

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, March 19, 2024
3:30 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A video recording of the 3:30 PM and 6:00 PM portions of this meeting is on file in the Office of the City Clerk, and archived at www.surfcity-hb.org/government/agendas/

3:30 PM — COUNCIL CHAMBERS

CALLED TO ORDER

ROLL CALL

Present: Moser (arrived at 3:35 pm), Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick
Absent: None

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)

Councilmember Strickland spoke regarding housing mandates and laws, discussed the potential benefits of a statewide residential rent control ballot initiative in November 2024, and urged the Council to consider endorsement of this future initiative; Councilmember Bolton questioned the Council's ability to take a formal position on a state initiative, and acknowledged the City of Huntington Beach and Huntington Beach Tree Society California Arbor Day on March 10 with the 11th Annual Arbor Day tree planting project, and the holy celebration of Ramadan March 10 through April 9, 2024.

Mayor Van Der Mark announced new procedures for Public Speakers beginning with the April 2, 2024, City Council Meeting: Request to Speak forms can only be turned in starting 30 minutes before the meeting starts up until Public Comments begin; supporting presentation or audio/visual materials must be submitted to staff at PublicPresentations@huntingtonbeachca.gov no later than 9 AM on the meeting date; and members of the audience and public speakers shall not wear or display signs that obstruct the view of other audience members. All signs must be held and may not be placed in adjacent seats or other common areas.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO STUDY AND/OR CLOSED SESSION ITEMS (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.

Study Session Item #2 (2 email communications).

PUBLIC COMMENTS PERTAINING TO STUDY AND/OR CLOSED SESSION ITEMS

(3-Minute Time Limit) — 3 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>.

Kathryn Levassiur, resident of Huntington Beach and Huntington Beach Short Term Rental Alliance Founder, was called to speak and advocated for expanding the Short-Term Rental (STR) ordinance to include both hosted and non-hosted STRs in Huntington Beach and Sunset Beach. (00:13:49)

Terry Hudgins was called to speak and shared his opinion that the supporting document presented for this item is missing important data for the analysis, and requested more time be allowed to look at the annual cycle. He stated support for including non-hosted STRs in Huntington Beach and Sunset Beach. (00:15:25)

Twyla Hudgins, Huntington Beach resident, was called to speak and thanked Mayor Van Der Mark and Councilmembers for their outstanding service. (00:17:43)

STUDY SESSION

1. 24-141 Held Joint Study Session of the Citizen Participation Advisory Board (CPAB) and City Council to review funding recommendations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs for 2024-25

CPAB Roll Call:

Present: Chair Jackson, Vice Chair Paris, Secretary Hammel; Board Members Hoskinson, and Inouye (arrived at 3:48 pm)
Absent: Board Member Lachman

Charles Kovac, Housing Manager, along with Gregg Hoang, Senior Housing Analyst, presented a PowerPoint communication titled *Joint Study Session of the City Council and Citizen Participation Advisory Board* with slides entitled: *Background, 2024-25 Estimated Funding Levels, Schedule, Public Participation, CDBG Objectives, CDBG Local Priority Objectives, CDBG Allocations, CDBG Public Services, CDBG Administration, CDBG Capital & Housing Preservation Projects, HOME Program Objectives, HOME Local Priority Objectives, HOME Allocations (2), Available HOME Admin, and Mobile Home TBRA Update.*

Councilmember Moser and Housing Manager Kovac discussed possible reasons for the reduced number of non-profit applications that were received this year. Councilmember Moser expressed appreciation to the Huntington Beach Council on Aging for partnering with the City to assist additional residents. She confirmed that the reserves are significantly higher this year compared to last year because of the carryover.

2. 24-185 Short—Term Rental (STR) Program Updated

Steve Holtz, Deputy Director of Community Development, introduced Jimmy Hoang, Code Enforcement Manager, and Sokar Kong, Permit and Plan Check Supervisor, Kim Engle, Finance Department Business License Supervisor, Joyce Zacks, Deputy City Treasurer and Colin Stevens, Treasury Manager. Director Holtz presented a PowerPoint communication titled *Short Term Rental Program Update*, with slides entitled: *Background (2), Roles & Responsibilities, Hosted & Un-hosted STR Permits (by calendar year), Permitted Short-Term Rentals, STR Revenue, City STR TOT Revenue by Calendar*

Year, Unpermitted STRs, STR Complaints Against Permit Holders, Complaint Detail, Enforcement, and Summary.

Councilmember McKeon and Deputy City Treasurer Zacks discussed that an STR's average daily rate is determined solely on reports submitted and follows the honor system which is also used with the hotels.

Councilmember Kalmick stated it appears to him this effort is chasing after permitting issues rather than nuisance issues and requested more detail on whether the no permit issue is linked to the noise issue. He also asked for staff recommendations regarding small steps that could be taken to address the high number of STRs along the coastal area in anticipation of the California Coastal Commission possibly addressing this situation. Councilmember Kalmick shared his opinion that the focus should be directed to ensuring unlicensed operators become licensed and thereby reducing Code Enforcement time, and asked that staff return with some proposed policy changes that could increase revenue.

Councilmember Bolton confirmed with staff that the California Coastal Commission (CCC) has not recently issued any new changes to their short-term rental stance, however it appears this past year the CCC has had a shift in understanding the priority for housing as a land use in the coastal zone in response to state legislation.

Councilmember Moser asked that staff look for new best practice options that may be available to determine average daily rates since the program was originally implemented.

