related to claims that certain Councilmembers have made racist remarks and suggested that an external ethics committee be appointed to investigate the allegations and determine the truth. (03:10:42)

Deb Janus, a 44-year resident of Huntington Beach, was called to speak and thanked City Attorney Michael Gates and his staff for working so hard for Huntington Beach residents. Ms. Janus also stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. Ms. Janus asked Councilmember Moser to resign because her social media statements do not represent all Huntington Beach residents. (03:13:07)

Lisa Marquise was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:15:38)

Unnamed Guest was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:18:33)

Erin Arendse, Program Director for Equality California, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:20:30)

Sylvia Calhoun, a 41-year resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:24:15)

Gretchen Dawson, a resident of Huntington Beach, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:27:29)

Peg Corley, Executive Director, Orange County LGBTQ Center, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. Executive Director Corely asked that the Huntington Beach rainbow flag be handed over to the Orange County LGBTQ Center for safe keeping until the day that this ordinance is reversed. (03:29:06)

Sunitha Menon, Managing Director of Operations, Equality California, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:33:06)

Hector Kalmickiel Diaz, a resident of Santa Ana, was called to speak and stated Councilmembers have the opportunity to support or oppose Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. Mr. Diaz asked that Councilmembers choose to help the LGBTQ community thrive. (03:36:11)

Jeanne Farrens was called to speak and shared her opinion that Huntington Beach is one community with many different segments that should not be treated differently nor discriminated against. Ms. Farrens listed a number of progressive local civic groups she believes are being treated differently or being discriminated against by the newly elected Councilmembers, and noted she will not stay silent about her concerns. (03:37:35)

Bethany Webb, a 44-year resident of Huntington Beach, was called to speak and stated her admiration for Councilmember Moser. Ms. Webb read parts of an editorial from the *O. C. Register* to support her opinions related to recent Councilmember actions regarding housing development, and potential for soaring legal costs. (03:40:34)

Cathey Ryder, a resident of Huntington Beach since 1985, was called to speak and shared her concerns regarding Consent Calendar Item #13 regarding Ordinance No. 4284 relating to public conduct within City-owned public parking structures; Item #14 regarding Ordinance No. 4273 relating to the use of tents and other uses within City parks; and stated support for Councilmember Items #18 recommendation to continue processing SB9 and ADU applications to avoid conflict with State law. (03:43:44)

Amory Hanson was called to speak and stated his support for Administrative Items #17 (A) regarding community feedback for the Main Street redevelopment project to receive and file the feedback received, and his support for a redevelopment plan that keeps Main Street open. (03:46:29)

Kathey Haas, nearly 50-year resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:47:56)

Angela Salinardi, a 42-year resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:50:33)

Megan Inman, a resident of Huntington Beach, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:53:20)

Unnamed Guest was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (03:56:30)

Unnamed Guest was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. Unnamed Guest also stated support for Councilmember Items #18 recommendation to continue processing SB9 and ADU applications to avoid conflict with State law. (03:58:56)

Lisa, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property, and suggested City Council require public speakers to provide proof of Huntington Beach residence or a business license to ensure Councilmembers are prioritizing the comments of those who will be impacted by their decisions. (04:00:30)

Brooklyn Roberts was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:02:33)

Harvey Liss, a resident of Irvine, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:05:49)

Meg Robinson, a resident of Huntington Beach, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:09:40)

Robert Bolen was called to speak and stated his opinions related to Administrative Items #17 regarding community feedback for the Main Street redevelopment project, and noted missing information in the report as well as an inadequate feedback questionnaire. Mr. Bolen suggested everyone take a step back to observe Main Street over the next couple of years before making any major changes. (04:12:31)

Steven Martin, former resident of Huntington Beach, and Stonewell Democratic Club Member, was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:15:42)

Martha Morrow, a 31-year resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:19:04)

Russ Neal, a resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. Mr. Neal also shared his opinions on the regular attacks of malice on Mayor Pro Tem Van Der Mark from a Public Speaker, and stated this deplorable action should not be allowed to continue at City Council meetings. (04:21:45)

Cooper Corosco was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:24:15)

