

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, September 17, 2024
4:30 PM — Council Chambers
6:00 PM — Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:30 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 4:30 PM

ROLL CALL

Present: Moser (arrived at 4:34 PM), Bolton, Burns, Van Der Mark, Strickland, and Kalmick
Absent: McKeon

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

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)

Mayor Pro Tem Burns reported attending the Surf City 10 – 10 miles, 10K and 5K race with over 5,000 participants, and recognized efforts to raise Prostate Cancer awareness in the month of September.

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

PUBLIC COMMENTS PERTAINING TO STUDY AND/OR CLOSED SESSION ITEMS (3-Minute Time Limit) — None

Mayor Van Der Mark announced Closed Session Titles for Item Nos. 1 related to Property Negotiations, and 3 – 7 related to Labor Negotiations.

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

RECESSED TO CLOSED SESSION — 4:34 PM

CLOSED SESSION

1. 24-652 CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: 21 & 22 Main Street, Huntington Beach, CA 92648 City Negotiators: Eric Parra, Interim City Manager; Travis Hopkins, Assistant City Manager; Kriss Casanova, Economic Development Manager; Steve Holtz, Deputy Director of Community Development. Negotiating parties: Persons to be negotiated with: (Not Present) Surf City Partners, LLC Under negotiation: Price and terms of lease/payment.

- ~~2. 24-653 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters One (1).~~
3. 24-657 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and David Cain, Interim Chief Financial Officer. Employee Organization: Management Employees' Organization (MEO).
4. 24-658 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and David Cain, Interim Chief Financial Officer. Marine Safety Management Association (MSMA).
5. 24-659 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and David Cain, Interim Chief Financial Officer. Employee Organization: Huntington Beach Municipal Teamsters (HBMT).
6. 24-666 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Scott Haberle, Fire Chief and David Cain, Interim Chief Financial Officer. Huntington Beach Firefighters' Association (HBFA).
7. 24-667 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and David Cain, Interim Chief Financial Officer. Huntington Beach Fire Management Association (HBFMA).

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 (arrived at 6:40 PM). and Kalmick
Absent: None

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

PLEDGE OF ALLEGIANCE — Led by Councilmember Strickland

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. 24-604 Huntington Beach Police and Fire Chaplain Roger Wing

CLOSED SESSION REPORT BY CITY ATTORNEY — Senior Deputy City Attorney Connor Hyland announced that Council would recess into Closed Session at the end of the meeting to discuss Closed Session Item #2 regarding anticipated litigation.

AWARDS AND PRESENTATIONS

9. 24-614 Legislative Update provided by California State Senator Janet Nguyen

California State Senator Janet Nguyen reviewed some of the legislative issues that impact District 36 which includes Huntington Beach. She thanked Councilmembers for being involved in the State legislative process and making known their support or opposition to various bills which helps her in accurately representing her constituents. She encouraged residents to reach out to her with legislative questions and concerns.

Councilmember Strickland thanked Senator Nguyen for her representation, accessibility, and being a leader in addressing both fentanyl and animal protection issues.

City Clerk Robin Estanislau announced September 17 as **National Voter Registration Day**, and reported that her office distributed notices to the local high schools and public libraries with QR code access to voter registration information.

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: City Manager's Report #10 (1 email communication); Consent Calendar Items #11 (1 staff memorandum), #12 (9 email communications), #14 (1 email communication), #15 (1 email communication), #16 (1 email communication), #23 (1 email communication); Councilmember Items #25 (6 email communications), and #26 (7 email communications).

PUBLIC COMMENTS (1.5 Minute Time Limit due to the volume of speakers) — 72 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>.

Barbara Richardson, Retired Librarian, was called to speak and encouraged Huntington Beach residents to sign the two library petitions being circulated that support allowing residents to vote on any proposed library changes.

Unnamed Speaker was called to speak and shared what he described as an offensive remark made to him by a library employee.

Wendy Rincon, 50-year resident, was called to speak and stated her opposition to Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City; and support for Councilmember Items #26 submitted by Councilmembers Bolton, Kalmick and Moser regarding physical security at City Hall.

Regina Blankenhorn, City Clerk Candidate in November 2024, was called to speak and encouraged everyone to verify their voter registration status and to read candidate statements and proposition measures which appear on the sample ballot to ensure they are making informed decisions.

Jeanne Paris, long-time Huntington Beach resident, was called to speak and stated her support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City; opposition to Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 regarding amending the Local Coastal Program and General Plan Land Use Element; support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel; and, support for Measure U on the November 2024 ballot.

Ann Palmer was called to speak and shared her opinions on Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 regarding amending the Local Coastal Program and General Plan Land Use Element.

Joey Macesieb, Gays Against Groomers, California Outreach and Events Coordinator, was called to speak and stated support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City.

Paul Ramirez, a member of the LGBTQ community, was called to speak and stated support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City.

Gretchen Erickson, 22-year resident, 16-year City of Huntington Beach employee, and Chief Shop Steward, Huntington Beach Municipal Teamsters (HBMT), was called to speak and announced that HBMT, in partnership with Teamsters Local 911, have selected local non-profit organizations to receive their donations, and stated she is interested in one-on-one meetings with Councilmembers to discuss further Closed Session items related to negotiations as well as Consent Calendar Items #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City.

Amory Hanson, Council Candidate in November 2024, was called to speak and stated support for Measure U on the November 2024 ballot and asked voters to support his Council candidacy.

Richard Quirk, a member of the LGBTQ community, was called to speak and stated support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City.

Joe was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Claudia Stubin was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Samuel, Gays Against Groomers California, Co-Captain Leader, was called to speak and stated support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City.

Kristen Van Dine was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Ken Inouye, 50-year Huntington Beach resident, was called to speak and suggested specific procedures that Councilmembers should adopt when voting on any future City Council matters to prevent approving illegal actions which most likely could result in unnecessary legal costs.

Unnamed Speaker, 40+-year Huntington Beach resident, was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Russell Neal, Huntington Beach resident, was called to speak and stated support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City.