Mayor Pro Tem Burns and Police Chief Parra discussed procedures when Police Officers are called to nuisance situations where unlicensed STRs may be suspected and reported to Code Enforcement. Manager Hoang confirmed that suspected violations are followed up the following day.

Councilmember McKeon clarified with Deputy City Treasurer Zacks that hotels and STRs report their revenue on the honor system, subject to a three-year cycle audit currently being used for hotels but not yet utilized for STRs.

Staff confirmed the issues Councilmembers would like to see addressed in a couple of months related to STRs: additional Code Enforcement tools; potential revenue increase in Coastal and surrounding areas; determining if there is a link between noise complaints and un-hosted STRs; and revenue audits.

RECESSED TO CLOSED SESSION — 4:21 PM

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

CLOSED SESSION

3. 24-199 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** Property: 21 & 22 Main Street, Huntington Beach, CA 92648. City Negotiators: Eric Parra, Acting City Manager; Travis Hopkins, Assistant City Manager; Kriss Casanova, Economic Development Manager; Steve Holtz, Deputy Director of Community Development; Jennifer Villasenor, Director of Community Development. Negotiating parties: Persons to be negotiated with: (Not Present) Surf City Partners, LLC. Under negotiation: Price and terms of payment.
4. 24-179 ~~CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). People of the State of California/Bonta v. City of Huntington Beach/Zelinka; Case No. 30-2023-01312235-CU-WM-CJC.~~

5. 24-200 ~~CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Pacific Airshow, LLC v. City of Huntington Beach and Kim Carr; OCSC Case No. 30-2022-01287749.~~
6. 24-201 ~~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~~
7. 24-207 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Timothy Emanuel v. City of Huntington; Worker's Compensation No. COHB-22-0241.

6:00 PM — COUNCIL CHAMBERS

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Councilmember McKeon

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.

8. 24-196 Huntington Beach Police Chaplain James Pike

CLOSED SESSION REPORT BY CITY ATTORNEY — None

Mayor Van Der Mark announced new procedures for Public Speakers beginning with the April 2, 2024, City Council Meeting: Request to Speak forms can only be turned in starting 30 minutes before the meeting starts up until Public Comments begin; supporting presentation or audio/visual materials must be submitted to staff at PublicPresentations@huntingtonbeachca.gov no later than 9 AM on the meeting date; and members of the audience and public speakers shall not wear or display signs that obstruct the view of other audience members. All signs must be held and may not be placed in adjacent seats or other common areas.

AWARDS AND PRESENTATIONS

9. 24-191 Automobile Club of Southern California (AAA) and California Highway Patrol (CHP) presented Auto Theft Recovery Award to Huntington Beach Police Officer K. Ladjimi

Representatives from the Automobile Club of Southern California (AAA) and California Highway Patrol (CHP) acknowledged Huntington Beach Police Officer K. Ladjimi for his outstanding efforts to combat auto thefts. The recipient of the Auto Theft Recovery Award must have six separate arrests involving rolling stolen vehicles, or recovery of 12 vehicles with at least three being rolling stolen vehicles; or

development of information which uncovers a theft ring with two or more suspects and at least ten recovered stolen vehicles. Officer Ladjimi recovered six rolling stolen vehicles, an additional six abandoned stolen vehicles, and the arrest of six suspects from November 4, 2022, through November 4, 2023.

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.

Council Committee Appointment Announcements Item #10 (2 email communications); Consent Calendar Items #13 (a memorandum received from Council Policy Analyst and 2 email communications), #14 (2 email communications), #15 (2 email communications), #16 (1 staff memorandum and 1 email communication); Administrative Items #22 (1 letter from President of Teamsters Local 911, 1 letter from General Manager of Orange County Employees Association on behalf of the Huntington Beach Management Employees Organization and 598 email communications), #23 (4 email communications); Ordinance for Introduction Item #24 (100 email communications); and Council Member Items #26 (1 letter from Regional Public Affairs Manager, Orange County Division of the League of California Cities and 16 email communications).

PUBLIC COMMENTS (90-Second Time Limit due to the number of speakers) — 103 Speakers

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

Unnamed Speaker was called to speak and shared her opinions on recent Councilmember activities. (01:12:39)

Nancy Curtis, Huntington Beach resident, was called to speak and stated her opinions on Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:14:33)

Barbara Richardson, 51-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:16:19)

Tracy Rizzo, City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:17:37)

Aaron Herrera, City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:18:48)

Shirley Dettloff, Former Mayor, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:20:24)

Cathey Ryder, 39-year Huntington Beach homeowner and voter, was called to speak and shared her support for Protect HB voter activism. (01:21:48)

Paul Horgan, Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:23:08)

Diane Fiorita Brenes, seven-year City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:24:39)

Flossie Horgan, Huntington Beach resident, was called to speak and described Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system, Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for Review of Procurement of Children's Library Material and Council Member Items #25 regarding withdrawal from the League of California Cities as insane ideas, in her opinion. (01:26:18)

Bart Magrath, sponsor of the annual HB Concours d' Elegance to benefit Huntington Beach Library Children's Resource Programs, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:27:25)

Wendy Rincon, 50-year Huntington Beach resident and HB Banned Book Story Time Leader, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:30:17)

Grant Rincon, life-long Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:31:26)

Gretchen Erickson, 22+-year Huntington Beach resident, City of Huntington Beach employee and Huntington Beach Municipal Teamsters Chief Steward, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:33:07)

Michelle Ferry, 50-year patron of Huntington Beach Public Library, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:34:35)

Debra Jubinsky, 35-year Huntington Beach resident, City of Huntington Beach employee, Huntington Beach Management Employees Organization Board President, and library patron, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:36:20)

