

## **Minutes**

### **City Council/Public Financing Authority City of Huntington Beach**

Tuesday, May 7, 2024  
4:30 PM — Council Chambers  
6:00 PM — Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**A video recording of the 4:30 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/](http://www.surfcity-hb.org/government/agendas/)**

#### **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, McKeon, and Kalmick  
Absent: None

#### **CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit)**

Councilmember Bolton shared a big "Thank You" for a memorable experience from the Surf Waves and Enjoy Life (SWEL) participants from Kansas City to all of the Huntington Beach City staff who helped make their experience possible. SWEL is focused on promoting the health and wellness of veterans and first responders.

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

#### **PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS — None**

Mayor Van Der Mark announced agenda titles for Closed Session Item #9 regarding Municipal Employees Organization (MEO), and #10 regarding Non-Represented Employees (N/A).

#### **RECESSED TO CLOSED SESSION — 4:33 PM**

A motion was made by Strickland, with a second by Burns, to recess to Closed Session for items 1-10.

1. 24-338 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Torres (Florence) v. City of Huntington Beach; OCSC Case No.: 30-2023-01334230-CU-PO-CJC.
2. 24-339 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Flanders (Emily) v. City of Huntington Beach; OCSC Case No: 30-2023-01328127-CU-PA-WJC.

3. 24-340 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Clayton-Tarvin (Gina) v. City of Huntington Beach, Michael Gates, et al.; OCSC Case No.: 30-2023-01329927.
4. 24-342 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Garcia (Guadalupe Leticia), et al. v. City of Huntington Beach, et al.; USDC Case No.: 8:23-cv-01771-FWS (ADSx).
5. 24-343 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Daniels (Enda) v. City of Huntington Beach; OCSC Case No.: 30-2023-01315163.
6. 24-344 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Pacific Airshow, LLC v. City of Huntington Beach and Kim Carr; OCSC Case No. 30-2022-01287749.
7. 24-357 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Bixby (Mark) v. Robin Estanislau, et al.; OCSC Case No.: 30-2023-01366664-CU-WM-CJC.
8. 24-360 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). People of the State of California/Bonta v. City of Huntington Beach, et al.; Case No. 30-2024-01393606-CU-WM-NJC.
9. 24-345 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 Sunny Han, Chief Financial Officer. Employee Organization: Management Employees Organization (MEO).
10. 24-359 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 Sunny Han, Chief Financial Officer. Employee Organization: Non-Represented Employees (N/A).

**6:00 PM — COUNCIL CHAMBERS**

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

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE** — Led by Huntington Beach Fire Chief Scott Haberle

**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.

**11. 24-332 Huntington Beach Police Chaplain James Pike**

**CLOSED SESSION REPORT BY CITY ATTORNEY — None**

**CITY MANAGER'S REPORT**

Interim City Manager Parra invited Mr. Robert Dettloff and his family forward to say a few words in honor of his wife and former Mayor Shirley Dettloff, who recently passed away. Mr. Dettloff, along with son Rob and daughter Susan, thanked the 911 Operator, paramedics, Fire and Police Departments for their response and valiant efforts on Shirley's behalf. The Dettloff family presented a \$1,000 check to Huntington Beach Fire Chief Haberle to be used for Hearts Save HB, a Huntington Beach Fire Department initiative to raise awareness of the appropriate response to cardiac arrest by teaching people how to use Automated External Defibrillators (AEDs).

**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.

Consent Calendar Item #14 (1 email communication), Item #17 (1 staff memorandum), Item #19 (1 staff email); and Councilmember Items #29 (25 email communications), Item #30 (four hundred twenty-one [421] email communications and a draft resolution).