Valentina Bankhead, a resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. Ms. Bankhead shared her opinions regarding some of Councilmember Moser's comments on social media that appear to target a Huntington Beach resident, demonstrates disrespect and Councilmember Moser's ignorance. (04:26:56)

Frank Rodriguez, Gays Against Groomers, Executive Director of Operations, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:30:02)

Tim Geddes, a 39-year resident of Huntington Beach, was called to speak and in recognition of Mayor Strickland and Councilmember Burns recently reading a Dr. Seuss book to elementary school children,

Mr. Geddes read his own "Dr. Seuss-style" comments to share his opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:34:15)

Doug Von Dollen was called to speak and stated support for Councilmember Items #18 recommendation to continue processing SB9 and ADU applications to avoid conflict with State law. (04:37:05)

Ashley was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:39:55)

Louis Galasso was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:43:05)

Carolyn Lewis, a 23-year resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:45:24)

Michelle Kerns, Homeless United Advocate, was called to speak and shared her concerns about proper housing for senior citizen residents, and stated her support for approving the Housing Element in order to receive State certification. (04:48:34)

Gorge Washington was called to speak and shared his opinions on what he believes is far left destructive ideology supported by the former City Council majority. (04:51:10)

Chris Waring, a 60-year resident of Huntington Beach currently living at Surf City Beach Cottages, was called to speak and shared his personal experiences regarding increasing space rent costs and asked Councilmembers to support a Rent Stabilization Ordinance for Senior citizens. (04:53:47)

Unnamed Guest was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (04:57:38)

Katherine Peoples, a 21-year resident of Huntington Beach, and HPP Cares Executive Director, a HUD Approved Housing Counseling Agency, was called to speak and offered HPP Cares services as an education vehicle for addressing issues related to building Accessory Dwelling Units (ADUs), including access to California Housing Finance Organization (CALFHA) grant funds, to create additional housing in Huntington Beach. (05:00:48)

Kimberly Litvak, a 33-year resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. Ms. Litvak also stated her support for the efforts of the Huntington Beach Police Department, City Council and staff to address the issue of homelessness. (05:02:15)

Linh, an 11-year resident of Huntington Beach, was called to speak and shared his experience in trying to get his application for an ADU processed. Mr. Wyn asked that Huntington Beach policy either allow for the processing of ADU applications, or put all ADU applications on hold until the lawsuit with the State is settled, rather than denying new applications. (05:05:27)

Roger Noor, was called to speak and shared his recent personal experience with the Huntington Beach Police Department, and asked City Council to set up an independent Police Oversight Committee. Mr. Noor stated he would be setting up individual appointments with each Councilmember. (05:07:09)

Bulmaro "Boomer" Vicente was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (05:10:23)

Sean Drexler was called to speak and stated opposition to Consent Calendar Item #12, regarding adoption of Ordinance No. 4283 relating to government flags on City property. (05:12:15)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING

Mayor Strickland and Mayor Pro Tem Van Der Mark reported attending the Association of California Cities – Orange County (ACC–OC) Advocacy Trip to Sacramento on March 6 and 7.

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT

8. 22-697 Welcome to New OneHB Team Members

City Manager Zelinka announced that in the month of February 17 new employees joined the City's OneHB team in four departments.

CONSENT CALENDAR

Councilmember Kalmick pulled Consent Calendar Items #10, #11 and #12 for further discussion.

Office of the City Clerk

9. 23-156 Approved and Adopted Minutes

A motion was made by Kalmick, second Strickland to approve and adopt the City Council/Public Financing Authority regular meeting and the Housing Authority special meeting minutes of February 21, 2023.

The motion carried by the following roll call vote:

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

Office of the City Manager

**10. 23-190 Adopted Ordinance No. 4280 Amending Chapter 2.109 of the Huntington Beach Municipal Code Regarding the Finance Commission
Approved for Introduction 2/21/23, Vote: 4 – 3 (Kalmick, Moser, Bolton – No)**

Councilmember Kalmick pulled this item because of concerns about the language change made through Supplemental Communication, and asked that it be tabled to the next City Council meeting.