Debbie Cook, Former Mayor, was called to speak and shared her opinions related to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:37:41)

Don McGee, 23-year Huntington Beach resident, immigrant, veteran and small business owner, was called to speak and stated support for Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:38:58)

Barbara Snider, Retired Public Librarian and Library Consultant, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:40:43)

Delaine Bailey, Huntington Beach resident, was called to speak and shared her opinions regarding the Huntington Beach election process, past and present. (01:42:09)

Linda Diaz, 35-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:43:50)

Alethea Bean was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:46:02)

Unnamed Speaker, a Huntington Beach High School student, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:47:46)

Eve Hazard was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (01:49:13)

Cecilia Pham was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:51:00)

Briana Lee was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:52:36)

Julie Bixby, Huntington Beach resident and 38-year City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:54:15)

Urson Russell was called to speak and shared his opinions on Huntington Beach voting and appropriate books for the children's section of public libraries. (01:55:59)

Pablo Aspas, Huntington Beach resident and library patron, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:57:53)

Perry Meade was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (01:59:43)

TJ England was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (02:01:47)

Michael Craigs, 8-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the

Community-Parent Guardian Review Board for review of procurement of children's library material.
(02:03:34)

Andrew Einhorn, Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:05:18)

Melissa Ronning, Huntington Beach resident and City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:06:54)

April Lammers, Huntington Beach resident, parent, and City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:08:38)

Laura Jenkins, City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:10:06)

Carlos Rubio, Teamsters Local 911 President, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:11:48)

Joan Gillinger, long-time Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:13:34)

Amy Crepeau, 27-year City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:15:18)

Unnamed Speaker was called to speak and stated opposition to Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (02:17:05)

Lee Olney, Huntington Beach homeowner since 1987, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:18:45)

Roger Noor was called to speak and stated his opposition to the proposed water rate increase.
(02:20:32)

Nora Pedersen, 37-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:23:23)

Erin Johnston, 14-year Huntington Beach resident and parent, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:25:00)

Laurence Eifenbein, 22-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:26:41)

Unnamed Speaker was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (02:28:26)

Kanan Durham, Pride at the Pier Executive Director, was called to speak and shared the purpose and goals of his non-profit for the benefit of the queer residents of Huntington Beach. (02:30:07)

Ann Palmer was called to speak and shared her concerns about Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:31:43)

Akemi Royer, a life-long Huntington Beach resident and City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:33:25)

Mary Cusumano was called to speak and shared how important the Huntington Beach Public Library free services are for her efforts at becoming a productive member of the community, and asked Councilmembers to ensure continuation of those services with whatever decision they make for Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:35:00)

Carol Daus, 30-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #14 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (02:36:02)

Kari Johnson, City of Huntington Beach employee and recent recipient of the Mayor's HB Excellence Award, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:37:51)

Dina Chavez was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:39:44)

Anne Borren, 33-year Huntington Beach resident, was called to speak and shared her personal experience of being asked by the Orange County Register of Voters office to re-register and noted she was not asked for any identification during the process. (02:40:52)

Paula Schaefer, a resident of Huntington Beach since the early 1990s, was called to speak and shared her concerns regarding the apparent effort of the Council majority to minimize contact with its constituents. (02:43:08)

Harry McLachlan, Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the

Community-Parent Guardian Review Board for review of procurement of children's library material. (02:44:57)

Grey Dowdy, a college student studying to become a librarian, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (02:46:39)

Christopher Rini, Huntington Beach native and Central Library Volunteer, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:48:03)

Unnamed Speaker was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:49:42)

Unnamed Speaker was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (02:50:46)

Larry Slonim, 44-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system, #23 regarding Fiscal Year 2023/24 Budget Update and Mid-Year Budget Adjustments, and Ordinances for Introduction Item #24 relating to the Community Parent Guardian Review Board for review of procurement of children's library material. (02:51:49)

Amory Hanson was called to speak and stated support for Council Member Items #25 regarding Councilmember McKeon's request for withdrawal from the League of California Cities. (02:53:18)

Dana Lee, life-long Huntington Beach resident and City of Huntington Beach employee, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (02:54:24)

Ken Inouye, 50-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and asked that City Attorney Michael Gates take whatever actions are necessary to protect the City of Huntington Beach from any damages that may be caused by the Pacific Air Show. (02:56:35)

Mason Creyaufmiller was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:57:50)

Unnamed Speaker, mother of Mason Creyaufmiller, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (02:59:35)

Diane Bentley was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:01:16)

Sue Welfringer was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:02:49)

Stephanie Camacho-Vandyke, Advocacy and Education Senior Director, LGBTQ Center OC, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:04:34)

Ed "Butch" Twining, 58-year Huntington Beach resident, was called to speak and stated support for Council Member Item #25 regarding Councilmember McKeon's request for withdrawal from the League of California Cities and shared his opinion on Councilmember Kalmick's editorial piece in today's *Orange County Register*. (03:05:56)

Tomi Simmons, Orange County Poetry Slam, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:07:24)

Chad Williams, Huntington Beach born and raised, and Council Candidate in November 2024, was called to speak and stated support for Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:08:33)

Mabel Mignano was called to speak and shared her dismay at learning a parent must accompany her to see some of the children's books that have been moved at the library. (03:10:22)

Samuel Gunther, Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:12:11)

Linda Moon, 50-year resident, homeowner, business owner and library patron, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system, Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material and Council Member Item #25 regarding Councilmember McKeon's request for withdrawal from the League of California Cities. (03:13:57)

Kerensa Schupmann, Orange County Employees' Association Labor Relations Representative, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:15:33)