**PUBLIC COMMENTS (90-Second Time Limit due to the number of speakers) — 79 Speakers**

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

Unnamed Speaker was called to speak and stated her support for ensuring inappropriate sexual material is kept away from young children in the Huntington Beach Public Library system. (00:12:35)

Aaron Pai, Huntington Surf and Sport Owner and 52-year Huntington Beach resident, was called to speak and stated his support for Administrative Public Hearing Item #28 regarding the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. (00:14:00)

Patricia Green, a 44-year Huntington Beach resident, and participant in the most recent Huntington Beach Citizen's Police Academy, was called to speak and thanked Police Chief Parra, as well as Mayor Van Der Mark and Councilmembers for their dedication. (00:15:42)

Ann Palmer, 30+-year resident of Huntington Beach was called to speak and shared her concerns regarding the possibility of outsourcing/privatizing the Huntington Beach Public Library system. (00:17:31)

Barbara Richardson, 51-year Huntington Beach resident, was called to speak and paid tribute to Shirley Dettloff, Former Mayor and Champion of Huntington Beach, and stated her support for Councilmember Items #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:19:10)

Unnamed Speaker was called to speak and stated her opposition to creating a committee to decide where sexual material should be placed in the Huntington Beach Public Library system, and support for Councilmember Items #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced (00:20:41)

Harry McLachlan, a resident of Huntington Beach, was called to speak and stated support for Councilmember Items #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced (00:22:37)

Mr. Amory Hanson was called to speak and stated his support for Consent Calendar Item #15 (G) regarding SB 1214 California Commission on the United States Semiquincentennial. (00:24:01)

Butch Twinning, 58-year Huntington Beach resident, was called to speak and stated his support for ensuring inappropriate sexual material is kept away from young children in the Huntington Beach Public Library system. (00:24:58)

Pat Goodman was called to speak and paid tribute to Former Mayor Shirley Dettloff and her belief that ordinary residents should be engaged in civic life and stated her support for Councilmember Item #29 regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:26:35)

Lisa Baylis, whose family has lived in Huntington Beach since the 1960s, was called to speak and shared her opposition to the potential privatization/outsourcing of the Huntington Beach Public Library system. (00:28:18)

Andrew Einhorn, Huntington Beach resident, was called to speak and paid tribute to Former Mayor Shirley Dettloff and acknowledged the positive impact she had. Mr. Einhorn stated his support for Councilmember Item #29 regarding a sign code update, Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced; and his opposition to creating a committee to decide where sexual material should be placed in the Huntington Beach Public Library system. (00:30:16)

David Rynerson was called to speak and paid tribute to Former Mayor Shirley Dettloff and stated his support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:32:04)

Carol Daus, long-time Huntington Beach resident, was called to speak and paid tribute to Former Mayor Shirley Dettloff and stated her support for Councilmember Item #29 regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:33:35)

Wendy Rincon, 50-year Huntington Beach resident, was called to speak, paid tribute to Former Mayor Shirley Dettloff and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:35:21)

Jaime Palombo was called to speak and stated her support for Councilmember Item #29 regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:36:58)

Unnamed Speaker, a 35-year Huntington Beach resident and homeowner, was called to speak, paid tribute to Former Mayor Shirley Dettloff, and stated her support for Councilmember Item #29 regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:37:49)

Kanan Durham, Pride at the Pier Executive Director, was called to speak, offered a brief moment of silence in honor of Former Mayor Shirley Dettloff and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:39:33)

Aidan Columbo, 3-year Huntington Beach resident, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:40:47)

Eve Hazard, Huntington Beach High School student, was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:42:33)

Briana Lee was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:44:44)

Diane Bentley was called to speak and paid tribute to Former Mayor Shirley Dettloff by listing many aspects of her service to Huntington Beach. Ms. Bentley also stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:46:21)

Nora Pedersen, 37-year Huntington Beach resident, was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:47:55)

Meg Flynn, born and raised in Huntington Beach, was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:49:38)

Dina Chavez was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:50:28)

Brenda Glim was called to speak and shared her opinions related to a number of Councilmember decisions. (00:52:14)

Gretchen Erickson, 22-year Huntington Beach resident, 16-year employee and current Huntington Beach Municipal Teamsters (HBMT) Chief Shop Steward, was called to speak and shared her appreciation for support from various groups. She also stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. She also noted that she received a response to her former Public Records request. (00:53:25)

Carlos Rubio, Teamsters Local 911 President, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:55:02)

Debra Jubinsky, 36-year Huntington Beach resident and homeowner, a 23-year City employee and Huntington Beach Management Employees Organization (HBMEO) Board President, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:56:45)

