

Minutes

City Council/Public Financing Authority Regular and Special Meeting of the Successor Agency City of Huntington Beach

Tuesday, January 17, 2023
3:30 PM – Council Chambers
5:30 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, 5:30 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 — 3:30 PM

ROLL CALL

Present: Kalmick, Moser, Van Der Mark, Strickland, McKeon (arrived at 3:31 pm), Bolton, and
Burns
Absent: None

CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)

Councilmember Moser provided details on the process to apply for the Mobile Home Rental Assistance Program, and noted that all the details are available on the City's website.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS FOR CLOSED AND STUDY SESSION ITEMS ONLY (Received After Agenda Distribution)

Study Session

#7 (23-031) Email communication received from the Ocean View School District regarding the Housing Element.

PowerPoint communication received from Ursula Luna-Reynosa, Community Development Director, entitled *2021-2029 Housing Element Update*.

PUBLIC COMMENTS FOR CLOSED AND STUDY SESSION ITEMS (3-Minute Time Limit) — None

CLOSED SESSION ANNOUNCEMENT(S)

- 1. 23-037** Mayor Strickland announced: Pursuant to Government Code § 54957.6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiators, Al Zelinka, City Manager and Peter Brown Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager, Travis Hopkins, Assistant

City Manager; Michael E. Gates, City Attorney; Mike Vigliotta, Chief Assistant City Attorney; Eric Parra, Chief of Police; and Sunny Rief, Assistant Chief Financial Officer, who will be participating in today's Closed Session discussions regarding labor negotiations with: Huntington Beach Police Officers' Association (HBPOA).

RECESSED TO CLOSED SESSION — 3:36 PM

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

CLOSED SESSION

- 2. 23-032 Police Department representatives conducted active shooter training with Council Members and City staff (Council Chambers)**
- 3. 23-022 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Mike Vigliotta, Chief Assistant City Attorney; Eric Parra, Chief of Police; and Sunny Rief, Assistant Chief Financial Officer. Employee Organization: Police Officers' Association (POA).**
- 4. 23-023 CONFERENCE WITH LEGAL COUNSEL — LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters: One (1) - Challenge to State's RHNA.**
- 5. 23-030 CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(2).): Number of matters: One (1).**
- 6. 23-035 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Nicholas Vella v. City of Huntington Beach, Workers' Comp. Case No. COHB-22-0063.**

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 5:33 PM

ROLL CALL

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

STUDY SESSION

7. 23-031 Housing Element Update

Deputy Director of Community Development Jennifer Villasenor and Senior Administrative Analyst Nicole Aube presented a PowerPoint communication entitled: *2021-2029 Housing Element Update* with slides titled: *Housing Element Update, Housing Element Status, Regional Housing Needs, 2021-2029 Huntington Beach RHNA, Existing Draft RHNA Strategy, Can We Adopt a Housing Element That Only Includes the RHNA (13,368 Units)?, What is No Net Loss?, Only RHNA / No Buffer Strategy, Only RHNA / No Buffer Strategy Scenario, Options to Accommodate the RHNA, Only RHNA / No buffer Strategy, and Questions?*

Councilmember Burns and Community Development Director Luna-Reynosa discussed using "buckets of income" categories, and noted the options presented in November related to specific sites being proposed, whereas this presentation focused on approach and addressed Councilmember concerns shared at the December 20, 2022 Council meeting.

Councilmember McKeon stated his support for Option B2 presented in the PowerPoint to certify the minimum number of units, and re-zone the selected site at the time each no net loss project is approved.

Councilmember Bolton and Community Development Director Luna-Reynosa discussed the expectation that the California Department of Housing and Community Development (HCD) will approve a plan that uses "bucket" categories.

Councilmember Moser confirmed with Community Development Director Luna-Reynosa that at a no net loss situation, the City is out of compliance with State regulations until a no net loss project is approved by Council with a specific site, and confirmed the law provides for a 180-day grace period.

Councilmember Kalmick confirmed with Community Development Director Luna-Reynosa that the City would come out of non-compliance when action is taken on a project with a zoning map amendment.

Community Development Director Luna-Reynosa stated staff will use Study Session feedback to make Housing Element revisions in the Affordable Housing Overlay and prepare for a Public Hearing.

Councilmember Kalmick confirmed with Community Development Director Luna-Reynosa that option B2 would require a Zoning Map Amendment (ZMA) with each site, whereas option B1 would bring forward Affordable Housing Overlay criteria so that staff has the guidelines to make decisions for individual projects. There was further discussion regarding making builders remedy illegal, and how that will impact HCD's claim that having such a code puts the City in a non-compliant status.

Councilmember Burns confirmed with Community Development Director Luna-Reynosa the requirements for unit size, which must comply with Fair Housing laws, and should be proportional to the mix of market-rate housing.

In summary, acknowledging that voting is not allowed in a Study Session, each Councilmember stated their Option preference for the benefit of staff in moving ahead.

Kalmick, and Bolton – Option A; Moser, Van Der Mark, Strickland, McKeon, and Burns – Option B2

6:00 PM — COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALLED TO ORDER A SPECIAL MEETING OF THE SUCCESSOR AGENCY — 6:03 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — *Led by Councilmember Kalmick*

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. 22-1116 Reverend Nathan Biornstad of St. Wilfrid's Episcopal Church and member of the Greater Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY — *None*

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Consent Calendar

#13 (22-1125) Memorandum to City Council submitted by Robin Estanislau, City Clerk, regarding a correction to the December 6, 2022 minutes.

#15 (21-385) Memorandum to City Council submitted by Robin Estanislau, City Clerk, regarding a correction to Conflict of Interest Resolution 2023-01.

#17 (22-1114) Email communication received regarding Volunteer Release & Waiver of Liability Agreement.

Administrative Items

#18 (23-028) Memorandum to City Council submitted by Catherine Jun, Assistant to the City Manager, regarding a correction to the Request for Council Action on Homelessness.

Three (3) email communications received regarding the Request for Council Action on Homelessness.

#19 (23-042) PowerPoint presentation entitled *Consideration of OCPA Default Rate Selection and City Municipal Account Rate Selection* submitted by Travis Hopkins, Assistant City Manager.