Eric Richmond Massey, Huntington Beach resident, was called to speak and shared his perspective of his experience of being personally surveilled by federal, state and local authorities.

Linda Diaz was called to speak and stated her support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Frank Nakabayashi, Huntington Beach Sister City Association Chair, was called to speak and asked that the proper protocols and procedures be followed before approving Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Carmen Erber, Huntington Beach Sister City Association Member and Past Chair, was called to speak and provided a brief history of the national effort to encourage people of different nations to develop friendships and become agents of peace.

Maureen Anzivino, Huntington Beach Sister City Association Vice President, was called to speak and noted the Sister City program is a citizen-to-citizen commitment to each other, not a political relationship. She described the years of vetting required to confirm suitability, similar expectations and goals. She noted the City does not provide funding for the Association; therefore, funding constraints must also be considered before approving a new Sister City.

Krystal Nguyen, 10-year Huntington Beach resident, was called to speak and stated opposition to Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City, and opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Jai Hudson was called to speak and stated his opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

MoniQue Rangell, Party for Socialism and Liberation member, was called to speak and stated opposition to Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City and opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Christian Mach, 7-year Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Unnamed Speaker was called to speak and stated support for Councilmember Items #26 submitted by Councilmembers Bolton, Kalmick and Moser regarding physical security at City Hall.

Jeanne Goodin, Huntington Beach resident, was called to speak, urged voters to support Council Candidates in November 2024 who honestly serve the residents of Huntington Beach, and stated opposition to Council Candidates Bolton, Kalmick and Moser who in her opinion have shown more interest in supporting policies coming from Sacramento.

Joyce Riley was called to speak and shared her opinion that there are too many inappropriate library books still available to patrons under the age of 18 and asked that Councilmembers address this situation.

Gina Tiffany, longtime Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Dennis, 41-year Huntington Beach resident, was called to speak and noted that September 17, 1788, the U. S. Constitution was ratified providing the structure for government operations. He stated the Constitution did not address morality and reviewed government efforts through the years to try to silence the silent majority.

Tim Geddes was called to speak and stated support for Council Candidates Bolton, Kalmick and Moser in November 2024.

Mary Jo Baretich, 41-year Huntington Beach resident, was called to speak and stated opposition to Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element.

Ven Martin, life-long Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Nathen, Party for Socialism and Liberation member, was called to speak and stated opposition to Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City and opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Tiffany, 20+-year resident of Huntington Beach who was born in Israel, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Ben Whycoop, 10-year Huntington Beach resident and Marine Corp veteran, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Unnamed Speaker was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Unnamed Speaker was called to speak and stated support for Council Candidates Bolton, Kalmick and Moser in November 2024.

Marlene Flaherty, 20-year Huntington Beach resident, was called to speak and shared her experience regarding a parking ticket when her parking permit was displayed, and asked for Councilmember support to properly resolve this situation. Mayor Van De Mark asked her to complete a blue card for follow-up.

Hayley Buchanan, 31-year Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Sean Drexler, Orange County resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Christopher Rini, 43-year Huntington Beach native, educator and librarian, was called to speak and stated opposition to Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City.

Michael Fiore, Facing Fentanyl Director of Operations, was called to speak and invited everyone to a block party where Senator Nguyen will be speaking to support the fight against fentanyl use.

Mohammad Ali, a Palestinian refugee, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Unnamed Speaker was called to speak and shared a video of political signage for Council Candidates Don Kennedy, Butch Twining and Chad Williams being installed before midnight of September 16th as an example of their intent to ignore and not follow the law.

Thor Johnson was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Yan Killy, proud naturalized American who is Jewish, was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Nairu Beituril was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

E. J., Orange County resident, was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Betty Chu, former attorney representing the Los Angeles School and College Districts, and former Mayor of Monterey Park, was called to speak and stated support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City and support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Unnamed Speaker, an American whose father was a Lebanon refugee, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Katrina Carney was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Mohammad Hijazi, 28-year Palestinian American resident of Huntington Beach, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Kayleen Kuykendall was called to speak and stated opposition to Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City and opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Amir Mertaban, Islamic Society of Orange County Executive Director, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Nicolette Ponce, 27-year Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Oren Meicht, Huntington Beach resident, was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Ramon, Huntington Beach business owner, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Ron Basnei, Huntington Beach resident, business owner, and a First Responder in Israel after the October 7, 2023, attack on Israel, was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Oleg Krepper was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Unnamed Speaker, a U. S. and United Nations Veteran, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Tarik Takesh was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Rabbi Strolli, 17-year Huntington Beach resident, was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Sonya Green was called to speak and stated support for Consent Calendar Item #12 to adopt Ordinance No. 4326 relating to Parents' Right to Know City and support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Humza Bhakhrani, former Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Eva Weitz, Huntington Beach resident, was called to speak and stated support for Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Neal was called to speak and stated support for Consent Calendar Item #15 regarding a contract between Tank Farm, LC and the City of Huntington Beach for the Miley-Keck Tank Farm lease.

Katherine, Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

Rabbi Berkowitz was called to speak and shared his high regards for former Mayor Al Coen, pride for living in Huntington Beach, appreciation for the Police Department, and noted that America was built by religious people who quoted the Bible.

Sydney, Catholics for Palestine member, was called to speak and stated opposition to Councilmember Items #25 submitted by Mayor Van Der Mark and Councilmember Strickland regarding a Sister City Agreement with Ramat Gan, Israel.

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT

10. 24-619 Huntington Beach Update on the Orange County Power Authority

Assistant City Manager Travis Hopkins presented a PowerPoint communication titled *Huntington Beach Update on the Orange County Power Authority* with slides entitled *OCPA Background, Participation and Enrollment, Changes to Participation, Reversion to SCE, OCPA Obligations to the City of Huntington Beach, and Withdrawal Closeout*.

Councilmember McKeon, speaking as a former OCPA Board Member, noted for the benefit of the public that as of September 3, 2024, Huntington Beach is officially out of the OCPA and confirmed there is zero financial liability for the City as a result of withdrawing. He continued to describe the process to execute prudence and perform proper due diligence which prevented exposure to millions of dollars in liability and resulted in no City financial liability. Councilmember McKeon described some of the questionable actions and policies of the OCPA which resulted in the decision to withdraw.