Cathey Ryder, 39-year Huntington Beach resident and homeowner, was called to speak and paid tribute to Former Mayor Shirley Dettloff for her 60 years of service to Huntington Beach. Ms. Ryder stated support for Councilmember Item #29 regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (00:59:32)

Pam Smart, 48-year Huntington Beach resident, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:01:15)

Janet Johnson was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:02:39)

T. J. England, 56-year Huntington Beach homeowner, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:04:09)

Lee Olney, 37-year Huntington Beach resident and homeowner, was called to speak and paid tribute to Former Mayor Shirley Dettloff. Ms. Olney also stated support for Councilmember Item #29 regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:05:51)

Jessica Bedina, long-time Huntington Beach resident, Former Environmental Board Member, college English professor and mother, was called to speak and shared her concerns regarding the possibility of outsourcing/privatizing the Huntington Beach Public Library system. (01:07:33)

Sue Welfringer, Huntington Beach resident since 1997, was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:09:42)

Avery Counts, resident of Huntington Beach, was called to speak, paid tribute to Former Mayor Shirley Dettloff and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:11:23)

Ken Inouye, 51-year resident of Huntington Beach, was called to speak, paid tribute to Former Mayor Shirley Dettloff and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced and postpone/terminate the RFP process until after a vote. (01:13:00)

Giovanni Chavez, California Young Democrats President, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:14:28)

Dom Jones, 2024 Candidate for California State Assembly District 72, was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:16:00)

Tim Geddes was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:18:30)

Donald Wittenberg, 20+-year Huntington Beach resident, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:19:56)

Neal was called to speak, paid tribute to Former Mayor Shirley Dettloff and asked why a City Manager has not yet been selected. (01:21:34)

Marlon Calderon, Aguilar and Calderon Corporation Representative, was called to speak and stated opposition to Consent Calendar Item #21 (24-232) regarding acceptance of a construction contract for LeBard Park improvements project. Mr. Calderon described failed efforts to proceed with this project after Aguilar and Calderon Corporation was initially awarded this project on March 21, 2023, and asked that a neutral third-party be tasked with reviewing the issues so this dispute can be resolved. (01:23:13)

Emma Pumbo was called to speak and stated her support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:24:58)

Connie Boardman, Former Mayor, was called to speak, paid tribute to Former Mayor Shirley Dettloff and stated support for Councilmember Item #29 regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:25:49)

Gus Garcia, Center for Contract Compliance Investigator, was called to speak and brought forth concerns related to Consent Calendar Item #21 (24-232) regarding the unresponsiveness, non-compliance, and failure to fulfill contractual obligations exhibited by Klassic Engineering and Construction, Inc. Mr. Garcia referenced his email to everyone earlier this date which included supporting documents for the claims made and asked that the City conduct a thorough review to ensure the selected contractor upholds the law before approving this item. (01:27:27)

Paul Maddison, Pasea Hotel and Spa General Manager, was called to speak and stated support for Administrative Public Hearing Item #28 (24-313) regarding the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. (01:28:50)

Don Ramsey, 61-year Huntington Beach resident, was called to speak and stated support for Administrative Public Hearing Item #28 (24-313) regarding the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. (01:30:24)

Tony Duran, Huntington Beach resident, business owner and Huntington Beach Downtown Business Improvement District Executive Vice President, was called to speak and personally stated support for



Administrative Public Hearing Item #28 (24-313) regarding the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. (01:32:07)

Tory Johnson, 13-year Huntington Beach resident and Huntington Beach Black Lives Matter Member, was called to speak, paid tribute to Former Mayor Shirley Dettloff and stated support for Councilmember Item #29 (24-337) regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:33:34)

Linda Moon, 50-year Huntington Beach resident, was called to speak, paid tribute to Former Mayor Shirley Dettloff and stated support for Councilmember Item #29 (24-337) regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:35:40)

Gigi Jackson, Huntington Beach resident and homeowner, NAACP Orange County Member and Homeless United Advocate, was called to speak, paid tribute to Former Mayor Shirley Dettloff and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:37:07)