A motion was made by Kalmick, second Bolton to table to March 21, 2023, adoption of Ordinance No. 4280, "An Ordinance of the City of Huntington Beach Amending Chapter 2.109 to the Huntington Beach Municipal Code Regarding Finance Commission."

The motion failed by the following roll call vote:

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

A motion was made by Strickland, second McKeon to adopt Ordinance No. 4280, "An Ordinance of the City of Huntington Beach Amending Chapter 2.109 to the Huntington Beach Municipal Code Regarding Finance Commission."

The motion carried by the following roll call vote:

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

- 11. 23-191 Adopted Ordinance Nos. 4278, 4279, and 4281 Amending Chapters 2.111, 2.64 and 2.100 of the Huntington Beach Municipal Code Regarding the Citizen Infrastructure Advisory Board/Public Works Commission, the Community and Library Services Commission, and Operating Policy for Boards and Commissions respectively Approved for Introduction 2/21/2023 -- Vote: 4-3 (Kalmick, Moser, Bolton – No)**

Councilmember Kalmick pulled this item to call for a roll call vote.

A motion was made by Burns, second McKeon to adopt Ordinance No. 4278, "An Ordinance of the City of Huntington Beach Amending Chapter 2.111 to the Huntington Beach Municipal Code Regarding Citizen Infrastructure Advisory Board/Public Works Commission"; and, adopt Ordinance No. 4279, "An Ordinance of the City of Huntington Beach Amending Chapter 2.64.040 to the Huntington Beach Municipal Code Regarding Community and Library Services Commission"; and, adopt Ordinance No. 4281, "An Ordinance of the City of Huntington Beach Amending Chapter 2.100 to the Huntington Beach Municipal Code Regarding Operating Policy for Boards and Commissions."

The motion carried by the following roll call vote:

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

- 12. 23-192 Adopted Ordinance No. 4283 Adding Chapter 13.07 of the Huntington Beach Municipal Code Relating to Government Flags on City Property Approved for Introduction 2/21/2023 -- Vote: 4-3 (Kalmick, Moser, Bolton – No)**

Councilmember Kalmick pulled this item to explain that he plans to ask, "How does this item increase revenue for Huntington Beach?" for every item on agendas going forward. He noted that as he has read email and social media comments it appears that approval of this item will most likely reduce revenue, and therefore he cannot support it.

Councilmember Moser stated her campaign platform was focused on creating a welcoming City for all, and Council decisions either show that Huntington Beach is a welcoming City, or not. Councilmember

Moser shared hopes that democracy will get us to the space where everyone is truly welcomed, and that she committed to keep fighting, and working together in unity, love, peace, and strength.

Councilmember Bolton noted that if Council had followed the existing Ordinance, it would have been decided in one meeting, and shared her embarrassment by how this was been handled, and that she is unable to support it.

Councilmember Burns stated that if two years ago the self-serving and Sacramento-serving Council majority had done the right thing, this item would not have been necessary, and noted that any "special interest" actions are divisive at any level of government. He also clarified that this Ordinance does not ban any flags, anywhere, but restricts that government flags only be flown on Huntington Beach government properties.

A motion was made by Burns, second McKeon to adopt Ordinance No. 4283, "An Ordinance of the City of Huntington Beach Amending Title 13 Public Property of the Huntington Beach Municipal Code Adding Chapter 13.07 Relating to Government Flags on City Property."

The motion carried by the following roll call vote:

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

Police Department

**13. 23-193 Adopted Ordinance No. 4284 Amending Municipal Code 13.52 Relating to Public Conduct within City-Owned Public Parking Structures
Approved for Introduction as Amended 2/21/2023 -- Vote: 7- 0**

A motion was made by Kalmick, second Strickland to adopt Ordinance No. 4284, "An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 13.52 Relating to Public Buildings" regarding public conduct within City-owned public parking structures.

The motion carried by the following roll call vote:

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

**14. 23-194 Adopted Ordinance No. 4273 Amending Municipal Code 13.48 Relating to the Use of Tents and Other Uses Within City Parks
Approved for Introduction as Amended 2/21/2023 -- Vote: 7- 0**

A motion was made by Kalmick, second Strickland to adopt Ordinance 4273, "An Ordinance of the City Council of the City of Huntington Beach Amending Title 13 of the Huntington Beach Municipal Code Relating to Parking Lot and Camping Regulations in Public Parks, and Making a Finding of Exemption Under CEQA" relating to the use of tents and other uses within City parks.