Councilmember Kalmick reminded everyone that Assistant City Manager Hopkins stated at the end of his report that just under \$89,000 was spent through the process of getting out of the OCPA, so in his opinion this process did not cost zero dollars. He added that withdrawing from OCPA resulted in a 2 – 3 percent increase in energy costs to the City, or approximately \$200,000 annually.

Councilmember Kalmick shared his version of some of the talking points to justify withdrawing from OCPA and lamented the fact that there is now a lack of energy choice for Huntington Beach residents and businesses.

Councilmember Strickland noted that the \$89,000 spent to unwind this situation is nowhere close to the multi-millions of dollars that Councilmember Kalmick and others expected it to cost.

Councilmember McKeon reiterated that he accurately stated there is no City financial liability related to the action of withdrawing from OCPA.

CONSENT CALENDAR (Items 11 - 23)

Councilmember Kalmick pulled Item #12 for further discussion.

City Clerk

11. 24-605 Approved and Adopted Amended 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 September 3, 2024, ***as amended by Supplemental Communication.***

The motion as amended carried by the following vote:

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

City Manager

12. 24-634 Adopted Ordinance No. 4326 Adding Chapter 1.23 of the Huntington Beach Municipal Code Relating to Parents' Right to Know City Approved for Introduction September 3, 2024 — Vote 4 – 3 (Moser, Bolton, Kalmick — No)

Councilmember Kalmick pulled this item to note that he had received an email communication from City Attorney Michael Gates on September 13, 2024, that was marked "Confidential. Do not talk to anyone about this. Attorney/client communication." Councilmember Kalmick stated that his questions were

asked publicly at the September 3 meeting, and asked Senior Deputy City Attorney Connor Hyland to answer publicly if he was able to.

Senior Deputy City Attorney Hyland responded that any confidential communication from the City Attorney is considered confidential unless Councilmembers choose to waive confidentiality. Councilmember Kalmick stated he does not believe any of the information is attorney/client privileged or legal opinions, but rather answers to his technical questions. Councilmember Kalmick proceeded to ask Senior Deputy City Attorney Hyland for examples of any past City Attorney legal representation for anyone who did not have a past or current relationship with the City.

Senior Deputy City Attorney Hyland responded that City Attorney Gates answered that question in his email communication and he cannot provide a different answer here. Councilmember Kalmick responded that City Attorney Gates jumped around the question but did not answer it. Councilmember Kalmick also noted AB 1955 appears to apply to school districts and he does not see anywhere in the law where it changes existing school policies and asked Senior Deputy City Attorney Hyland to explain further.

Senior Deputy City Attorney Hyland responded that this ordinance could potentially put the City at some risk of litigation and requested that Councilmember Kalmick stop trying to reveal confidential information. Councilmember Kalmick replied that these were questions asked publicly, and that he expected the City Attorney's Office to answer them publicly and to not do so is a disservice to the Huntington Beach residents.

Senior Deputy City Attorney Hyland asked Mayor Van Der Mark to call for a vote on whether or not to waive confidentiality.

Councilmember Strickland and Councilmember Kalmick discussed the issue of what part of the communication from City Attorney Gates is considered attorney/client privileged, and agreed this proposed ordinance could lead to potential legal exposure. Councilmember Kalmick stated he wants to be on record as trying to get answers to the questions raised. He added ambiguous laws are not appropriate especially when definitions are not provided for "educator" or "work in" used in this ordinance, and noted he does not support this item.

Councilmember Bolton asked Senior Deputy City Attorney Hyland, regarding whether the City has ever represented an individual who has no relationship with the City, if the answer is privileged information. Senior Deputy City Attorney Hyland responded that the City Attorney Office position is that it can be privileged information and he cannot cite anything other than what he stated at the September 3, 2024, meeting. That is, his superiors have told him it is possible. Councilmember Bolton asked again if it had happened and Senior Deputy Attorney Hyland responded not to his personal knowledge.

Councilmember Bolton re-stated her concern about whether there have been any changes to the wording of the ordinance between then and now, and Senior Deputy Attorney Hyland responded he is not aware of any changes. Councilmember Bolton noted there are no definitions in this ordinance for key terms such as "educator" which would help someone understand whether or not this ordinance applies to them, and in her opinion it is not reasonable to expect approval. Councilmember Bolton stated the City has no role in determining school district policies or practices and she believes this item is unconstitutional.

Councilmember Moser expressed her disappointment that City Attorney Michael Gates was not at this meeting, nor the September 3, 2024, meeting to directly address Councilmember and the public's

concerns on this matter. She asked if ordinances generally include enforcement language, and noted that this one does not. Senior Deputy City Attorney Hyland replied that ordinances do not always include enforcement language, but they generally tend to. Councilmember Moser stated she sees this ordinance as leading down a path to litigation.

A motion was made by Van Der Mark, second Strickland to adopt Ordinance No. 4326, "An Ordinance of the City Council of the City of Huntington Beach Adding Chapter 1.23 of the Huntington Beach Municipal Code Relating to Parents' Right to Know City."

The motion carried by the following vote:

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

Community Development

13. 24-578 Approved Annual Community Development Block Grant and HOME Investment Partnerships Grant End-of-Year Progress Report to the U.S. Department of Housing and Urban Development

A motion was made by Strickland, second Van Der Mark to adopt the FY 2023-24 Consolidated Annual Performance and Evaluation Report for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) federal entitlement grant funds; and, authorize the Interim City Manager to transmit the CAPER to HUD by September 30, 2024.

The motion carried by the following vote:

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

Community Services

14. 24-642 Approved and authorized execution of Amendment No. 1 to the Memorandum of Understanding between the City of Huntington Beach and the American Legion Huntington Beach Post 133 for the use of City facilities and provision of Veterans Services

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to the Memorandum of Understanding between the City of Huntington Beach and the American Legion Huntington Beach Post 133 for use of City facilities and provision of Veterans Services.