Unnamed Speaker was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:38:57)

Laurie McCulloch was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:40:00)

Rocky McKinnon, McKinnon Surf and SUP Lessons Owner, was called to speak stated support for Administrative Public Hearing Item #28 (24-313) regarding the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. (01:40:53)

Karen Carroll, long-time resident, retired finance educator and Homeless United Huntington Beach Member, was called to speak and paid tribute to Former Mayor Shirley Dettloff. (01:42:02)

Cody Cleary, Huntington Beach resident, business owner and 2024 City Council Candidate, was called to speak and stated he believes in the ability of Huntington Beach to create a brighter future. (01:43:06)

Christopher Rini, Huntington Beach native, substitute teacher, archivist, and Central Library volunteer, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:43:53)

Carol Kanode, 40-year Huntington Beach resident and Library Volunteer, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:45:36)

Sonya was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:48:06)

Jacqueline Brodt, Huntington Beach resident, Huntington Beach Wetlands Conservancy Board Member, and Friends of the Library Former Board Member, was called to speak, paid tribute to Former Mayor



Shirley Dettloff and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:49:57)

Grace Croft, a life-long Huntington Beach resident and member of the LGBTQ+ community, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:51:52)

Flossie Horgan was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:53:22)

Paula Schaefer, 30+-year resident of Huntington Beach, homeowner and library patron, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:53:54)

Mira was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:55:44)

Natasia Nastic was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:56:57)

Kathryn Goddard was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (01:58:41)

Roshel Graham, a resident of Huntington Beach, pediatrician and mother of two, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. Mayor Van Der Mark invited Ms. Graham to complete a blue card for follow-up. (02:00:24)

Unnamed Speaker was called to speak and stated support for Councilmember Item #29 (24-337) regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (02:02:11)

Unnamed Speaker was called to speak and stated support for Councilmember Item #29 (24-337) regarding a sign code update and Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (02:03:54)

Pablo Aspas, Huntington Beach resident, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (02:05:51)

Luis Alema, Orange County Labor Federation, representing 97 different unions, was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (02:07:30)

Stanley Wolf, 45-year Huntington Beach resident and Army veteran, was called to speak and shared his solution regarding the Huntington Beach Public Library system controversy. (02:09:09)

Alejandra Capistran was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. Mayor Van Der Mark invited Ms. Capistran to complete a blue card for follow-up. (02:10:39)

Laura Lavin Valle was called to speak and stated support for Councilmember Item #30 (24-350) regarding a vote of the people to decide if the Huntington Beach Public Library system should be privatized/outsourced. (02:12:30)

Roger Noor, a 25+-year resident of Huntington Beach, was called to speak and shared his opinions regarding the Huntington Beach Public Library system controversy. (02:14:06)

Unnamed Speaker was called to speak and shared a video to support her belief that books are not the enemy. (02:15:55)

Danielle Houston, 8th Generation Californian and lifetime Huntington Beach Public Library patron, was called to speak and stated her opposition to any efforts to privatize the Huntington Beach Public Library system. (02:17:43)

#### **COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None**

#### **AB 1234 REPORTING**

Mayor Van Der Mark, Mayor Pro Tem Burns and Councilmember Strickland reported traveling to Washington, DC with Interim City Manager Eric Parra and Council Policy Analyst Shannon Levin to meet with various representatives to discuss funding for coastal erosion projects and the Navigation Center; Councilmembers Kalmick and McKeon reported attending the Southern California Association of Government (SCAG – OC) Council of Governments Annual Meeting.

#### **OPENNESS IN NEGOTIATION DISCLOSURES**

Councilmembers Kalmick, Moser and Bolton reported meeting with representatives of the Municipal Employees' Organization (MEO).