Tory D. Johnson, 13-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:17:05)

Carol Kanode, 50-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:18:20)

Yvonne Gonzalez Duncan, 34-year Huntington Beach homeowner, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:19:57)

Jiguesh Padhiar, life-long Huntington Beach resident for 33 years, was called to speak, expressed his appreciation for the service of Mayor Van Der Mark, congratulated Councilmember Strickland for being acknowledged as GOP Councilmember of the Year, stated support for more control and regulation over library material available for children, and his support for the recent success of Measure B. (03:21:50)

Connor Medina, League of California Cities Orange County Division, Regional Public Affairs Manager, was called to speak and stated opposition to Council Member Items #25 regarding Councilmember McKeon's request for withdrawal from the League of California Cities. (03:23:58)

Connie Boardman, Former Mayor and Councilmember, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:25:46)

Unnamed Speaker was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:27:19)

Tim Geddes was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:28:53)

Cooper was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:30:14)

Marcus Herring, Sunset Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:31:53)

Russ Neal, Huntington Beach resident, was called to speak and stated support for Consent Calendar Item #13 regarding AB 1999 (Irwin) Electricity: fixed charges, AB 1773 and AB 1774 (Dixon) e-bikes; Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system; Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material; and Council Member Items #25 regarding Councilmember McKeon's request to withdraw from the League of California Cities. (03:33:39)

Mayor Pro Tem Burns called for a brief recess because of disrespect shown by audience members trying to shout down speakers at the podium.

Mayor Van Der Mark reconvened the meeting once order was restored.

Mary Jo Baretich, 41-year Huntington Beach resident, was called to speak and shared her concerns and questions regarding Council Member Items #25 regarding Councilmember McKeon's request to withdraw from the League of California Cities. (03:36:53)

Xandra Ewing, life-long Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:38:25)

Michael Keane, life-long Huntington Beach resident and library patron, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:40:10)

Robby Wittkamm was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:41:52)

Kathryn Goddard was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:43:39)

Lindsay Klick, 20-year Huntington Beach resident, parent and Orange County Children's Librarian, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:45:21)

Unnamed Speaker was called to speak and shared his opinions on the people expressing opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:47:07)

Mark Sheldon, 30+-year Huntington Beach resident and Former Huntington Beach Environmental Board Chair, was called to speak and stated his opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and shared his concerns related to Brown Act "Open Meetings" requirements for Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:49:10)

Ian Westerbeck was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:51:23)

Unnamed Speaker, a life-long Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:52:39)

Michael Selna, 50-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:54:02)

Jerry Donohue, 50-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (03:55:47)

Stacy Mignano, 21-year Huntington Beach resident and parent of Mabel who spoke earlier, was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:57:07)

Unnamed Speaker was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:58:15)

John B Heilman IV was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system and Ordinances for Introduction Item #24 relating to the Community-Parent Guardian Review Board for review of procurement of children's library material. (03:59:45)

Sonia was called to speak and stated opposition to Administrative Items #22 regarding a request for proposals for Managed Library Services for the Huntington Beach Public Library system. (04:01:17)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS

10. 24-204 Approved amendment to Mayor Van Der Mark's 2024 Council Liaison List — March 2024

A motion was made by Strickland, second Burns, as recommended by the City Council, Public Financing Authority, Housing Authority, Parking Authority, and Successor Agency: to approve amendment to the 2024 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces as presented by Mayor Van Der Mark.

The motion carried by the following roll call vote:

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

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT — None

CONSENT CALENDAR (Items 11 - 21)

Councilmember Moser pulled Item #12 for further discussion.

City Clerk

11. 24-182 Approved and Adopted Minutes

A motion was made by Strickland, second Van Der Mark to approve and adopt the City Council/Public Financing Authority regular meeting minutes of February 20, 2024.

The motion carried by the following roll call vote:

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

12. 24-183 Received and Filed Amended Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies — February 2024

Councilmember Moser pulled this item to ensure a note is included in the Community and Library Services Commission Park Naming Memorials Committee February 7 summary that documents a request from multiple commissioners for a staff presentation of current activity related to library reorganization at their next meeting.

A motion was made by Moser, second Kalmick to Receive and File the Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies — February 2024, ***as amended to document a request from multiple Community and Library Services commissioners for a staff presentation of current activity related to library reorganization at their next meeting.***

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

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

After the Council vote, City Clerk Robin Estanislau clarified for the record that she does not enter any information into the spreadsheet, and noted all information comes through BCC staff liaisons. She confirmed that she would update the report as it was approved.

City Manager

13. 24-180 Took positions on legislation pending before the State Legislature, as recommended by the Intergovernmental Relations Committee (IRC)

A motion was made by Strickland, second Van Der Mark to SUPPORT AB 1999 (Irwin) Electricity: fixed charges and send a letter of support; and receive and file letters of support for AB 1773 (Dixon) e-bikes and AB 17474 (Dixon) e-bikes, ***as amended by Supplemental Communication (correction to bill #).***

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

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

Community and Library Services

14. 24-188 Approved and executed a three-year Professional Services Contract between the City of Huntington Beach and PSQ Productions for production and management service of the annual Independence Day Celebration

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and PSQ Productions for Production and Management Service of the Annual Independence Day Parade."

The motion carried by the following roll call vote:

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

15. 24-194 Adopted Resolution No. 2024-08 revising and restating Resolution No. 2016-01 related to implementing Charter Section 805 and Municipal Code Chapter 5.90 regarding the number of permits issued for Safe and Sane Fireworks from fifteen (15) to sixteen (16)

A motion was made by Strickland, second Van Der Mark to adopt Resolution No. 2024-08, "A Resolution of the City Council of the City of Huntington Beach revising and restating Resolution No. 2016-01 related to implementing Charter Section 805 and Municipal Code Chapter 5.90 regarding safe and sane fireworks."