The motion carried by the following vote:

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

Fire

15. 24-601 Approved and authorized execution of a contract between Tank Farm, LC and the City of Huntington Beach for the Miley—Keck Tank Farm lease

A motion was made by Strickland, second Van Der Mark to approve and authorize Mayor and City Clerk to execute a contract between Tank Farm, LC and the City of Huntington Beach for the Miley—Keck Tank Farm lease.

The motion carried by the following vote:

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

Police

16. 24-639 Approved and authorized execution of a Lease Agreement with Ares Investment Group, LCC for a new police substation lease at 7711 Center Avenue, Huntington Beach

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute lease agreement with Ares Investment Group, LCC for the lease of a new police substation lease at 7711 Center Avenue, Huntington Beach.

The motion carried by the following vote:

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

Public Works

17. 24-336 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with US Builders and Consultants Inc. in the amount of \$579,600 for the Storm Water Pump Station Roof and Facilities Improvements Project, CC-1739 and appropriation of funds

A motion was made by Strickland, second Van Der Mark to accept the lowest responsive and responsible bid submitted by US Builders and Consultants Inc. in the amount of \$579,600; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, appropriate \$356,864 from Planned Local Drainage Fund undesignated fund balance to Drainage Fund account 21188009.82500.

The motion carried by the following vote:

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

18. 24-556 Approved and authorized execution of Amendment No. 2 to the Professional Services Contract between City of Huntington Beach and HF&H Consultants, LLC to extend the contract term for 3 years and to increase the amount by \$413,000 for a total amended contract amount not to exceed \$528,000

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Professional Service Contract Between City of Huntington Beach and HF&H Consultants, LLC for Negotiation Services for SB 1383 Compliance"

The motion carried by the following vote:

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

19. 24-579 Approved and authorized execution of Wireline Crossing Agreement with the Union Pacific Railroad Company for the installation of traffic signal communication conduit on Edinger Avenue (CC-1613) and appropriation of funds

A motion was made by Strickland, second Van Der Mark to approve and authorize the Mayor and City Clerk to execute a "Wireline Crossing Agreement, Mile Post: 519.28, Stanton Industrial Lead Subdivision, Location: Huntington Beach, Orange County, California" between the Union Pacific Railroad Company and the City of Huntington Beach; and, appropriate \$95,000 to AQMD fund account 20190008.82700.

The motion carried by the following vote:

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

20. 24-616 Approved and accepted the Public Improvements, released the Securities for, and accepted a Guarantee and Warranty Bond for the Cameron Townhomes Project (Tract 19154)

A motion was made by Strickland, second Van Der Mark to accept the improvements constructed and dedicated for public use with Tract 19154, 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. CMS0349976M (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 Treasurer to release the Faithful Performance Bond No. CMS0349976, Labor and Materials Bond No. CMS0349976 and Monument Bond No. CMA0349977, pursuant to the California Government Code Section No. 6649.7(a); and, instruct the City Clerk to notify the developer, Shea Homes Limited Partnership, of this action, and the City Treasurer to notify the Surety, RIL Insurance Company, of this action.

The motion carried by the following vote:

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

21. 24-618 Approved and authorized execution of Agreement #OTF-24-005 for HB Ride Circuit Shuttle Program with California Energy Commission (CEC) to provide funding for the City's downtown shuttle service with Circuit Transit, Inc. ("Circuit") and appropriation of funds

A motion was made by Strickland, second Van Der Mark to approve Agreement #OTF-24-005 HB Ride Circuit Shuttle Program Grant with the California Energy Commission (CEC) to provide funding for the

City's downtown shuttle service with Circuit Transit, Inc. ("Circuit"); and, authorize the Public Works Director to execute the OTF-24-005 HB Ride Circuit Shuttle Program Grant Agreement with California Energy Commission (CEC) electronically; and, approve a budget appropriation of \$350,000 for the California Energy Commission (CEC) grant funds into business unit 129885001.69505.

The motion carried by the following vote:

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

22. 24-625 Approved Sole Source Procurement Request with Jones Chemical (JCI) for Chlorine Gas

A motion was made by Strickland, second Van Der Mark to approve the sole source procurement request for the annual purchase of chlorine gas from JCI.

The motion carried by the following vote:

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

23. 24-633 Approved the June 2024 HB in Motion: Huntington Beach Mobility Implementation Plan

A motion was made by Strickland, second Van Der Mark to approve the 2024 HB in Motion: Huntington Beach Mobility Implementation Plan.

The motion carried by the following vote:

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

PUBLIC HEARING

24. 24-571 Adopted Resolution Nos. 2024-46 and 2024-47 regarding modifications to Local Coastal Program Amendment No. 17-001 approved by the California Coastal Commission and amended the Local Coastal Program and General Plan Land Use Element accordingly

Ricky Ramos, Planning Manager, presented a PowerPoint communication titled *Modifications to Local Coastal Program Amendment No. 17-001 (Magnolia Tank Farm)* with slides entitled *Background, Project Request, (3), and Action.* (02:59:24)

Mayor Pro Tem Burns, referring to the Coastal Commission requirement that "a minimum 25% of hotel rooms to be lower cost accommodations (rates at no more than 75% of statewide peak season average daily rates) the year before completion of the lodge", asked if this had to be computed annually in perpetuity. Manager Ramos explained there is a provision that allows for adjustments to be made year to year moving forward.

Councilmember McKeon and Manager Ramos discussed the hotel could be approximately 40 — 50 feet in height. Manager Ramos stated he is not aware that how many stories has been considered, but it possibly could be four stories.

Mayor Van Der Mark opened the Public Hearing.