#### **CITY TREASURER'S REPORT**

##### **12. 24-317 Received and Filed the City Treasurer's Quarterly Investment Report for March 2024**

Alisa Backstrom, City Treasurer presented a PowerPoint communication titled *Quarterly Investment Report, Quarter Ended: March 31, 2024*, with slides entitled: *Interest Rates — US Treasury Yield Curve, March 28, 2024; Investment Portfolio — Summary, Quarter Ended 3/31/24; Investment Portfolio — Investments by Type, Quarter End 3/31/24; Investment Portfolio — By Maturity, Quarter End 3/31/24; Investment Portfolio — Selected Activity, Quarter End 3/31/24; Investment Portfolio — Selected Compliance, Quarter End 3/31/24; Additional Information and Questions?*

Councilmember Kalmick and Treasurer Backstrom discussed the current low-interest investments purchased in 2021 which will be held until they come due. Treasurer Backstrom explained that a re-balance analysis is completed monthly, but it is nearly impossible to quickly turn over investments of \$350-\$380M just to benefit from increasing interest rates. Councilmember Kalmick asked Treasurer Backstrom to email the ageing portfolio to Councilmembers, and she acknowledged the request.

Councilmember McKeon and Treasurer Backstrom discussed raging inflation, investing policy related to short-term vs long-term funding needs, and evaluating the liability matching process.

A motion was made by Strickland, second Van Der Mark to receive and file the City Treasurer's Quarterly Investment Report for March 2024, pursuant to Section 18.0 of the Investment Policy of the City of Huntington Beach.

The motion carried by the following roll call vote:

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

### **CONSENT CALENDAR (Items 13-24)**

Mayor Van Der Mark pulled Item #21; Councilmember Bolton pulled Item #15; and Councilmember Moser pulled Items #14 and #19 for further discussions.

#### City Clerk

### **13. 24-322 Approved and Adopted Minutes**

A motion was made by Strickland, second Kalmick to approve and adopt the City Council/Public Financing Authority regular meeting minutes of April 16, 2024.

The motion carried by the following roll call vote:

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

### **14. 24-323 Received and Filed Monthly Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies — April 2024**

Councilmember Moser pulled this item to understand the discrepancy between Intergovernmental Relations Committee (IRC) information reported in this item and Consent Item #15, and referenced Page 5 of the IRC minutes which showed under Miscellaneous, for AB 1825 Freedom to Read Act, "opposed" under Item #14; however, Item #15 has a request for Council action to "watch".

Assistant City Manager Travis Hopkins and staff responded that the IRC did vote on that measure and shortly thereafter was alerted by the state lobbyist that there were significant changes to the legislation and a decision was made to return the referenced item to IRC for further discussion.

Councilmember Moser noted her confusion because to the best of her understanding the IRC meeting took place mid-April and the legislative changes were made at the end of March which confuses her.

A motion was made by Van Der Mark, second Strickland to receive and file monthly update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies — April 2024.

The motion carried by the following roll call vote:

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

City Manager

**15. 24-310 Took positions on legislation pending before the State Legislature, as recommended by the Intergovernmental Relations Committee (IRC)**

Councilmember Kalmick recused himself and left the room for part F) SB 1102 because of a financial conflict of interest.

Councilmember Bolton pulled this item to ask for clarification on AB 1886 (Alvarez) Housing Element law; substantial compliance: Housing Accountability Act.

Staff explained that AB 1886 creates a rebuttal presumption so if a city gets a challenge on their housing element, it means only the court or California Housing and Community Development (HCD) can determine if the city is in substantial compliance with the housing element law. This is intended to strengthen existing law.

Councilmember Bolton said she will not support an item that is not making any changes.

Councilmember Bolton asked what the status is for the group of housing bills. Staff responded that AB 1886 is active; SB 450 was a two-year bill ordered to the Assembly floor in 2024, and with the overturn of SB 9 it was found unconstitutional and as of May 7 is inactive; SB 1037, SB 1211 and AB 2081 are all active.

Councilmember Bolton stated her understanding is that legal settlement funds are currently exempt from taxation, and staff responded that SB 1102 is currently on the suspense file which doesn't mean it won't move forward anytime in the future. SB 1102 specifically calls out the Huntington Beach oil spill settlements. City Attorney Michael Gates noted that depending on the nature of the aggrieved party, settlements could be taxable income.