The motion carried by the following roll call vote:

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

Public Works Department

- 15. 23-080 Approved and authorized the execution of Amendment No. 1 to Cooperative Agreement No. C-7-1828 between Orange County Transportation Authority and Cities of Anaheim, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Stanton and Westminster for Magnolia Street Regional Traffic Signal Synchronization Project**

A motion was made by Kalmick, second Strickland to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Cooperative Agreement No. C-7-1828 between Orange County Transportation Authority and Cities of Anaheim, Fountain Valley, Fullerton Garden Grove, Huntington Beach, Stanton and Westminster for Magnolia Street Regional Traffic Signal Synchronization Project."

The motion carried by the following roll call vote:

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

PUBLIC HEARING

- 16. 23-226 Approved for Introduction Builder's Remedy Ordinance No. 4285**

Mayor Strickland called for Council to disclose ex parte communications, and received none.

Mayor Strickland opened the Public Hearing.

City Clerk Estanislau announced there were no public speakers.

Pursuant to the Brown "Open Meetings" Act, City Clerk Estanislau announced supplemental communications that were received for this item by her office following distribution of the Council Agenda packet:

Public Hearing

#16 (23-226) Letter received from Cesar Covarrubias, Executive Director of the Kennedy Commission regarding Builder's Remedy Ordinance No. 4285.

Letter received from David Zisser, Assistant Deputy Director, Land Use and Local Government Relations Housing and Community Development.

Four (4) email communications received regarding Builder's Remedy Ordinance No. 4285.

Mayor Strickland closed the Public Hearing.

Councilmember McKeon reviewed recent actions and statements made by Governor Newsom and Senator Dave Min related to this item. He noted that in 2017 Senate Bill 106 was passed as part of a budget appropriation bill that carved out portions of the State to be exempt from the affordable housing high-density mandates that are imposed on California cities. SB106 allowed a moratorium on affordable housing requirements until 2028 for Marin County, where Gavin Newsom lives. With that knowledge, it appears that affordable housing is not really a statewide concern.

Mayor Strickland stated he finds it very ironic that the whole county where Governor Newsom lives is currently exempt from affordable housing mandates. He also noted areas of the State where officials are eager to push development projects but the State is saying no. He added it appears the State is being very inconsistent regarding affordable housing mandates, and stated that Huntington Beach is ninety-five percent (95%) built out, which only leaves the wetlands and environmentally sensitive areas, and building up.

Mayor Strickland shared his opinion that Sacramento wants to urbanize all of California, but during his campaign, many residents expressed the importance of maintaining the coastal community and suburban atmosphere that exists. He added that there is a checks and balances system that provides the courts as an avenue for those who believe the State is overstepping their boundaries against local control. Mayor Strickland closed his comments by noting that he will do everything in his power to prevent Governor Newsom from doing to Huntington Beach what he did as mayor to San Francisco.

Councilmember Kalmick stated he understands that the Council majority wants to sue the State, but no one has addressed the issue of being sued by the State. He shared his opinion that approval of this item will expose Huntington Beach to Federal housing discrimination issues as well, and requested this item be Tabled until after the Council meeting of March 21 when the Housing Element is on the agenda. He noted that this item becomes a moot issue once the Housing Element is approved and certified.

Councilmember Moser stated support for Councilmember Kalmick's comments and shared her opinion that if Council is serious about passing the Housing Element, it would not proceed with a violation of State housing law in the middle of that process.

Councilmember Bolton requested clarification for language stating "no processing or approval of any builders remedy applications." Councilmember Bolton also questioned under what authority the ordinance is being adopted. City Attorney Gates reviewed the Ordinance language, and stated this is an effort to prevent a developer from sidestepping a Charter City's decades of home-rule zoning law and building wherever the developer wants.

Councilmember Bolton stated that she cannot support this item because it is in conflict with State law, and shared her opinion that State law must be followed until a court decision is made.