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet which were all uploaded to the City's website and Councilmember iPads: *1 staff memo, 85 email communications, and 2 letters, plus communications received too late to be listed at the time of this Public Hearing which will be added to the public records in the coming days.*

Public Speakers (3-Minute Time Limit) — 20

George Boutros, Orange County Business Council (OCBC) Government Affairs Manager, was called to speak and stated that one of the OCBC core initiatives is to advocate for the development of new housing to meet current and future needs for Orange County's workforce. OCBC supports the Magnolia Tank Farm development project which OCBC believes will bring significant economic and community benefits to Huntington Beach and the entire region. (03:10:00)

Ray Hiemstra, Orange County Coastkeeper Associate Director of Policy and Projects, was called to speak and stated his disappointment that his video presentation for this discussion was not available as he believes it was submitted on time. Mr. Hiemstra stated this project is proposed in a flood zone impacted by sea level rise, over an earthquake fault and next to a toxic waste site which in his opinion is the worst place in the whole of California for housing. He stated that the cars being stored on this land have experienced water damage after storms. He shared his concern that Ascon is just going to be capped, rather than cleaned up, and noted other cap failures in Southern California. Mr. Hiemstra stated there are alternative uses and encouraged Councilmembers to look closely at his letter, take more time to consider all aspects, and vote "No" tonight. (03:11:50)

Amory Hanson was called to speak and stated his opposition to Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He shared his opinion that rubber stamping development projects like this is not a good idea because of the significant environmental impacts, and urged Councilmembers to vote "No". (03:15:02)

Ann McCarthy, 30+-year Huntington Beach resident living near the intersection of Magnolia Street and Banning Avenue, Wetlands Conservancy, Wetlands and Wildlife Care Center and AYSO Region 56 Board Member, was called to speak and stated that as a resident she supports Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. She noted that in its current state the property does not positively impact property values or provide any amenities. Ms. McCarthy added that the current development plan will benefit the neighborhood and surrounding community with amenities, open space, parks and family housing. She added that the proposed housing and tax base it will provide will help keep southeast Huntington Beach a viable neighborhood with local schools and fields for youth sports. She shared her opinion that the engineer-designed flood control measures included in this project will help southeast Huntington Beach as well as the project site. (03:15:42)

Elizabeth Hansburg, People for Housing Orange County Co-Founder and Director, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. She expressed appreciation for the

diversity of this project which in her opinion will increase Transient Occupancy Tax (TOT), provide additional economic opportunities, increase property taxes, plus wetland restoration and creation of more green and open spaces. (03:18:03)

Scott Sanfilippo, a long-time Huntington Beach resident who lives about one mile from the Magnolia Tank Farm, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He noted the unique opportunity to convert a former industrial site into a vibrant mixed-use development that addresses critical issues like housing, local jobs and open spaces which provide community benefits beyond economic gain. (03:20:49)

Stephen Logan, Shopoff Realty Investments, Project Applicant, stated their team is available to answer any questions regarding this project. Mr. Logan presented a PowerPoint communication with slides entitled *Magnolia Tank Farm, Specific Plan Benefits, Development Agreement Benefits, and Project Economic Benefits to the City*. Mr. Logan stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. (03:22:23)

Bill Shopoff, Shopoff Realty Investments President and CEO, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He confirmed the proposed hotel will be four stories, and noted that rather than paying in-lieu fees he decided to stipulate that 50% of the affordable units be available for hotel workers. He reviewed some of the negotiation points with the California Coastal Commission and extensive review and planning to add a whole layer of different items such as vapor barriers which are not required but are being included as an extra precautionary measure. He also noted they are adding their own property boundary air sampling stations in addition to what Ascon provides. (03:25:04)

Dennis Lorton, 3rd generation Huntington Beach resident who has worked in construction all of his life, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He stated he believes this project is well planned and appropriately addresses concerns like water levels and providing for low-income housing. (03:27:18)

Tim Geddes, 40+-year southeast Huntington Beach resident living within a couple of miles of the Ascon site, was called to speak and stated opposition to Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He noted that he and his family have been exposed to all of the environmental threats the area contains including the Ascon toxic waste dump, the proposed Poseidon Desalination Plant, the eyesore of the Magnolia Tank Farm, pollution from the AES Power Plant, and proximity to emissions from the Orange County Sanitation District facility. In addition, there are earthquake faults, Santa Ana River and low-lying flooding as well as tsunami concerns. Mr. Geddes stated the location access issues will snarl traffic, create gridlock and create a negative impact on surrounding neighborhoods. He expressed concerns about adequate City services and costs that won't be offset by the developer. He asked why consideration is being given to another potential "Love Canal" project like was built in New York. (03:28:55)

John Villa, Huntington Beach Wetlands Conservancy Executive Director, was called to speak and speaking as a representative of the Conservancy and as a resident, stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and

General Plan Land Use Element. He noted there have been multiple discussions with the developer regarding wetland and wildlife concerns which he believes have been properly understood and addressed as a contractual commitment which means the commitment goes forward with the property regardless of who may own it in the future. Mr. Villa reviewed some of the California Coastal Commission concerns and requirements through the process of finalizing a project which he believes City Council has already approved. (03:31:30)

Mark Wersching, born and raised in Huntington Beach and Huntington Beach Police Officers' Association President, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He noted this project will provide needed jobs, increased revenue and housing supply from a currently stagnant piece of property. He added that this project will not only improve the area and deter criminal activity associated with vacant land, but will also bolster the Huntington Beach economy and contribute tax dollars for public safety, infrastructure and the City's General Fund. Mr. Wersching stated this is a positive project for all to embrace because of the positive economic impact and provision for public access, safe parks and increased revenue opportunities. (03:34:35)

Neal was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He stated this is a project that he believes supports new housing opportunity in a way that is deeply integrative into the fabric of the community and environment. He commended the developer for improvements regarding remediation requirements and addressing flood level concerns. He stated this is a project that will provide a broad swath of opportunities for tourism, affordable housing, commercial and job segments of the community. He expressed concern that if this project was not approved it could eventually provide an opportunity for the State to come in with a plan that could ignore local concerns and regulations. (03:38:20)

Daniel Osborne, Iron Workers Local 433 Representative and Building Trades Delegate, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He noted that lack of affordable housing is a contributing factor to homelessness and this project will address that issue. Mr. Osborne stated that the developer of this project is committed to building responsibly, using a skilled and trained workforce at a fair wage. He added this project will provide local job opportunities for people for years to come with fair wages, providing medical coverage and pension opportunities. (03:41:16)