The motion carried by the following roll call vote:

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

Human Resources

16. 24-160 ~~ITEM WITHDRAWN Approve a Professional Services Contract with Carl Warren & Company for Liability Claims Administration Services~~

Police

17. 24-192 Approved Amendment No. 2 authorizing a one-year contract extension with Universal Protection Services, LP, DBA Allied Universal Security Services (UASS) for street sweeping parking enforcement services

A motion was made by Strickland, second Van Der Mark to approve and authorize "Amendment No. 2 to Service Agreement between the City of Huntington Beach and Universal Protection Services, LP DBA Allied Universal Security Services (UASS) for Street Sweeping Enforcement Services" not to exceed

\$411,269.45 for the next calendar year; and authorize the Mayor and City Clerk to execute the attached contract.

The motion carried by the following roll call vote:

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

Public Works

18. 24-111 Approved and authorized execution of a Cooperative Agreement with Orange County Transportation Authority (OCTA) for Alternative Signal Communication Demonstration Project

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute "Cooperative Agreement No. C-3-3058 Between Orange County Transportation Authority and Cities of Huntington Beach, La Habra, Lake Forest, Newport Beach, Rancho Santa Margarita, Seal Beach, and Yorba Linda for Alternative Signal Communication Demonstration Project".

The motion carried by the following roll call vote:

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

19. 24-129 Approved and Accepted the Public Improvements, Released the Securities for, and Accepted a Guarantee and Warranty Bond for Tract 18105

A motion was made by Strickland, second Van Der Mark to accept the improvements constructed and dedicated for public use with Tract 18105, and instruct the City Clerk to record the Notice of Acceptance of Public Improvements (Attachment 2) with the Orange County Recorder; and, accept Guarantee and Warranty Bond No. 30190069 (Attachment 3); the security furnished for guarantee and warranty of public improvements, and instruct the City Clerk to file the bond with the City Treasurer; and, instruct the City Clerk to notify the developer, Meritage Homes of California, of this action, and the City Treasurer to notify the Surety, Arch Insurance Company (Faithful Performance, Labor & Materials, Monument) and The Continental Insurance Company (Guarantee & Warranty), of this action.

The motion carried by the following roll call vote:

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

20. 24-134 Approved and Accepted the Public Improvements, Released the Securities for, and Accepted a Guarantee and Warranty Bond for Tract 18106

A motion was made by Strickland, second Van Der Mark to accept the improvements constructed and dedicated for public use with Tract 18106, and instruct the City Clerk to record the Notice of Acceptance of Public Improvements (Attachment 2) with the Orange County Recorder; and, accept Guarantee and Warranty Bond No. 30190068 (Attachment 3); the security furnished for guarantee and warranty of public improvements, and instruct the City Clerk to file the bond with the City Treasurer; and, instruct the City Clerk to notify the developer, Meritage Homes of California, of this action, and the City Treasurer to notify

the Surety, Arch Insurance Company (Faithful Performance, Labor & Materials, Monument) and The Continental Insurance Company (Guarantee & Warranty), of this action.

The motion carried by the following roll call vote:

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

21. 24-136 Approved the West Orange County Water Board (WOCWB) FY 2024-25 Budget in the amount of \$5,365,300

A motion was made by Strickland, second Van Der Mark to approve the WOCWB proposed FY 2024-25 Budget and the City of Huntington Beach proportional share of \$1,047,465.

The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

22. 24-197 Requested and Received authorization to issue a Request for Proposals for Managed Library Services for the Huntington Beach Public Library system

Deputy City Manager Catherine Jun provided a verbal report with a brief background that resulted in staff recommending a request for proposals for managed library services through an equal and competitive opportunity and allow staff to engage in a more comprehensive review of these services and their feasibility in Huntington Beach. It was noted that engaging in this process does not commit the City to outsourcing but will provide detailed costs and services for Council's consideration in the future. If approved, the contractor would oversee day-to-day operations at the City's direction. The City would continue to own the buildings, books, furniture, equipment and all other assets inside. Deputy City Manager Jun also noted that if Council approves the Request for Proposals, it is recommended that the meet and confer process begin with potentially affected labor associations.

Mayor Pro Tem Burns clarified that this is just a request so that Council can review available options. He described this as a process to review revenues and expenses to ensure Council is being fiscally responsible, and noted there will be no obligation to accept any proposal. Mayor Pro Tem Burns stated that this process does not mean the current employees would be terminated and noted the Request for Proposal (RFP) could stipulate any proposal includes utilizing existing City staff.

Councilmember McKeon asked what is wrong with requesting proposals and establishing facts before rushing to judgment. He suggested it might be possible to outsource operations, provide a cost savings, keep the current employees at their current salaries and possibly increase the services and programs currently provided. He believes Council should be evaluating ways to increase efficiencies and reduce costs, especially in light of the State's massive budget deficit. From his perspective this proposed RFP process should not create division, but unfortunately some are sowing confusion and fear and in his opinion it is premature to pass judgment until all the facts are known.

Councilmember Bolton asked how many hours staff has already put into researching this item. Interim City Manager Parra responded that the hours on this item had not been quantified. Deputy City Manager Jun replied that maybe approximately 20 hours of staff time has been spent on this issue.