Email communication received from Linda Kraemer, M.S., Chapter Chair, The Climate Reality Project: Orange County, CA Chapter regarding the Orange County Power Authority (OCPA) Default Energy Product Rate.

Seven (7) email communications received regarding the Orange County Power Authority (OCPA) Default Energy Product Rate.

#21 (23-017) Letter from American Civil Liberties Union Foundation (ACLU) and First Amendment Coalition (FAC) regarding Ordinance No. 4277 relating to Anonymous Complaints.

Two (2) email Communications received regarding Ordinance No. 4277 relating to Anonymous Complaints.

Councilmember Items

#22 (23-038) Email communication received regarding the proposed public memorial honoring Don McAllister.

- #23 (23-049) Twenty-nine (29) email communications received regarding the closure of outdoor dining on Main Street.
- #24 (23-051) Letter received from Carlos Rubio, President of California Teamsters Local 911, regarding the proposed implementation of a managed hiring process for vacant city staff positions.
- Email communication received regarding the proposed implementation of a managed hiring process for vacant city staff positions.
- #28 (23-045) Email communication received regarding appointments to Boards and Commissions.

PUBLIC COMMENTS (3-Minute Time Limit)

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>.

Connie Boardman was called to speak and directed her comments to specific actions taken by Councilmembers at the December 20, 2022 Council Meeting related to what she described as policy inconsistencies. (00:46:46)

Shirley Dettloff, a resident of Huntington Beach since 1964, was called to speak and urged Councilmembers to act quickly to approve and submit a Housing Element so that the State has no reason to implement fines, withhold funding, or take over the local planning process. (00:50:03)

Ryan Ransom, Professional Restaurant Consultant and Operator, currently consulting with Aloha Grill on Main Street, was called to speak and shared his professional opinions regarding many issues with the current parklet and curbside patios that are destructive and harmful to Aloha Grill. He advocated for a consistent and contiguous promenade plan that is fair to all businesses on Main Street. (00:53:44)

John Briscoe, elected and re-elected 16-year Trustee, Ocean View School District, was called to speak and shared his opinions related to public comments statutes and case law. (00:55:54)

Todd Brown, owner of Aloha Grill, was called to speak and stated his support for the comments made by Mr. Ransom and asked that Main Street be restored to pre-COVID operations. (00:58:55)

John Raymer, a resident of Huntington Beach and Fred's Mexican Cafe General Manager was called to speak and described the issues created for guests and staff for the businesses located on the closed Second block of Main Street. (00:59:46)

Joclyn Rabbitt-Sire, a resident of Huntington Beach since 1999, was called to speak and stated her support for certification of the 2021–2029 Housing Element Update as presented during the Study Session. She also asked Council to delay any change on Administrative Items #19 regarding Orange County Power Authority (OCPA), as she believes the default energy offering should remain the 100% renewable option. (01:01:19)

Laura Sire, a long-time resident of Huntington Beach, and Homeless United Huntington Beach (HUHB) Member, was called to speak and stated her support for the comments of previous speakers Shirley Dettloff and Joclyn Rabbitt-Sire regarding certification of the 2021–2029 Housing Element. She asked that Council consider what is best for all residents. (01:04:36)

Stephanie Wilson, a long-time resident of Huntington Beach and Partner in two Downtown businesses (Fred's Mexican Cafe and Sandy's Beach Shack), was called to speak and stated her support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:05:58)

Pat Goodman was called to speak and stated her opinion it is critical to have an approved Housing Element to ensure that Huntington Beach can continue to respond humanely with appropriate resources for affordable housing. She encouraged Council to act as quickly as possible to approve the 2021–2029 Housing Element. (01:08:50)

Cathey Ryder, who has lived and voted in Huntington Beach since 1985, was called to speak and stated her opposition to Councilmember Items #27 regarding a request for a report on City-owned oil well operation and production. (01:11:31)

Diane Bentley, a 22-year resident of Huntington Beach, was called to speak and stated her support for the Huntington Beach Navigation Center. She stated the continued operation of the Navigation Center is vital if Huntington Beach wants to keep unhoused residents from sleeping on City streets and parks. (01:14:08)

Luanne Nichols was called to speak and stated her support for the complete re-opening of Downtown Main Street. She described many of the situations she has observed regarding safety and health issues since selected businesses have been allowed to expand into sidewalk and street spaces. (01:16:31)

Bob Bolen, a Downtown Business Manager for over 50 years, was called to speak and stated his support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:19:34)

Jim Hall, Surf City Ale House Owner, was called to speak, shared his personal experience setting up his business on the Third block of Main Street, and noted the total inequality that exists and asked for a level playing field for all businesses in the Downtown area. (01:22:22)

Tanya Brown, owner of a bikini shop in the Third block of Main Street, was called to speak and stated her support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:24:54)

Jeanne Stanley, an employee of the bikini shop in the Third block of Main Street and resident of Huntington Beach, was called to speak and stated her support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:26:35)

Mary LeBoeuf, a volunteer who helps clean-up federally protected wetlands at the corner of Pacific View and Beach Boulevard behind the Hyatt Hotel, was called to speak and described a Waterfront Condominium Association (WCA) agreement. She stated the agreement includes a maintenance contract that includes WCA's responsibility for an annual cost for the wetland clean-up. She noted that the City has not billed WCA for several years. Mayor Strickland asked her to complete a blue card for staff follow-up. (01:29:01)

Andrew Einhorn was called to speak and shared his opinion that attitudes of hate are increasing, and asked that Council remain alert to groups or individuals that target people because of faith, sexual preference, or skin color, and work to restore debate, compromise and mutual respect. (01:30:06)

Susie Smith, owner of Making Waves Hair Salon located in the Third block of Main Street for 26 years, was called to speak and stated her support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:32:50)

Ken Inouye, a 50-year resident of Huntington Beach and practicing CPA, was called to speak and respectfully requested that City Council conduct business in a more business-like manner, specifically related to the recent raise for City Attorney Michael Gates, and asked that agenda items include consideration of future consequences. (01:34:55)