Brian Genovese, a long-time Huntington Beach resident and Magnolia Tank Farm Project Representative, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He believes this project will ensure Huntington Beach sustainability. (03:43:08)

Jim Pugh, who lives about a mile away from this project, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He noted the extensive effort of this project to protect the environment, and believes this is a great opportunity to turn an under-utilized property into a great community asset. (03:44:26)

Collin Powers, Orange County Realtors Public Affairs Director, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He stated support for responsible development like this project which will add much needed housing and will create more jobs for the area. (03:45:45)

Jacqueline Brodt, a southeast Huntington Beach resident living near the proposed project, Huntington Beach Wetlands Conservancy Board Member and Friends of the Library Former Board Member, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. She stated this project will beautify the property, increase the value of neighboring homes, as well as provide much needed housing in Huntington Beach. (03:46:52)

Bob Walsh, resident of Huntington Beach who works in the Hospitality Development industry, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. He noted the key benefits from his perspective are benefits to the local economy through construction and permanent jobs, protection of natural resources, providing coastal conservation space and a park, transforms a blighted area, and promotes Huntington Beach. (03:47:41)

Adam Wood, Building Industry Association Representative, speaking as a 40-year Huntington Beach resident, was called to speak and stated support for Public Hearing Item #24 to adopt Resolution Nos. 2024-46 and 2024-47 to amend the Local Coastal Program and General Plan Land Use Element. From his perspective getting through the California Coastal Commission deserves a gold star, and this project meets the high standards expected in Huntington Beach. He offered his assistance if it is needed and made himself available to answer questions regarding moving this project ahead. (03:48:58)

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

Councilmember Strickland stated anyone can understand why housing is so expensive in southern California when you look at the process and years of time this developer has gone through to reach this point. He clarified this is not a "rubber stamp" project as a lot of people have been working diligently through a number of years to get to this point. He added that from his time serving in Sacramento on the Environmental Quality Committee he knows that California has some of the strictest environmental standards in the world. He stated that receiving the approval of the California Coastal Commission ensures safety from any toxic chemicals and this approval is a commendable accomplishment. Further, he believes this project fits within the coastal community suburban feel in Huntington Beach.

Councilmember Strickland noted that once this project is complete it will result in \$2.5M net annually to the General Fund which will support the Police and Fire Departments and other public safety officials. Regarding concerns about sea level rise, he noted that much of the infrastructure required to mitigate that issue will be paid for by the residents in this development. He added that as someone who has fought back on many Sacramento mandates, he believes this project is great for Huntington Beach and has his support.

Councilmember McKeon, as a resident of southeast Huntington Beach, noted he has been on record as opposing this project and he believes people elected him to look at issues with open eyes and fairness to evaluate the benefits and consider cost analysis and overall benefit for the community. He communicated with Community Development Director Jennifer Villasenor multiple times during his research and reviewed specific issues which he considered in reaching his decision on whether this is a project that he can support. He explained that the developer is required to, and has agreed to, include offsite improvements such as installing curb, gutter and sidewalk along the Ascon frontage on Magnolia Street and Hamilton Avenue and, depending on the hydrology report, one or two new drainage inlets on Hamilton Avenue to cure the existing drainage issue for that area.

Councilmember McKeon invited contamination expert and geologist Mauricio Escobar, Roux, Inc., who has worked on this project since 2019, to step up to the microphone to answer questions about the contamination issue. Mr. Escobar explained Roux was hired to complete the process with Department of Toxic Substances Control (DTSC) which included soil and ground water sampling. He explained the history of the site has been agricultural, three oil wells drilled in the 1950s which were abandoned in 1972, and then the 25 million gallon above-ground tanks were built for fuel for the generating station which contained a tar-like substance. When that equipment was removed, soil sampling found some hydrocarbon contamination and 10,000 tons of soil were removed in 2017.

Mr. Escobar continued by noting that in 2018 Roux came in and did additional testing and found two small spots that had been missed. In 2020 there was another excavation of approximately 465 tons. That was followed by confirmation samples and a risk assessment provided to DTSC and in August 2021 DTSC provided a "clean closure" letter confirming the Tank Farm land is safe for residential development.

Mr. Escobar described in much more detail the function of DTSC, a branch of the California Environmental Protection Agency (EPA). He noted that DTSC did not require any mitigation before approving a residential development on the Tank Farm land.

Mr. Escobar confirmed Roux was hired by Shopoff to summarize all previous remediation efforts and provide a summary of the process for clearing the Tank Farm. Councilmember McKeon stated the next concern is the Ascon land. Mr. Escobar explained that the Ascon site has been under DTSC jurisdiction since approximately 2005 and has stipulated various remedies through the years. In 2015 an action plan was approved which Mr. Escobar briefly described. In 2019 the plan had to be shut down because of odor and physical issues experienced by some area residents from the remediation activities. An independent monitoring process started which resulted in mitigation measures which were submitted to DTSC and DTSC is expected to issue their report on or about October 10, 2024. Once that mitigation process is approved, preceded by community meetings, it will take about 22 months to implement. The plan is expected to include moving all remaining contaminants to the center of the Ascon site, at above groundwater level, and building a "grass berm" cover with extraction mechanisms that will clean any developing gas contaminants before releasing them into the air. There will be vapor and ground water monitoring points around the perimeter of the Ascon site. Mr. Escobar noted currently there are no off-site migration issues, but if that situation changes in the future there will be a plan in place to address that issue.

Mr. Escobar further explained some of the considerations related to groundwater flow direction, and noted the final solution is intended to protect the waste at the center of the property from both ground water and rain water intrusion. He explained that an Operations and Maintenance Plan is part of the remediation process which will require regular inspections of the system at least annually or if specific situations like a major storm happens. He stated that the responsible parties, a number of oil companies, must have financial assurance, like a bond or cash equivalent, with DTSC so that if the responsible parties go away the State has 30-years-worth of funding to maintain the Ascon site remediation process.