Councilmember Bolton confirmed with Assistant City Manager Travis Hopkins that Library Systems & Services (LS&S) claimed in a letter they could save the City \$1M. She stated she has no disagreement with validating potential cost savings, and noted there must also be consideration of current revenues which might disappear such as donations from Friends of the Library, or Friends of the Children's Library if management is outsourced.

Councilmember Strickland shared his opinion that there might be people ready to cover those assumed losses.

Councilmember Bolton stated she has doubts that a for-profit company could maintain the current level of services simply because of their business model. She confirmed with Deputy City Manager Jun that there are a number of options for providing library management services that have just recently been discovered.

Councilmember Bolton shared her opinion that there are three services the City should never outsource: Fire, EMT and Library. She cannot support spending any more time on the idea of outsourcing management of library services.

Councilmember Kalmick stated his appreciation for everyone who came out to speak on this issue, and stated he believes there is a major transparency issue. From his perspective, staff spent time on an unsolicited bid without any Council direction. He clarified that any City employee who suddenly becomes the employee of a private company immediately loses their City pension, he believes implementing the plan of privatizing the library will include no longer paying employee pensions, and result in decreased services.

Councilmember Kalmick noted the recent contract the City signed for the ILS system for seven years as well as Overdrive might have to be liquidated if those systems are not used by the private company selected for library management. In essence, he sees this effort as trying to fix something that is not broken. He does support getting the highest and best use of City assets and believes the libraries are already there.

Councilmember Kalmick believes the public should be able to see the staff analysis for this item, and stated the better approach would be a Request for Information (RFI) rather than RFP which could immediately be turned into a contract.

Mayor Van Der Mark explained the City is regularly approached by different organizations and companies offering their services. She believes Council should be responsible and investigate whether there is the potential for cost savings.

Councilmember Moser stated that proceeding could result in releasing local control to a for-profit organization and giving up the management of a City institution, and added this process should have started with a Study Session discussion. Councilmember Moser noted considerations that were not included in the staff analysis, including no staff pros or cons. She sees this effort resulting in the City keeping the building and all of its costs while giving away the special uniqueness, well-loved and award-winning librarians and library staff. Councilmember Moser believes Council should be investing in, rather than looking for ways to cut from, the library system, and stated there is no guarantee that a for-profit company, which is focused on their profit, will continue to be responsive to community needs.

Councilmember Moser stated that Council should not be swayed by short-term gains but be guided by enduring values that have made Huntington Beach who we are on our best day. This could be a celebratory narrative of what we chose to preserve, enhance, and bequeath to future generations.

A motion was made by Strickland, second Burns to authorize staff to issue a Request for Proposals for Managed Library Services for the Huntington Beach Public Library system and return to City Council with an agreement for consideration; and direct staff to begin a meet and confer process with affected labor associations to discuss this potential opportunity.

The motion carried by the following roll call vote:

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

Councilmember Strickland asked the Sergeant of Arms to remove the audience members who shouted out after the vote. Mayor Van Der Mark announced a 5-minute break.

Mayor Van Der Mark reconvened the meeting once order was restored.

23. 24-195 Received and Filed Year-End Audit Results for the FY 2022/23 Annual Comprehensive Financial Report (ACFR), Fiscal Year 2023/24 Budget Update, and Fiscal Year 2023/24 Mid-Year Budget Adjustments

Sunny Han, Chief Financial Officer (CFO), presented a PowerPoint communication titled *City FY 2023/24 Budget Update & FY 2023/24 Mid-Year Budget Adjustments*, with slides entitled *Presentation Overview, City FY 2023/24 Budget Update, City Budget and Financial Position - FY 2022/23, City Budget and Financial Position – FY 2023/24, General Fund Long-Term Financial Plan, CalPERS Update, Unfunded Liabilities, FY 2023/24 Mid-Year Budget Adjustments, General Fund Adjustments, Other Fund Adjustments, Summary of Mid-Year Budget Requests, and Questions?*

Councilmember Bolton and Fire Chief McCoy discussed the emergency medical revenues which consists of reimbursements by Medi-Cal and Medicare for Emergency Medical Services (EMS).

Councilmember Kalmick clarified details with staff regarding Pension Obligation Bonds and the bonds related to the Elan and Bridgewater projects.

A motion was made by Strickland, second Van Der Mark to receive and File the FY 2022/23 Annual Comprehensive Financial Report and other auditor-issued reports; and approve mid-year budget adjustments to the FY 2023/24 Revised Budget in the funds and by the amounts contained in Attachment 3.

The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

24. 24-209 Approved for introduction Ordinance No. 4318 adding Chapter 2.66 to the Huntington Beach Municipal Code Relating to the Community—Parent Guardian Review Board for Review of Procurement of Children’s Library Material

Ashley Wysocki, Community and Library Services Director presented a verbal review and introduction.

Councilmember Kalmick raised questions, including what appears to him to be internal inconsistencies, related specifically to: Section 2.66.100 (. . . sell or donate . . .); how this new Review Board selects books for review; how books are ordered; lack of any budget; lack of addressing the electronic collection of books and subscriptions; no definition of parent or guardian; and censorship.

Councilmember Kalmick stated he cannot support this ordinance because it is too confusing, the Review Board decisions are not appealable, and if this item is approved, Council will be giving up its authority over what goes into our public library to unelected people. He stated that it is not appropriate to let another parent determine what is appropriate for his child to read. He noted there is no relief valve in this ordinance, and his belief that all laws should have some sort of relief valve as society and councils change.

Councilmember Moser stated her concerns are related to lack of definitions for children, young adults, community standards, sexual content, sexual reference, and Adult Section of the library. She stated that approving and implementing this ordinance will likely, in her opinion, decimate the Young Adult section of the library.