Ron Abdelfattah, owner of Jack's Surf Shop on Main Street and the building at the corner, was called to speak and stated his support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:37:13)

Savitur Baduwar, Owner and Managing Partner, Indarra Modern Indian Cuisine and Restaurant in the Third block of Main Street, was called to speak and stated his support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. He also stated support for re-developing the First, Second and Third blocks of Main Street. (01:38:41)

Brittany Bas, AMUSE Foundation Founder, was called to speak and shared some ideas regarding possible solutions to issues that are currently facing many Downtown businesses due to the closure of Second block of Main Street. She stated the Foundation's support for keeping Main Street open so that all individuals can make a choice on what best fits their needs in an inclusive environment which exists within the current configuration in the Downtown area. (01:42:04)

Doug Von Dollen was called to speak and stated his opinion that much more study is needed regarding Ordinances for Introduction #20 amending Chapter 2.07 of the Huntington Beach Municipal Code relating to campaign reform. He asked that more study be done to understand all of the possible ramifications from this action. (01:45:44)

Jignesh Padhiar, a 31-year resident of Huntington Beach, was called to speak and stated his support for Administrative Items #19 regarding Option C for Huntington Beach's Orange County Power Authority (OCPA) default energy product rate, and support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:49:04)

Francesco Zaza, Owner of ZeroZero 39 Pizzeria on the Second block of Main Street for the last ten years, was called to speak and stated his support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. He also supports re-development efforts for the whole Downtown area. (01:52:08)

Patricia Pappas, a 43-year resident of Huntington Beach, was called to speak and shared her personal perspective of changes in Huntington Beach throughout the last 43 years, and presented a photo journal to each Councilmember and thanked them for their service to the community. (01:53:58)

Dianna Orr, a resident of Huntington Beach, was called to speak and stated her opposition to Councilmember Item #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (01:57:20)

Michelle Kerns, operator of a Senior Transitional Living Home, was called to speak and stated her support for Study Session Item #7 regarding the Housing Element Update. She also stated her support for Administrative Items #18 regarding the comprehensive report on City resources used to address homelessness and plan to enforce City and State laws relating to homelessness. (02:00:06)

Chanel Fignetti, representing Rockin' Fig Surf Shop in the Third block of Main Street, was called to speak and stated her support for Councilmember Item #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (02:03:21)

Libby was called to speak and stated her opposition to Ordinances for Introduction #21 regarding introduction of Ordinance No. 4277 relating to anonymous complaints, and asked that the item be tabled for further consideration of potential unwanted consequences. (02:05:11)

Ricky Fignetti, representing Rockin' Fig Surf Shop in the Third block of Main Street, was called to speak and stated his support for Councilmember Item #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (02:07:33)

Chari Atkinson, a long-time resident of Huntington Beach, Homeless United Huntington Beach (HUHB) Member, and practicing mental health clinician and social worker, was called to speak and shared her support for continuing to build on existing services to address homelessness in Huntington Beach. She reviewed the existing services and noted that Councilmembers do not have to reinvent the wheel, and can expand upon the solid base that already exists. (02:08:24)

Amory Hanson was called to speak and stated his support for Councilmember Item #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. He stated his opinion that the Downtown area still requires revitalization, and opening up all of Main Street to traffic is the first step to ensuring easy beach access for everyone. (02:11:05)

Oscar Carrillo, Main Street Wine Company Co-Operator in the Third block of Main Street was called to speak and stated his support for removing vehicular traffic for the first three or four blocks of Main Street and re-creating the pedestrian friendly atmosphere that existed with the first response to the pandemic. He asked that Councilmembers not shut down any Downtown outside dining areas until the revitalization plan is ready to be implemented. (02:12:50)

Kevin Madden, SMKFLWR, Huntington Beach surf-inspired clothing brand Founder, was called to speak and stated his support for Councilmember Item #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (02:16:01)

Ann Palmer, a resident of Huntington Beach for over 30 years, was called to speak and stated her support for Council shutting down public speakers who are focused on vitriolic hate speech, defamation of character, or spreading biased information that may not even be true. (02:19:18)

Adam Wood, representing the Building Industry Association (BIA) of Orange County, was called to speak and directed his comments to Councilmember Items #26 regarding updating and developing objective

standards for development within the City. He stated he is available to discuss potential options and share the experiences of other municipal jurisdictions. (02:21:16)

Rich Jardine, Main Street business owner, was called to speak and stated his support for Councilmember Items #23 regarding the request to end expanded outdoor dining and retail on Main Street and nearby areas in Downtown. (02:22:24)

Bruce Wareh was called to speak and stated his support for the comments of Oscar Carrillo regarding removing vehicular traffic for the first three or four blocks of Main Street and re-creating a pedestrian friendly atmosphere. He also shared his opinion that any plan for area revitalization should follow the wishes of a majority of the affected businesses. (02:25:49)

Roger Noor was called to speak and encouraged Council to take their time to review and understand budget related items, specifically Administrative Items #18 regarding resources used to address homelessness and enforcement of City and State laws relating to homelessness. (02:29:01)

Byron Costa, not a resident of Huntington Beach, was called to speak and stated his support for allowing public speakers more than just three minutes for their comments. He shared various headlines about Huntington Beach and suggested that Council focus on cleaning up corruption in Huntington Beach. (02:32:17)

Linda Kraemer was called to speak and stated her support for utility competition and encouraged sustainability and protecting the environment. She stated her opinion that a vote should be delayed for Administrative Items #19 regarding Orange County Power Authority (OCPA) default energy product rate to fully evaluate all the options. (02:35:46)

Caller Robert Banzett, a resident of Huntington Beach, was invited to speak and stated his opposition to Ordinances for Introduction #21 regarding Ordinance No. 4277 relating to anonymous complaints. He asked for further consideration of potential consequences to eliminating anonymous complaints and encouraged further study on other ways to cut down on frivolous complaints. (02:39:11)

Caller Jordon R., representing Jamba Juice Downtown, was invited to speak and stated her support for Councilmember Items #23 regarding request to end expanded outdoor dining and retail on Main Street and other nearby areas in Downtown. (02:40:41)