Mayor Strickland noted there are checks and balances for when higher government over-steps their boundaries, and asked City Attorney Gates if Council is within its bounds to pass this ordinance. City Attorney Gates explained that Charter City authority vs State authority on control of local housing decisions is still largely unresolved, and noted this ordinance just succinctly describes the City's existing zoning code.

Councilmember Moser and City Attorney Gates discussed that the State's Housing Accountability Act has been in place for decades, and noted the provision allowing non-housing elements to trigger enforcement by California Department of Housing and Community Development (HCD) is more recent. City Attorney Gates noted currently that there are approximately 280 non-compliant cities, which represents approximately 60 percent (60%) of the cities in California.

A motion was made by McKeon, second Burns to find that Zoning Text Amendment (ZTA) No. 23-001 is exempt from the California Environmental Quality Act, pursuant to Section 15061(b), the general rule that CEQA only applies to projects which have the potential for a significant effect on the environment; and, approve Zoning Text Amendment No. 23-001 with findings by after the City Clerk reads by title, approve for introduction Ordinance No. 4285, "An Ordinance of the City Council of the City of Huntington Beach

Zoning and Subdivision Ordinance Prohibiting Builders Remedy Applications (Zoning Text Amendment No. 23-001).”

The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

17. 23-187 Report Provided on Additional Community Feedback for the Main Street Redevelopment Project

Kriss Casanova, Economic Development Manager, presented a PowerPoint communication titled *Additional Community Feedback for the Main Street Redevelopment Project*, with slides entitled: *Background; Prior Outreach (2022); Additional Outreach (2023); Survey Respondents; Should Main Street be Re-Envisioned?; Preferred Design; Main Street Closure; Additional Comments; Previously Suggested Improvements & Design Ideas; Owner Consensus; Recommendation; and Questions.*

A motion was made by Burns, seconded by McKeon to receive and file additional stakeholder feedback received for the Main Street Redevelopment Project.

Mayor Strickland suggested that due to the late hour, discussion on next steps including which design option, if any, to pursue, should be brought back at a future Council meeting.

Councilmember Moser suggested the discussion continue now, and expressed her concerns about continued delays.

A substitute motion was made by McKeon, seconded by Strickland, to direct staff to do further research with the affected businesses, and provide details on such things as removing the planters and fountain to prevent vagrancy, protection devices for the palm trees, more frequent tree trimming, power washing, lighting and signage upgrades, connectivity path to Pacific City, actual numbers regarding parking meter loss/income, options to allow room for outdoor dining while keeping Main Street open to vehicular traffic, and the impacts of the new Alcohol and Beverage Control (ABC) and California Coastal Commission (CCC) requirements which those agencies will be implementing later this year.

Councilmember Kalmick stated his interest in moving forward rather than backtracking, and added the price per square footage for outdoor dining would offset parking revenue. He shared his opinion that the upcoming ABC and CCC regulation changes are currently moot issues, and confirmed with Director Luna-Reynosa that regulation changes will be addressed through a Downtown Specific Plan amendment when the time comes.

Councilmember McKeon noted using the architectural survey that was completed should provide information needed to ascertain the physical dimensions of Main Street to determine if the sidewalk can be flipped to the outside to allow room for outdoor patios adjacent to the restaurants while keeping the streets open to vehicles.

Councilmember Kalmick added the need to address issues for Downtown business vs resident interests would be very important, as well as review of recurring maintenance costs for any recommended plan,

considerations for relinquishing right-of-way, and connectivity to Pacific City. He also suggested planning for a resident advisory item on the March 2024 ballot to determine if the voters want First through Third Blocks of Main Street, or just Second Block, seasonally closed to vehicular traffic. Councilmember Kalmick also suggested that high school students be involved in an unofficial survey for input as well.

An alternative motion was made by Kalmick, second Moser to continue moving forward by returning the item to the Main Street Ad Hoc Committee for further consideration, and planning for a resident advisory item on the next consolidated election in March 2024 Ballot.