Councilmember Bolton added her understanding is that compensation related to lost income, or profit, is taxable; but payments for pain and suffering or other types of damage is currently not taxable. Staff confirmed SB 1102 would exempt gross income from taxation regardless of source.

Councilmember Bolton shared her concern regarding the fact that if SB 1102 passes, to the best of her understanding, it most likely could exempt from taxation some portion of the \$7.5M paid out by the City of Huntington Beach to the Pacific Air Show promoter. Councilmember Bolton stated that since this item is on the suspension file, SB 1102 should not even be considered for any position at this time.

Councilmember Strickland noted that SB 1102 could be pulled off the suspension file at any time and it could be passed and sent to the floor within 48 hours. Therefore, he feels it is important to have the position of this body on record.

Councilmember Moser stated that to her it appears this item is being brought forward at this time purposely to help Code 4, and therefore she will not support it.

Mayor Van Der Mark clarified with Council Policy Analyst Shannon Levin that "Personal income tax law: corporation tax law: oil spill: exclusion" is the title for SB 1102.

A motion was made by Strickland, second Burns to approve the legislative position taken by IRC on April 17, 2024:

A) OPPOSE AB 1886 (Alvarez). Housing Element law: substantial compliance: Housing Accountability Act.

The motion carried by the following roll call vote:

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

A motion was made by Strickland, second Burns to approve the legislative position taken by IRC on April 17, 2024:

B) OPPOSE SB 450 (Atkins) Housing development: approvals

The motion carried by the following roll call vote:

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

A motion was made by Strickland, second Burns to approve the legislative position taken by IRC on April 17, 2024:

C) OPPOSE SB 1037 (Wiener) Planning and zoning: housing element: enforcement

The motion carried by the following roll call vote:

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

A motion was made by Strickland, second Burns to approve the legislative position taken by IRC on April 17, 2024:

D) OPPOSE SB 1211 (Skinner) Land use: accessory dwelling units: ministerial approval

The motion carried by the following roll call vote:

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

A motion was made by Strickland, second Burns to approve the legislative position taken by IRC on April 17, 2024:

E) SUPPORT AB 2081 (Davies) Substance abuse: recovery and treatment programs.

The motion carried by the following roll call vote:

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

A motion was made by Strickland, second Burns to approve the legislative position taken by IRC on April 17, 2024:

F) SUPPORT SB 1102 (Nguyen) Personal income tax law: corporation tax law: oil spill: exclusion

The motion carried by the following roll call vote:

AYES:	Burns, Van Der Mark, Strickland, and McKeon
NOES:	Moser, and Bolton
RECUSED/OUT OF THE ROOM:	Kalmick

A motion was made by Strickland, second Burns to approve the legislative positions taken by IRC on April 17, 2024:

G) SUPPORT SB 1214 California Commission on the United States Semiquincentennial

The motion carried by the following roll call vote:

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

Fire

**16. 24-321 Approved and authorized execution of the termination of City of Huntington Beach Memorandum of Understanding between the City of Huntington Beach and Friends of the HB Junior Guards**

A motion was made by Strickland, second Kalmick to approve and authorize the Interim City Manager to execute Termination of City of Huntington Beach Memorandum of Understanding with Friends of the HB Junior Guards (Att 1); and appropriate \$129,000 to business unit 10065205 for the purchase of Junior Lifeguard Program clothing, uniforms and merchandise from the Friends of the HB City Junior Guards.

The motion carried by the following roll call vote:

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

**17. 24-325 Approved and authorized an agreement with Huntington Surf and Sport for Junior Lifeguard Program clothing, uniforms and merchandise**

A motion was made by Strickland, second Kalmick to approve and authorize the Interim City Manager to execute the agreement with Huntington Surf and Sport for Junior Lifeguard Program clothing, uniforms and merchandise.

The motion carried by the following roll call vote:

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

**18. 24-311 Approved and authorized execution of Amendment No. 1 to the Memorandum of Understanding (MOU) between the City of Huntington Beach and Huntington Beach Fire Outreach Foundation (HBFOF)**

A motion was made by Strickland, second Kalmick to approve and authorize the Interim City Manager to execute Amendment No. 1 to the Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Fire Outreach Foundation.