Caller Ada Hand was invited to speak and referenced the letter the City received from the California Department of Housing and Community Development (HCD) regarding non-compliance with Regional Housing Needs Assessment (RHNA) for affordable housing. She also stated her opposition to returning to pre-pandemic procedures for City Council meetings, and asked that the option to participate via Zoom be continued. She also encouraged attendance at the Mobile Home Advisory Board meeting on Monday, January 23, 2023, at 5 PM at City Hall, which can also be accessed via Zoom. (02:41:30)

Caller Mark Sheldon, a 30-year plus resident of Huntington Beach, was invited to speak and stated his support for utility citizen choice and asked that Council be aware how their decision on Administrative Items #19 regarding Orange County Power Authority (OCPA) default energy product for Huntington Beach will impact the OCPA. Mr. Sheldon also shared his opinion that the Air Show environmental review should follow the standard policy implemented for any other required environmental review. He also stated support for continuing the option to attend Council meetings via Zoom. (02:43:38)

Caller Emily Grant, Southern California Gas Senior Public Affairs Manager, was invited to speak and noted that several factors beyond their control are going to increase January 2023 gas prices to at least double what they were in January 2022. She further explained ways to reduce gas usage and access Southern California Gas assistance programs. (02:46:58)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS

Mayor Strickland reported his appointment of Lisa Lane-Barnes to the Community and Library Services Commission, and Michelle Schuetz to the Investment Advisory Board.

Councilmember Bolton reported her appointment of Gigi Jackson to the Citizen's Participation Advisory Board.

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES

Councilmember Kalmick reported meeting with the Police Officers' Association (POA).

CITY MANAGER'S REPORT

9. 22-695 Welcome to New OneHB Team Members

City Manager Al Zelinka identified seven new OneHB team members in the following departments: Community and Library Services (2); Finance (1); Community Development (1); Police (2); and Public Works (1).

10. 23-025 Update on Downtown Street Closure

On December 20, 2022, Council directed a pause for Downtown Main Street plans, asked that the community be re-engaged, and for staff to report back in February. City Manager Zelinka stated that currently staff from various departments are engaging community feedback, and are planning a community meeting at the Main Street Library in early February, followed by a preliminary report. In early March, staff will provide a more comprehensive report including new survey results with the expectation that Council will provide further direction at that time.

CITY TREASURER'S REPORT

11. 22-916 Adopted Resolution No. 2023-03 approving the 2023 Investment Policy

City Treasurer Alisa Backstrom presented a PowerPoint communication entitled *City of Huntington Beach Investment Policy Statement Updates for 2023*, including a slide titled: *2023 Investment Policy Updates*.

Councilmember Burns confirmed with City Treasurer Backstrom that Council is only voting tonight on whether to approve these investment category changes. City Treasurer Backstrom noted that each month she provides an updated report to Council on actual investments.

A motion was made by Strickland, second Van Der Mark to adopt Resolution No. 2023-03, "A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy 2023."

The motion carried by the following roll call vote:

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

CITY ATTORNEY'S REPORT

12. 23-041 Air Show Environmental Review

City Attorney Gates shared that the process of identifying a firm to conduct an environmental review has started, and provided comments on firm experience and finding the right fit. Staff will return with a specific plan and engagement contract for Council review.

CONSENT CALENDAR

Councilmember Moser pulled #14, and Councilmember Bolton pulled #17 for further discussion.

Office of City Clerk

13. 22-1125 Approved and Adopted Minutes as Amended by Supplemental Communication

A motion was made by Bolton, second Burns to approve and adopt the City Council/Public Financing Authority regular meeting minutes of December 6, 2022, **as amended by Supplemental Communication**; and, approve and adopt the City Council/Public Financing Authority regular meeting and the Housing Authority, Parking Authority and Successor Agency special meeting minutes of December 20, 2022.

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

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

14. 22-792 Conducted an Annual Review of the City Code of Ethics

Councilmember Moser pulled this item to state her personal appreciation for this document, and she encouraged everyone to abide by this Code of Ethics and show respect for each other.

A motion was made by Moser, second Strickland to direct the City Clerk to record in the official minutes that the City Code of Ethics was presented to the City Council, City Manager, Chairpersons, and City Department Directors for their review and distribution as required by Resolution No. 2016-73.

The motion carried by the following roll call vote:

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

15. 21-385 Adopted Resolution No. 2023-01 Amending the Conflict of Interest Code

A motion was made by Bolton, second Burns to adopt Resolution No. 2023-01, "A Resolution of the City Council of the City of Huntington Beach Amending its Conflict of Interest Code," ***as amended by Supplemental Communication.***

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

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

Finance Department

16. 23-018 Adopted Successor Agency Resolution Nos. 2023-01 and 2023-02 approving the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Huntington Beach Successor Agency for the period of July 1, 2023, through June 30, 2024, in accordance with Health and Safety Code Section 34177 and related actions

A motion was made by Bolton, second Burns to adopt Resolution No. 2023-01, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Successor Agency Administrative Budget for the Period July 1, 2023, through June 30, 2024;" and, adopt Resolution No. 2023-02, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Recognized Obligation Payment Schedule for the Period July 1, 2023 - June 30, 2024 ('ROPS 23-24')."

The motion carried by the following roll call vote:

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

Police Department

17. 22-1114 Approved Use of Volunteer Release & Waiver of Liability Agreement

Councilmember Bolton pulled this item to clarify with Police Chief Parra that the personal details related to a volunteer's address, phone number or email will not be publicly released, but is retained for staff use as needed.

A motion was made by Bolton, second Strickland to approve staff recommendation that City Council approve use of the Volunteer Release & Waiver of Liability Agreement (Attachment) as drafted and approved by the City Attorney.