The alternative motion failed by the following roll call vote:

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

The substitute motion made by McKeon, seconded by Strickland to receive and file additional stakeholder feedback received for the Main Street Redevelopment Project; and, provide direction on next steps including which design option, if any, to pursue (*details documented above*).

The substitute motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

18. 23-227 Denied Item Submitted by Councilmember Kalmick — Continue Processing SB9 and ADU Applications to Avoid Conflict with State Law

Councilmember Kalmick stated he brought this item forward in response to the letter received from the California Department of Housing and Community Development (HCD) threatening a lawsuit in addition to communication received from residents who are half-way through processing their ADU applications. He added that based on the fact that earlier in this meeting Council decided to not move forward with lawsuits on SB10 or ADU's, this item asks staff to continue processing SB9 (of which currently there are none) and ADU applications.

A motion was made by Kalmick, seconded by Moser, to direct the City Manager to process SB9 type lot subdivision applications and ADU applications while litigation proceeds to come back into compliance with State law.

A substitute motion was made by McKeon, seconded by Burns, to continue discussion at the March 21, 2023, Council meeting when the proposed Housing Element will be addressed. Discussion ensued.

Councilmember Kalmick stated he could not support an item that delays a process that affects homeowners who may be paying debt fees related to their ADU applications, especially since ADU regulations have been on the books for years.

Councilmember Bolton stated any effort to stop the ADU application process does not make any sense to her.

Councilmember Burns stated his understanding that ADU applications in process are not being stopped, but new applications are not being accepted. He added this is part of resisting State overreach requiring overbuilding in single-family neighborhoods, and stated he cannot support Sacramento interfering with local zoning law.

Mayor Strickland and Director of Community Development Ursula Luna-Reynosa discussed the ADU application process and noted that currently there are 100 applications in the Plan Check stage. Director Luna-Reynosa noted that new applications are being submitted daily, but are not being accepted, in spite of the fact that these individuals have spent time and money to secure professional building plans that must accompany the application.

Mayor Strickland confirmed staff is proceeding with all ADU applications that are in process, and waiting to accept any new applications until further direction after review of the Housing Element.

Councilmember Moser stated that the moratorium on new ADUs affects residents who have probably spent money but now those applications are not being accepted. She stated this is essentially a customer service issue, and a delay of just two weeks for the continued acceptance of new applications could potentially result in litigation or liability. Councilmember Moser shared her perspective that City Council is overreaching by placing a moratorium on resident ADU applications.

Mayor Strickland and City Attorney Gates noted it is hard to anticipate how much of a legal risk exists because of a two-week delay in a decision. City Attorney Gates clarified that Council provided direction at their February 21, 2023 meeting to not process new ADU applications. Director Luna-Reynosa noted that most likely none of the 100 applications being processed would comply with the current Huntington Beach Zoning Code. City Attorney Gates confirmed with Director Luna-Reynosa that a new ADU application that does comply with the current Huntington Beach Zoning Code ordinance would be accepted for processing.

Councilmember Bolton asked how anyone could understand the difference between applying for an ADU under Local vs State law. Director Luna-Reynosa noted that State law supersedes any local ordinance, and design officials are not looking at local ordinances but are designing ADUs following State law.

City Attorney Gates clarified he is only trying to present a level of precision, to show there was not a moratorium, and he is not debating the merits of the policy direction. He added that a litigation exposure may or may not come from someone who has an application in process if that process was stopped, and noted that applications in the system have not been stopped, but are moving forward.

Councilmember Kalmick stated from his perspective there is a process to change local zoning code that requires a public hearing, and noted a public hearing was not held to stop accepting new ADU applications. Councilmember Kalmick reiterated that his item requesting Council approval to continue processing SB9 and ADU applications would remedy the issue before them.

Discussion ensued about Councilmember McKeon's substitute motion recommending postponement of the item.

Mayor Strickland called for a vote on Councilmember Kalmick's original motion, seconded by Moser, directing the City Manager to process SB9 type lot subdivision applications and ADU applications while litigation proceeds to come back into compliance with State Law. The motion failed by the following roll call vote:

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

ADJOURNMENT — at 10:59 PM a motion made by Strickland, second by Van Der Mark, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, March 21, 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