Mr. Escobar added that part of the development on the Tank Farm property includes consideration of the City of Huntington Beach methane overlay and methane mitigation near oil wells (3 of which were on the Tank Farm site at one time). Therefore, the developer will place vapor barriers beneath all buildings which starts with a gravel pit containing perforated pipes that vent at rooftop to prevent any vapor intrusion into the buildings.

Councilmember McKeon asked Mr. Escobar to walk through the chain-of-command for the monitoring process. Mr. Escobar stated as a State licensed professional geologist, he has both personal and company liability in terms of what he puts on paper, stamps and signs, and noted this is true also for the Ascon site professionals. He continued to explain there are DTSC procedure guidelines that must be followed which include the sample amount, it must be collected in an approved container, and sent off to an appropriate laboratory under a documented chain-of-custody requiring comments and signatures. Once received the lab has requirements for documenting conditions, tracking and reporting their analyses which is returned to the professional. The professional is then required to provide a final report which includes his signature and appropriate stamps. He noted there is no way for the process to be swayed.

Councilmember McKeon asked Mr. Escobar to explain the development plan for the Tank Farm related to the Ascon site remediation efforts. Mr. Escobar noted that the Coastal Commission was concerned about Tank Farm construction relative to the Ascon site, prior to completion of Ascon remediation, and stated it is expected the process of approving the Tank Farm development will most likely equate to the time it will take to complete the Ascon remediation. He confirmed that vapor and soil samples will be taken along the Tank Farm boundaries just prior to construction to confirm whether it is safe to proceed. In addition, prior to resident occupancy, indoor air samples will be tested to confirm the construction barriers are effective.

Councilmember McKeon and Mr. Escobar discussed there will be on-going observation and monitoring of the site to evaluate if conditions have changed according to the consolidating management plan which was approved by the Huntington Beach Fire Department. Mr. Escobar noted the City has already approved asking Roux in 2018 to get through the DTSC process for methane gas and oily soils, as well as a soil management plan for construction with protocols and procedures if unexpected contamination is discovered.

Mayor Pro Tem Burns confirmed with Mr. Escobar that people can move into the developed residential area expecting it will be completely safe to plant a garden and the produce will be safe to eat. Mr. Escobar noted that a grading requirement includes adding five to seven feet of new topsoil before anything is built.

Councilmember McKeon confirmed with Director Villasenor that the discussed requirements are codified in the Specific Plan as well as mitigation measures and project design features approved in the Environmental Impact Report (EIR). Financial commitments are within the development agreement which was adopted by ordinance with an approved separate agreement through City Council action, and any developer of that property would be obligated to fulfill those requirements.

Councilmember McKeon asked the Applicant's financial expert, Stephen Logan, SVP of Urban Infill Development, Shopoff Realty Investments, to explain how the \$2.5M net revenue for the City was determined. Mr. Logan responded that approximately \$1.6M will be Transient Occupancy Tax (TOT) annual revenue, approximately \$700,000 annually in property tax, plus developer and school fees. He noted that any Home Owner Association (HOA) fees will not increase City revenues but will be used for on-site development and improvements for flood control and underground utilities.

Councilmember Strickland noted that the Economic Impact Report states that the total economic impact is approximately \$534.4M which includes construction related economic benefits and construction related labor incomes.

Councilmember McKeon stated he does not like the State coming in, through the California Coastal Commission in this case, to control local planning by stipulating the lower cost visitor accommodation policy that 25% of the rooms have to be offered at 75% of the average statewide hotel daily rate. He noted that the developers pushed for the average county hotel daily rate and asked for the delta between the two rates. Mr. Logan replied that at this time the state rate is about \$200 per night, so 25% of the rooms would go for about \$150 per night. The county hotel daily average rate is currently \$225, and added that at the hearing the Coastal Commission admitted there is currently no way for them to ensure implementation of this stipulation.

Director Villasenor explained that the citywide Local Coastal Program is updated every 15 to 20 years, and when Huntington Beach goes before the California Coastal Commission (CCC) to update the plan, the CCC will use that opportunity to force the City to adopt the policies that have been introduced by the CCC since the previous Local Coastal Program approval. She noted that Huntington Beach is currently in the process of amending the Local Coastal Program, and added the newly proposed lower cost visitor accommodation policy would not impact currently existing hotels.

Councilmember McKeon asked, and Mr. Shopoff responded by explaining that this accommodation policy would not create a serious negative impact on the hotel's financial stability. Mr. Shopoff added that the guidelines for affordable housing projects are clearly defined, and in this case the CCC has not put much thought into the affordable lodging concept and it is an imperfect solution to a governmental problem that has been implemented with other hotels. He added that the rates are reset on a regular basis as an inflation adjustment.

Councilmember McKeon amended this item by stating his interest in seeing an accurate accounting by the City, for the \$2.5M that Shopoff Realty Investments will provide through this project, to ensure the funds are earmarked for southeast Huntington Beach capital improvements.

Mayor Pro Tem Burns stated he tried hard to find a reason to support a vote against this item, but in the end, he believes it is a responsible development plan.

Director Villasenor reminded Councilmembers that the item is amended by supplemental communication she submitted, as well as Councilmember McKeon's amended action request for a separate account to be set up designated for southeast Huntington Beach. Director Villasenor confirmed that the development agreement does prioritize the money to go towards the southeast area, and she interprets the amended action to include setting up an account to be prepared to receive payment.