The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

18. 23-028 Tabled action to receive and file the comprehensive report on City resources used to address homelessness and approve proposed 90-day plan to enforce City and State laws relating to homelessness

Police Chief Eric Parra and Lieutenant Bryan Smith presented a PowerPoint communication entitled *City Services to Address Homelessness* with slides titled: *Background, Homelessness Team, Navigation Center: Occupancy Rate, Navigation Center: Client Data, Navigation Center: Exit Data, Navigation Center: Cost Data, Be Well OC In HB: Client Data, Be Well OC In HB: Client Data & Cost, County of Orange Initiatives, Police Department Proposed 90-Day Plan, Current Efforts, Proposed Community Engagement Plan, Proposed Community Engagement Plan, and City Services to Address Homelessness.*

Councilmember Burns confirmed with Chief Parra that Deputy Director, Homeless & Behavior Health Services Jason Austin prepared the report that was presented. Councilmember Burns and Chief Parra discussed the value for having lights and sirens on trucks that are used to collect excess property when a homeless individual is arrested. Discussion continued to clarify unduplicated number of individuals served and total bed nights; number of deaths at the Navigation Center; and confirmation the Fire Department received 281 calls for service to the Navigation Center since it opened. Councilmember Burns shared his opinion that success for this program should be defined as fewer people living on the streets, and the Navigation Center serving fewer people as time goes on.

Councilmember McKeon requested that Deputy Director Jason Austin come to a follow-up meeting as he has the knowledge to clarify the questions regarding staffing numbers and costs, confirm services that the County currently offers, who is paying for the volunteer program, describe what outreach workers do, details on contact numbers, proper utilization of private sector and faith-based organization services, proper segmentation of data, details for Mercy House services, as well as clarification on services provided at the Navigation Center vs Be Well OC, including hours and dates of services. Councilmember McKeon asked Chief Parra to provide a wish list of priorities for the \$500k request, and asked if all of that funding needs to be available at one time, or is it possible to spread out over several years.

Mayor Pro Tem Van Der Mark asked if data distinguishes between transient and homeless; noted that the State will be cutting back on funds for Permanent Local Housing Allocation (PLHA) services and asked for clarification on the impact that will have for Huntington Beach going forward; wants to see more details on no camping and no loitering enforcement; and discussed with Chief Parra what could be accomplished with approval of the \$228,450 for overtime costs. Mayor Pro Tem Van Der Mark shared her concerns regarding people who are on illegal substances that are admitted to the Healing Center, and Lieutenant Smith explained the procedures are constantly being monitored and adjusted as necessary.

Councilmember Moser stated that many Navigation Center residents have some type of substance abuse disorder and confirmed with Lieutenant Smith that any illegal substances that are collected by Security staff are securely stored and Huntington Beach Police Officers collect and ensure it is properly disposed of. Councilmember Moser stated her opinion that multiple study sessions will be required to fully understand the data and provide proper transparency. She clarified that what is being referred to as

Former Chief Handy's 90-day Plan, was in fact an educational outreach plan for the 90-day period prior to opening the Navigation Center.

Councilmember Moser described many of the efforts that Huntington Beach has implemented the last several years to address homelessness, and suggested that staff provide a detailed report on all of the funding and service sources being utilized. She also noted that there needs to be a way to include the efforts of department, community and County organizations for complete data collection, while being cognizant of required privacy standards.

Councilmember Moser would like to know what it costs to keep someone in jail per night vs. the cost of a night in the Navigation Center vs. the cost of a call for service. She further noted the importance of evaluating specific metrics to help determine which efforts are successful. She defined success is when homelessness is rare, brief and non-recurring. Councilmember Moser noted that Homeless Management Information System (HMIS) data access is only available for programs that utilize non-uniformed people and caseworkers. She stated support for continuing to engage private partnerships in moving forward, and stated that real, informed and comprehensive discussions are needed to reach the mutual goal.

Mayor Strickland confirmed that traditionally the county has been responsible to address homeless issues, and Huntington Beach has spent approximately \$20M for 162 housed people. Mayor Strickland asked if it might make sense for the City to consider providing funding for the non-profits who may be more efficient in providing services. He also stated that he believes much more information is needed before there is an action item to consider.

Mayor Pro Tem Van Der Mark clarified that this item is directed at enforcement of City and State laws related to homelessness, that success for her will benefit all residents and businesses, and stated the effort requires much more than just helping the homeless.

Councilmember McKeon noted the real question is how to best recover the City's public space for its intended use, and Police Chief Parra described some of the efforts moving forward to do that. Councilmember McKeon asked to table this item until Deputy Director Austin can be available to provide details along with Police Chief Parra. It was also suggested that Chief Parra's ordinances addressing issues related to Park and Downtown regulations be Agenda Action items for the same date as the Study Session discussion.

A motion was made by McKeon, second Van Der Mark to ~~receive and file this report; and, approve the proposed 90-Day Plan and appropriate one-time funding of \$500,000 in the FY 2022/23 General Fund budget~~ **table item and return to Council with a comprehensive report that addresses questions and concerns shared by Council, to be presented at a future Study Session with additional staff present to address the questions raised.**

A substitute motion was made by Moser, second Kalmick to ~~receive and file this report; and, approve the proposed 90-Day Plan and appropriate one-time funding of \$500,000 in the FY 2022/23 General Fund budget~~ **table item and return to Council with a comprehensive report that addresses questions and concerns shared by Council, to be presented at a Study Session held on either February 21 or March 7; and request for additional briefings from staff.**

The substitute motion carried by the following roll call vote:

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

19. 23-042 Selected Option (C) for Huntington Beach's Orange County Power Authority (OCPA) Default Energy Product Rate, and Option (C) for City of Huntington Beach's Municipal Accounts Rate

Assistant City Manager Travis Hopkins presented a PowerPoint communication entitled *Consideration of OCPA Default Rate Selection and City Municipal Account Rate Selection (2)* outlining the historical timeline of actions taken from the time of Council approval to join OCPA; *2023 Rates; Recommended Action*; and *City Council Options*.

Councilmember Kalmick shared his concern that Council may run afoul of the environmental document passed as part of the Greenhouse Act Reduction Program in the General Plan. He noted that under California Environmental Quality Act (CEQA) Huntington Beach would not meet the State greenhouse gas reduction goals with this proposed change. He also suggested a more detailed review of the City's costs where he believes there are areas where the OCPA 100% renewable rates are actually cheaper than Edison's rates.