Councilmember Moser addressed her concerns related to the Brown Act "Open Meetings" standards and the importance of transparency for all meetings. She suggested an amendment clarifying that the meetings will be filmed and broadcast live and recorded for later review on all social media platforms should be included to ensure the entire community has access to the discussions.

Councilmember Moser shared her concerns regarding the amount of time the process of review could take, Section 2.66.110 (B), especially if the Review Board only meets twice a year. She believes that could cause a book procurement delay of nearly one year and therefore create an unworkable situation.

City Attorney Michael Gates noted the "meet at least twice each calendar year" is a basic framework, and communications between the Director and the Review Board may determine the need to meet once a month or more often.

Councilmember Moser shared that in reality this Board is not composed of staff, and in practice this ordinance will directly impact the purchase, service level and availability of all new books coming into the library. She suggested that Council be responsive to the reality, to ensure books are current, and provide direction to City Attorney Gates and Community and Library Services Director to fix Section 2.66.220 (B) at the very least.

Councilmember Moser noted that Section 2.66.110 (G) states that "All decisions by the Board are final and non-appealable" did not come from Council direction. City Attorney Michael Gates clarified that some portions of the ordinance are sensitive to the law and clarified why this was added.

Councilmember Moser stated she cannot support this item.

Councilmember Bolton and Senior Deputy City Attorney Connor Hyland discussed that this ordinance was not based on any other city's ordinance, as a majority of existing documents that are binding deal with the direct removal of books. Ordinance No. 4318 is a balance of executing the Council's policy decision while putting the City with the best foot forward to reduce liability. The effort was focused on using the least restrictive means to accomplish Council's goal. Senior Deputy City Attorney Hyland noted most other cities and school districts chose to remove rather than relocate books.

Councilmember Bolton stated she believes there is a lot of legal risk with this ordinance. City Attorney Michael Gates stated he believes this is a good ordinance that is consistent with the case law that was researched. Councilmember Bolton responded by listing actions that have been found unconstitutional by courts at the federal and state level. She also stated that librarians do not use their own personal perspective, likes or dislikes when making book selections for the library.

Councilmember Bolton said she cannot support an item that she believes will ultimately bring the ACLU to the front door or encouraging someone to set up a cottage industry and sue the City of Huntington Beach on a regular basis and earn a very nice living.

Mayor Pro Tem Burns stated he has a different vision which begins with trusting the librarians to select books, with guidelines, and if the librarians find questionable books, then they involve the Review Board. He expects there may be six books a year that may require review and expects common sense to be used.

Councilmember Bolton displayed a copy of *The Care and Keeping of You, The Body Book for Girls* and asked why it was moved from the Children's Section to the Adult Section of the library.

Mayor Pro Tem Burns responded that no library guidelines have been provided by Council yet, and he has not read that book, so he has no idea why it was moved.

Councilmember Moser stated she had asked for the guidelines the last time and noted there are none in this ordinance. She added that both publishers and librarians have their guidelines, professional expertise, and discussions on where books should be placed. Also, Huntington Beach Public Library has a policy in place that anyone can use if they believe a certain book has been placed in the wrong section vs having a Committee of 21 delaying or stopping the purchase of books.

Mayor Pro Tem Burns noted that even Police Officers are held accountable to a multitude of guidelines such as laws, regulations, orders, and training bulletins in defense of recommending book selection guidelines which he believes must be determined by Council before the Review Board is put in place.

Mayor Van Der Mark described books containing specific sexually explicit information which she checked out of the Children's Section of the library as examples of books inappropriately located. Referencing Councilmember Kalmick's recent editorial piece, Mayor Van Der Mark disagreed with his statement that parents are amateurs, and noted she is interested in getting the community involved in the book selection process. She stated that a few people have expressed to her their interest in serving on the Review Board and some of them have degrees as lawyers and teachers, and she questioned Councilmember Kalmick's opinion that parents are amateurs unless they have a degree.

Councilmember Kalmick responded that he believes there is a discrepancy between an opinion vs expertise. He stated that since there is no criteria or base level requiring an understanding of what a library collection looks like for becoming a member of the Review Board, they would be serving as an amateur in his mind. He explained his use of amateur was not to denigrate someone's opinion, but rather to quantify someone's expertise. He added that he is not trying to be elitist. Huntington Beach has a professional system and world-class library and, in his opinion, using people who are not trained in Library Science to choose what the library collection looks like is using amateurs.

Councilmember Moser re-iterated her request to ensure that all meetings of the Review Board be open to the public, live broadcast and recorded because their decisions are unappealable.

A motion was made by Strickland, second Van Der Mark to after the City Clerk reads by title, approve for introduction Ordinance No. 4318, "An Ordinance of the City Council of the City of Huntington Beach amending the Huntington Beach Municipal Code by adding new chapter 2.66 Entitled "Community Parent-Guardian Review Board for Procurement of Children's Library Materials."

The motion carried by the following roll call vote:

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

At 10:59 PM, a motion was made by Strickland, second Van Der Mark, to continue business after 11:00 PM. Approved 6 – 1 (Kalmick – No)

COUNCIL MEMBER ITEMS

25. 24-208 Approved Item Submitted by Council Member McKeon — Withdrawal from the League of California Cities

Councilmember McKeon introduced his item by stating the League of California Cities has repeatedly failed its mission to advocate for cities and instead advocates for more and higher taxes and Sacramento's agenda over our own. He said they fought hard against the gas tax repeal and supported Proposition 1 knowing that the buy-rights of sober living home requirements in residential neighborhoods will now be super charged by a multi-million-dollar bond measure. The ballot bond measure also creates more state debt and diverts funding away from county mental health programs to allow for buy-right which means that cities have no discretion or ability to regulate mental health and substance abuse treatment facilities on any property zoned for multi-family, office or parking. The League of California Cities is also fighting aggressively against a taxpayer protection act pushed by the Howard Jarvis Taxpayers Association, calling it deceptive and misleading, as they attempt to prevent the opportunity for California taxpayers to vote on the issue.