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2024-47, "A Resolution of the City Council of the City of Huntington Beach, which Acknowledges Receipt of the Coastal Commission Action and Adopts and Agrees to Local Coastal Program Amendment (LCPA) No. LCP-5-HNB-24-0003-1 (Magnolia Tank Farm - Huntington Beach LCPA No. 17-001) As Modified;" (Attachment #1); and, adopt Resolution No. 2024-46, "A Resolution of the City Council of the City of Huntington Beach Amending the Coastal and Land Use Elements of the General Plan and the Magnolia Tank Farm Specific Plan to Adopt Local Coastal Program Amendment (LCPA) No. LCP-5-HNB-24-0003-1 (Huntington Beach LCPA No. 17-001) Modifications Made by the California Coastal Commission" (Attachment #2) **as amended by Supplemental Communication, and to move forward in setting up accounting procedures to manage project funds earmarked for use in the Southeast Huntington Beach area.**

The amended motion carried by the following vote:

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

NOES: None

COUNCIL MEMBER ITEMS

25. 24-651 **Approved Amended Item submitted by Mayor Van Der Mark and Council Member Strickland — Sister City Agreement with Ramat Gan, Israel and the City of Huntington Beach**

Councilmember Strickland introduced this item by stating he believes it would be beneficial to Huntington Beach to be associated with Ramat Gan, Israel, and noted that Israel is the only democracy in that region. He listed some of the unique features of Ramat Gan, a suburb of Tel Aviv, and noted one of the benefits of Sister City relationships is international exchange to experience diverse cultures.

Mayor Pro Tem Burns requested that the original motion be amended to add that an Ad Hoc Committee comprised of three Councilmembers be formed to follow the protocol established by the Huntington Beach Sister City Association to develop a Sister City relationship with Ramat Gan, Israel.

Councilmember Kalmick stated there apparently is no letter from the Mayor of Ramat Gan indicating interest in a cooperative relationship, and confirmed that the Memorandum of Understanding would come back to Councilmembers for approval. Councilmember Kalmick stated he will abstain from voting on this as he does not have enough information.

Mayor Pro Tem Burns noted this action is not intended to disparage Palestinians or any other culture, but is the result of mutual interests.

Councilmember Moser thanked the Sister Cities Association for speaking up, noted there are international protocols to consider as well as determining management responsibility. She stated she is not sure this item will have a uniting effect in Huntington Beach, and for that reason she will abstain from voting.

Councilmember Strickland stated he did overlook the proper process by going through the Israeli Global Foundation rather than through the Huntington Beach Sister City Association. He added his expectation that the Israeli Global Foundation could provide management, but that issue will certainly be discussed and determined through proper protocol.

City Clerk Robin Estanislau confirmed that determining members of the Ad Hoc Committee will be included in the City Manager's Office report back to Councilmembers.

A motion was made by Strickland, second Van Der Mark to direct the City Manager's Office to implement steps for the City of Huntington Beach to participate in a cultural, economic, and collaborative program with Ramat Gan, Israel, with the goal of establishing a Memorandum of Understanding as Sister Cities, **as amended to include formation of an Ad Hoc Committee and to follow protocol in developing a Sister City relationship.**

The motion as amended carried by the following vote:

AYES: Burns, Van Der Mark, Strickland, and McKeon

NOES: None

ABSTAIN: Moser, Bolton, and Kalmick

26. 24-672 Denied Item Submitted by Council Members Bolton, Kalmick and Moser — Physical Security of City Hall

Councilmember Bolton introduced this item as an effort to ensure the community feels safe when attending City Council meetings and visiting City Hall. She added she is interested in knowing about some of the newer technology that is much smaller and more unobtrusive than traditional metal detectors. She stated the effort is to look at tools, costs and operational concerns to enhance physical security from the expertise of the Police Department.

Councilmember Kalmick noted that Anaheim and County of Orange have systems in place for large crowd situations, and Councilmembers have received a number of email communications from people who perceive that Council meetings may not be safe to attend. He added if there isn't money now to implement safety features, he believes at least having a plan in place is important.

Councilmember McKeon stated he is not going to succumb to the optics of fear because he trusts the Police Department, and made a suggestion for a substitute motion asking the Police Chief to provide a report on protecting Downtown and Main Street and looking at ways to increase safety in that area.

Councilmembers Bolton and Kalmick objected, stating the substitute motion is totally unrelated and not an agenda item.

Mayor Van Der Mark stated she has personally experienced political violence which she believes is usually triggered by people who make inflammatory comments and rile up the community. She added she sees this item as a band-aid approach to an issue created by leaders who incite division, and encouraged her fellow colleagues to focus on being less inflammatory in their community communications.

Mayor Pro Tem Burns stated that from his police experience he believes people are more vulnerable out in the courtyard or in the parking lot than they are in Council Chambers with limited ingress and egress and with uniformed officers present.

At 10:59 PM a motion was made by Strickland, second Burns, to continue business after the hour of 11:00 PM, which passed with unanimous consent.

Councilmember Moser stated her objection to the idea that she is inciting violence or division. She added that people feel unsafe coming to City Hall and some people choose to stay away rather than come and share their comments. She has observed people being threatened in the Council Chambers, and given the current tenor across the country, she believes it is important to take a look at potential opportunities to improve and ensure safety for the public, for staff and for Councilmembers.

Councilmember Moser stated there will be an opportunity to decide whether or not to take additional safety measures based on the facts, evidence and professional recommendation of the Police Department. She believes this process will reduce people's fears.

Councilmember McKeon stated he doesn't believe another study or report is needed. He trusts that the Police Department has the tools necessary to keep City Hall and Council Chambers a safe environment and this item creates the optic that this may not be a safe place.

Councilmember Strickland stated if the Police or Fire Departments had any concerns about public safety, they would bring that to Council's attention.

Councilmember Bolton replied by asking what if they did bring a concern to Council's attention and someone stopped it?

A motion was made by Kalmick, second Bolton to direct the City Manager to work with the Police Department to evaluate technological tools that can enhance our City Hall's physical security, particularly tools that can detect individuals attempting to enter the building with weapons; and return to City Council to present a report with recommendations within 90 days. The report should provide details on potential costs and operational considerations associated with recommended new physical security measures.

The motion failed by the following vote:

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

At 11:08 PM Council recessed into Closed Session to discuss Closed Session Item #2:

2. 24-653 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters - One (1).

At 11:27 PM, Council reconvened, and Senior Deputy City Attorney Hyland announced that by a vote of 4 – 3 (Moser, Bolton, Kalmick — No), Council authorized immediate filing of a lawsuit in federal court to challenge AB 1955.

ADJOURNMENT — at 11:27 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, October 1, 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