~~A motion was made by McKeon, second Burns to take no action. The current, default energy offering of 100% Renewable will remain for all new OCPA customers; select the Smart Choice option (at least 69% renewable energy) as the default offering for new OCPA customers; or select C), the Basic Choice option (at least 38.5% renewable energy) as the default offering for new OCPA customers, and take no action, and retain the current energy offering of 100% Renewable for municipal accounts; select Smart Choice (at least 69% renewable energy) for municipal accounts; or select C), the Basic Choice (at least 38.5% renewable energy) for municipal accounts.~~

The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

20. 23-012 Approved for Introduction Ordinance No. 4276 Amending Chapter 2.07 of the HBMC Relating to Campaign Reform

City Attorney Michael Gates introduced this item by noting that on December 20, 2022, Council directed him to return with an ordinance amending Chapter 2.07 of the Municipal Code that sets Huntington Beach campaign contribution limits to track State limits.

Councilmember Kalmick stated it is extremely unusual that there is no staff report or professional analysis for this item. He added there is no clarification as to which "State" limits this refers to.

Councilmember Bolton stated she cannot support this item because it is not a very direct way to handle the issue of controlling independent expenditure PACs for local elections.

A motion was made by Strickland, second Van Der Mark to, after the City Clerk reads by title, approve for Introduction Ordinance No. 4276, "An Ordinance of the City of Huntington Beach Amending Chapter 2.07 of the Huntington Beach Municipal Code Relating to Campaign Reform."

The motion carried by the following roll call vote:

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

21. 23-017 Approved for Introduction Ordinance No. 4277 Amending Chapter 1.18 of the Huntington Beach Municipal Code Relating to Anonymous Complaints

City Attorney Michael Gates introduced this item by stating that on December 20, 2022, Council directed him to provide an ordinance amending Chapter 1.18 of the Huntington Beach Municipal Code to ban anonymous complaints against businesses for alleged municipal code violations.

Councilmember Kalmick stated he cannot support this item because no staff analysis or professional opinions were included. He also noted that a letter received by the American Civil Liberties Union (ACLU) about this issue was not presented and discussed.

City Attorney Gates responded that he had commented on the ACLU letter at the last meeting, and added that he had met with the bargaining unit and alleviated their concerns that were based on a misconception. He also noted that the most recent meet and confer correspondence relates to another issue.

Councilmember Kalmick stated appreciation for this additional information and suggested it would have been helpful to receive that information in a Supplemental Communication. He asked if any City employee making a report will have to provide their personal contact information, and City Attorney Gates clarified that by just having their name, it will be possible to follow up for more information if needed. City Attorney Gates further clarified this ordinance is only about alleged business municipal code violations, not about ABC license infractions, or State penal code violations.

Councilmember Bolton asked for further clarification, and City Attorney Gates clarified that if Officer "Tom" reports anything to Code Enforcement, that is not an anonymous report. However, if someone calls in a report, or fills out an on-line form that does not include identifying information, they are anonymous. City Attorney Gates also explained that if a case actually goes to court, he cannot present anything that was submitted anonymously, and noted it is extremely helpful for the chain of custody, for authentication, and providing a foundation for the evidence.

Councilmember Bolton stated it would be helpful to see some type of analysis as back up for this item to help everyone better understand the purpose.

A motion was made by Strickland, second Burns to, after the City Clerk reads by title, approve for Introduction Ordinance No. 4277, "An Ordinance of the City of Huntington Beach Amending Chapter 1.18 of the Huntington Beach Municipal Code Relating to Anonymous Complaints."

The motion carried by the following roll call vote:

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

NOES: Kalmick, Moser, and Bolton

COUNCILMEMBER ITEMS

22. 23-038 Approved Item Submitted by Mayor Strickland — Develop a proposal for a Public Memorial honoring Don Andrews McAllister

A motion was made by Strickland, second Van Der Mark to direct staff to work with the Community and Library Services Commission and leadership of the Greater Huntington Beach Interfaith Council to develop a proposal for a public memorial honoring Don MacAllister on Tower Zero. Return to City Council within 90 days to present the proposal for consideration.

The motion carried by the following roll call vote:

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

NOES: None

23. 23-049 Approved Item Submitted by Mayor Pro Tem Van Der Mark As Amended — Request to End Expanded Outdoor Dining and Retail on Main Street and other nearby areas in Downtown

Mayor Pro Tem Van Der Mark introduced this item by describing actions taken by City Council to support businesses in the Downtown and nearby areas during the pandemic. She noted the pandemic measures are no longer warranted, and the situation is currently causing an increase in transient occupation, and an increase in health and safety concerns.

Councilmember Kalmick acknowledged that some businesses were short-changed because Council failed to get better policies for the Downtown area during the pandemic. He further added that from his perspective the issues listed in the item are actually fixable. He asked why the City would want to subsidize private vehicle storage on public property by adding parking meters back, and stated there is not one solution that will make everyone happy. He also stated he does not see a path forward with this item, but rather a move backward, and suggested it would be more appropriate to include basic standards for moving forward.

Mayor Strickland explained that this item is only intended to restore pre-pandemic conditions while the long-term goals are being reviewed.

Councilmember Moser stated her support for Councilmember Kalmick's comments on this issue. She confirmed with Community Development Director Ursula Luna-Reynosa that the California Coastal Commission (CCC) and Alcohol Beverage Control (ABC) post-pandemic changes are expected to be in place 365 days after the Governor's state-of-emergency ends, or February 23, 2024. Director Luna-Reynosa also noted that the CCC has already advised San Diego to immediately replace any lost parking that resulted from outdoor dining expansions.

Councilmember Moser noted that if this plan to return to pre-pandemic conditions is implemented it could potentially mean employee lay-offs for some businesses. She suggested that another option could be to focus on efforts to make the Downtown area more consistent by asking staff to create some design standards to improve the area fairly quickly for the upcoming spring and summer season.

Councilmember Moser also stated support for charging those businesses that have expanded outdoor dining space.

Mayor Pro Tem Van Der Mark noted that when Council closed the Second block of Main Street to vehicular traffic it was announced as a temporary measure, and this item is to show the community that Councilmembers will honor their word. She also provided an overview of the total dollars generated over a period of several years to document the income drop as a result of the removal of parking spaces.