Councilmember McKeon stated that last-minute amendments to Proposition 1 made at the end of the legislature year generated concerns among cities and as a result, League of California Cities withdrew their support. But then the League of California Cities Board decided to override their withdrawal of support and continued to support Proposition 1. He can no longer support sending tax dollars to an organization that is supposed to be advocating for us but did the opposite in such a high-profile way. He noted that Newport Beach voted on March 12, 2024, to withdraw their membership from the League of California Cities.

Councilmember McKeon stated his interest is creating a robust economy through private enterprise, by streamlining the City to make it attractive for businesses to invest here, create jobs, and in turn produce sales tax revenue. By contrast, he referenced a recent email communication from Councilmember Kalmick that used falsehood to sow division, fear and confusion and agreeing with the League of California Cities' decision not to repeal the gas tax and to not support the Taxpayer Protection Act because he supports these taxes that "fund our city".

Councilmember McKeon continued by stating that there may be disagreement among Councilmembers on how to fund our city, but the League of California Cities' support for Proposition 1 that super charges buy-rights for sober living homes in our community is unforgivable in his opinion.

Councilmember Kalmick asked how city roads can be paved by businesses investing in the community, stated that the gas tax provides \$5M for paving roads, and noted that if the gas tax repeal had passed

the City would be looking for other resources to pave our roads. He stated that most of the City's revenue comes from property taxes, followed by sales and hotel taxes.

Councilmember Kalmick stated that if the Taxpayer Protection and Government Accountability Act were to pass, he believes the very nebulous and minimum fees charged could decimate the City's budget because of the way it is interpreted. The City may no longer be allowed to raise parking fees for the 4th of July, or Pacific Air Show, or assess the actual amount of time it takes Planners to do plan checks and then subsidizing private entities on the back of that.

Councilmember Kalmick stated his recommendation to table this until December because there is no guarantee that membership fees will be returned from the League of California Cities.

Councilmember Strickland stated he would not support remaining a member for this year because he wants to send a message that League of California Cities should never have supported Proposition 1, and their job is to represent local cities, not Governor Newsom. Regarding the gas tax issue, Councilmember Strickland stated that issue was sold to the people as money to be used for road and highway maintenance, but for a long period of time the money just went into the General Fund. As the author of the initiative that moved the funds to Transportation, he noted the gas tax money is not even going to road maintenance and construction, but rather to mass transit and the bullet train.

Councilmember Bolton asked how much thought was put into this item before it was presented, what are we going to do now, and how are we going to monitor all of the complicated legislation in the absence of the information provided by the League of California Cities.

Councilmember Strickland stated that the League of California Cities has not been representing cities and this action will save Huntington Beach \$35,000 annually. He added that if the League of California Cities changes tactics and actually starts representing local government then Huntington Beach could rejoin.

Councilmember Bolton asked if there were conversations with the League of California Cities about their stance on Proposition 1 and Councilmember Strickland responded there certainly were conversations and pushback from him and a Newport Beach Councilmember in meetings.

Councilmember Bolton stated she finds the League of California Cities analyses immensely helpful to understanding which position the City should take or determining what is or is not in our best interest. She shared her understanding, after reading the text of the Howard Jarvis initiative, that if passed it would severely restrict the City's ability to set fees, such as Emergency Response fees which amounts to \$7M and allows the City to defray the cost for supplies placed in ambulances; parking fees; bid fees; and tourism fees. She stated she doesn't understand how any city could support those changes in a framework that governs how cities set fees.

Councilmember McKeon responded that he stated that several cities signed on to an amicus brief to make sure that the Taxpayer Protection Act gets in front of the voters instead of the current efforts to get it knocked off the ballot by the governor and state legislature, and noted the League of California Cities called the amicus brief efforts deceptive and misleading. The argument is not on the merits of the measure, but the fact that the League of California Cities supports the effort to keep the issue off the ballot.

Councilmember Moser, speaking as one of the Division Board Members for the League of California Cities, noted the primary effort is to maintain local control and ensure funding for any state mandates. Referencing the *Value of League of California Cities (Cal Cities) Membership* report provided by Cal

Cities, Councilmember Moser noted the high return on investment (ROI), especially during challenging times like COVID-19. She stated this action will limit and minimize the City's voice, and it is not necessary to agree with all of Cal Cities positions. She noted the benefit of training that Cal Cities provides for councilmembers and staff and asked who would be providing that. She doesn't believe that all of the ramifications have been considered if this action is approved and noted that Newport Beach made their decision to leave Cal Cities after holding a study session to allow for public input.

A substitute motion was made by Moser, second Bolton to table the request to the City Manager to direct staff to negotiate with the League of California Cities for the reimbursement of 2024 dues and withdraw membership for 2024 to allow for more conversation and a better understanding of potential ramifications.

The substitute 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 McKeon, second Strickland to request the City Manager to direct staff to negotiate with the League of California Cities for the reimbursement of 2024 dues and withdraw membership for 2024.

The motion carried by the following roll call vote:

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

ADJOURNMENT — 11:32 PM a motion was made by Strickland, with a second by Burns, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, April 2, 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