An amended motion was made by Van Der Mark, second Strickland to direct the City Manager to work with staff to give the downtown businesses on Main St., who are occupying public areas with outdoor dining and retail, ~~30-days'~~ notice to remove all expanded outdoor dining and to return Main St. to its pre-COVID-19 state **by March 1st**. This reversal of the outdoor dining and retail expansions by small business will remain until the City Council makes a decision about a long-term revitalization plan. Additionally, direct the City Manager to require tenants who have expanded on public rights-of-way nearby Main Street as well as on private property to scale back to approved patio areas until they are permanently permitted for expansion. Lastly, direct the City Manager to reinstitute parking meters to their pre-COVID state on Main Street as well. We anticipate that this restoring of Main St., downtown to its pre-COVID-19 state will require support from Community Development, Community and Library Services, Police Department, and Public Works.

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

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

24. 23-051 Approved Item Submitted by Mayor Pro Tem Van Der Mark — Request to Implement a Managed Hiring Process for Vacant City Staff Positions (with limited exceptions)

Mayor Pro Tem Van Der Mark introduced this item by explaining it is a temporary measure intended to allow time for the new Councilmembers to clearly understand the City's fiscal health, which includes staffing levels, associated costs and financial impacts in preparation for making informed decisions in June regarding the 2023/2024 budget. She added this measure will not impact any current employees, and that there will be discussions with the Teamsters to address their concerns.

Councilmember Kalmick shared his confusion in that the categories listed appear to cover every department, and asked which specific positions would be held open. He noted the City operates in a fiscally responsible manner and currently has a \$17M surplus with every single position budgeted. He also added that the normal budget process, which will take place in the next few months, includes review of staffing levels, vacancies, and the costs of filling vacancies. Councilmember Kalmick stated his opinion that there is no need to implement a hiring freeze, especially when all of the open positions are in the current budget with a surplus.

Councilmember McKeon stated his support for temporary prudent action and being good financial stewards, by analyzing open positions to determine how critical and necessary they are.

Councilmember Bolton shared her concern about instituting a hiring freeze because of a possible recession and her perception that most Orange County municipalities are struggling to fill staff positions because of a shortage of applicants. She stated her concern regarding the inconsistency of on one hand

approving a \$100,000 annual raise for an elected official without a compensation study, while also implementing a temporary hiring freeze.

Mayor Strickland and Councilmember Bolton further discussed the proper process, which usually includes a compensation study, for salary/benefit increases. Councilmember Bolton stated her opinion that if this item is approved it sends a mixed-signal message.

City Attorney Michael Gates took exception to any Councilmember disapproving of his most recent increase in salary without a classification and compensation study, when the City Council previously directed that a class and comp study be conducted for almost every staff position, with the exception of the City Attorney.

Councilmember Moser stated her opinion that one of the repercussions to a hiring freeze is elevating both staff and community concerns about financial stability, and she further believes the normal upcoming budget process will allow all Councilmembers to get the important answers to the questions listed in this item.

A motion was made by Van Der Mark, second McKeon to direct the City Manager to take necessary measures to develop and implement a "managed hiring" process for City staff position vacancies that results in only necessary hiring for public safety (including Police and Fire Departments), building inspection and code enforcement, legal services (City Attorney's Office), infrastructure maintenance and operation, essential support services, meeting Charter and Municipal Code requirements, filling interim/permanent Department Head vacancies, etc. This "managed hiring" process is meant to be temporary and is designed to allow the City Manager to prepare and present a report for City Council at its regular meeting on February 21, 2023, about the state of the City's budget and financial health, as well as staffing levels, vacancies, the costs of filling vacancies, and any other aspect of citywide reorganization or planned increase in fiscal responsibility and economic efficiency.

The motion carried by the following roll call vote:

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

25. 23-029 Approved Item Submitted by Councilmember McKeon — Request to Repeal Ordinance No. 3907 Related to the City Treasurer's Role

Councilmember McKeon introduced this item by stating that in 2011, a previous City Council removed some of the elected City Treasurer's responsibilities, and this item will restore those duties in allegiance with City Charter Section 311.

Councilmember Kalmick asked for clarification since the 2011 ordinance was not attached to this item for review. Mayor Strickland stated that the City Treasurer had specific powers, and noted that when a Chief Financial Officer (CFO) was hired some of those powers went to the CFO.

Councilmember Kalmick stated he spoke to a former Councilmember involved in the 2011 action who noted that move was made as a cost savings measure, and asked City Treasurer Backstrom why she did not bring this item forward herself. City Treasurer Backstrom responded she has brought this to every City Manager since 2016, and the current City Manager and City Attorney agree that Ordinance 3907

was actually in opposition to the Charter and is therefore incorrect. She clarified there is no change to the Charter, and this is only an attempt to ensure the City Charter is being followed.

Councilmember Kalmick agreed there cannot be an ordinance that conflicts with the City Charter. He stated this will include changes to the job role, requested the staff report include those impacts, and expected costs. City Manager Al Zelinka confirmed the staff report will include how the reorganization will occur and related financial implications, and noted the process will require a meet and confer to address bargaining partner concerns.

A motion was made by McKeon, second Burns to direct the City Attorney and the City Manager, in collaboration with the City Treasurer, to return to City Council at a regular meeting in February 2023 with the necessary actions to reverse Ordinance 3907 and restore the elected City Treasurer's duties, in full, to those provided in Section 311 of the City Charter.

The motion carried by the following roll call vote:

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

26. 23-043 Approved Item Submitted by Councilmember McKeon — Request to Update and Develop Objective Standards for Development within the City

Councilmember McKeon introduced this item by explaining that many standards are currently subjective and this item is to update standards for development within the City, including Municipal Code, Zoning, Building and Fire Codes to reflect improved objective standards to protect health and safety for all projects going forward.

Councilmember Kalmick, speaking as a former Planning Commissioner, asked for clarification on what would appear to be an extensive process. Councilmember Kalmick and Community Development Director Ursula Luna-Reynosa discussed whether removing “alternate means and methods” and specifically targeting multi-family housing could be a barrier to housing, and possibly create issues with California Department of Housing and Community Development (HCD). Director Luna-Reynosa noted that local amendments can be made to the California Building Code for special circumstances, but expects the alternative means and methods part cannot be amended, and added she does not know what could be a trigger for HCD.

Councilmember Kalmick stated he would like to have some specific codes included in this item.

Councilmember McKeon explained that if this item were approved, a consultant would report back with specific objective standards that may include removing or tweaking “alternative means and methods”. He added that this item is only intended to move the process forward by asking staff to select a consultant and bring it back for Council approval.

Councilmember Kalmick asked that with the work staff is already doing with SB 6 if it is possible to also piggyback AB 2011.

A motion was made by McKeon, second Strickland to direct the City Manager to retain the required consultant(s) to work with Community Development Department, Fire Department, Public Works Department and the City Attorney's Office to update the Municipal Code including the Zoning, building

and fire codes to reflect improved objective standards for development, including removing any references to "alternative means and methods" from the fire code with respect to multifamily development and, to return to City Council by end of March with proposals for improved objective development standards.

The motion carried by the following roll call vote:

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

27. 23-044 Approved Item Submitted by Councilmember Burns — Review of City Owned Oil Well Operation and Production

Councilmember Burns introduced this item as an effort to determine the status and income produced by City-owned oil wells, and determine if it is in the City's best interest to keep them productive, lease them, or get rid of them.

A motion was made by Burns, second Kalmick to direct the City Manager to return to the City Council within 60 days with a report on the number of City owned wells, locations, historical production and capacity, and revenue from the sale of oil. The wells are aging, require ongoing maintenance when operational, and there will be costs to become operational. A full conditions assessment, cost benefit analysis, and plan to resume operations should be included in the report.

The motion carried by the following roll call vote:

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

28. 23-045 Approved Item Submitted by Councilmember Burns — Appointments to Boards and Commissions

Councilmember Burns introduced this item by stating that some boards and commissions are designed to have seven members appointed by the seven Councilmembers. He noted that some previous boards or commissions had been combined which resulted in more than seven members, and stated this item is to ensure that all Councilmember boards and commissions have seven members to ensure efficiency.

Councilmember Kalmick explained that these advisory boards do not make policy decisions, and noted that more than seven members were kept with consolidations.

A motion was made by Burns, second Strickland that any Councilmember with more than one appointee to a Board or Commission will need to select a single appointee moving forward. Any one Board Member or Commissioner, who is not selected by the Council Member, will be excused. This is intended to provide more efficient Boards and Commissions to operate as the Commissions are designed. Direct the City Manager to facilitate the adjusting of Boards and Commissions such that those with direct Councilmember appointments be reduced or limited to a 7-member Board or Commission — one appointee for each Councilmember and no more. If any Resolutions or other Council action is required to make this modification, return to Council at the next regular meeting with whatever approvals are necessary from Council.

The motion carried by the following roll call vote:

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

29. 23-046 Approved Item Submitted by Councilmember Burns As Amended — Finance Commission

Councilmember Burns introduced the item by describing some Finance Commission restrictions implemented by a former City Council, and stated he is asking that the City Manager facilitate monthly Finance Commission meetings to review, analyze and consider the accountability, honesty, integrity, fiscal sustainability, community involvement and openness of the City's financial obligations.

Councilmember McKeon provided an amendment to include that Finance Commission meetings are to be held in Council Chambers.

Councilmember Bolton shared her concern that this item appears to place the Finance Commission in a policy-making role, however the City Charter stipulates that only the City Council have a policy-making role. She also noted there is no mandate with qualifications to serve, and added that financial audits, per the City Charter, are to only be conducted by professionals with no interest in City finances.

Councilmember McKeon explained that he was a Finance Commissioner when restrictions were implemented and meetings changed to quarterly, and noted it actually hindered independent review and recommendations. He confirmed with City Manager Zelinka that the Finance Commission does not have the authority to obligate funding for an audit.

City Manager Zelinka added that last November Council approved departmental financial and performance audits and noted Council can help define what those audits include. It is expected that the Finance Commission would review those audits to provide feedback before Council action. City Manager Zelinka also noted that with the current skeletal Finance Department staff, there may have to be a discussion on staffing demands to produce the required reporting.

Councilmember Moser confirmed with Councilmember Burns that the Finance Commission would continue to operate as an advisory body and act as a team, which would prevent one Finance Commissioner from independently presenting any item.

Councilmember Kalmick explained the Finance Commission was changed because they were asking for department audits that required massive staff time, therefore Council required that their requests and recommendations be put on the Agenda for Council approval, and Finance Commission meetings were changed to quarterly for budget and financial policy reviews. He stated he sees this item as requiring an enormous amount of staff time considering having just approved a hiring freeze. Councilmember Kalmick also stated he sees this item as too vague and dangerously over political, and noted that this item "directs" the City Manager to update Municipal Code, which he cannot do.

Councilmember Burns noted that the intent is to utilize the expertise of the Finance Commissioners to serve the City.

City Attorney Michael Gates clarified that he will work with the City Manager to bring back a proposed modification for Council consideration.

A motion was made by Burns, second Strickland to direct the City Manager to immediately facilitate monthly Finance Commission meetings and direct the City Manager to accommodate and facilitate the Finance Commission to undertake reviews the Finance Commission, in its citizen-driven oversight, deems necessary. The Finance Commission will review, analyze, and consider the accountability, honesty, integrity, fiscal sustainability, community involvement, and openness of the City's financial obligations. Direct the City Manager to update the Huntington Beach Municipal Code Section 2.109, Finance Commission, to reflect a monthly meeting schedule with the modified duties and agenda items, ***as amended to include Finance Commission monthly meetings are to be held in Council Chambers.***

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

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

ADJOURNMENT — at 10:52 PM a motion was made by Strickland with a second by McKeon, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, February 7, 2023, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND
STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT
<http://www.huntingtonbeachca.gov>

City Clerk and ex-officio Clerk of the City Council
of the City of Huntington Beach and Secretary of
the Public Financing Authority and Successor
Agency of the City of Huntington Beach,
California

ATTEST:

City Clerk-Secretary

Mayor-Chair