The motion carried by the following roll call vote:

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

Police

**19. 24-281 Approved and authorized a three-year Service Agreement with the City of Newport Beach for supplemental law enforcement services**

Councilmember Moser pulled this item to note for the record that the Pacific Air Show was not listed as an example of an event where the permit holder pays for supplemental public safety costs. She added that she expects the Pacific Air Show permit holder will be held to the same standards even though that event was not specifically listed.

A motion was made by Moser, second Bolton to approve and authorize the Mayor and City Clerk to execute the "Agreement for Supplemental Law Enforcement Services between the City of Huntington Beach and the City of Newport Beach" in an amount not to exceed \$120,000.

The motion carried by the following roll call vote:

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

Public Works

**20. 24-072 Approved Agreement for Provision of Sewer Services for Tract 19245 in the City of Fountain Valley**

A motion was made by Strickland, second Kalmick to approve and authorize the Mayor to execute the Agreement for Provision of Sewer Services (Attachment 2) between the City of Fountain Valley, the Developer, Bonanni Development Company VI, LLC, and the City of Huntington Beach for Tract 19245 in the City of Fountain Valley; and, instruct the City Clerk to record the Agreement for Provision of Sewer Services with the County of Orange Recorder's office.

The motion carried by the following roll call vote:

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

**21. 24-232 Accepted bid and authorized execution of a construction contract with Klassic Engineering & Construction, Inc. in the amount of \$273,425.90 for the LeBard Park**



**Improvements Project, CC-1668 and authorized change orders not to exceed 15 percent**

Mayor Van Der Mark pulled this item to allow Public Works Director Chau Vu to respond to public speaker comments on this item.

Director Vu explained that for the LeBard Park Improvements Project, she could confirm that with the original contractor, Aguilar, there were contract compliance and labor law issues and noted an agreement could not be reached on change orders. She added that the Department of Industrial Relations is involved with Aguilar at this time.

Regarding the selection of Klassic Engineering, Director Vu noted their references checked out, their license is valid, they have not been suspended or disbarred, and they can legally bid on projects. Referenced projects that were similar to LeBard Park were followed up with a phone call by staff to verify the projects were completed on time with good quality of work. Director Vu stated that review of Klassic Engineering's past projects provides a stellar performance history, and staff recommends awarding this project to the second lowest bidder, Klassic Engineering, to complete the LeBard Park Improvements Project which includes fencing, painting and landscaping.

Councilmember Kalmick referenced the letter received from the Center for Contract Compliance which included two Department of Industrial Relations prevailing wage claims and penalty assessments for Klassic Engineering in the last month. Director Vu responded that there is a pending investigation and noted that no fines have been levied, so the possibility exists for Klassic Engineering to still make good on whatever the issues are with the Department of Industrial Relations.

Director Vu confirmed for Councilmember Kalmick that a couple of weeks is not needed to let this situation sort itself out.

A motion was made by Strickland, second Burns to accept the next lowest responsive and responsible bid submitted by Klassic Engineering & Construction, Inc. in the amended amount of \$273,425.90; and, authorize the Mayor and City Clerk to execute a construction contract in the form approved by the City Attorney; and, authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs, or \$41,013.89.

The motion carried by the following roll call vote:

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

**22. 24-253 Approved AB 2766/MSRC Microtransit Service Grant Agreement with the South Coast Air Quality Management District ("SCAQMD") to provide funding for the City's downtown shuttle service agreement with Circuit Transit, Inc. ("Circuit")**

A motion was made by Strickland, second Kalmick to approve the AB 2766/MSRC Microtransit Service Grant Agreement with the South Coast Air Quality Management District for the downtown shuttle service agreement funding for Circuit Transit, Inc.; and grant permission to the Director of Public Works to execute the AB 2766/MSRC Microtransit Service Grant Agreement with the South Coast Air Quality Management District electronically; and approve a budget appropriation of \$279,186 for the AQMD/MSRC grant funds into business unit 129185101.69505.

The motion carried by the following roll call vote:

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

**23. 24-288 Approved Amendment No. 3 to the City's Professional Services Contract for On-Call Water and Engineering Services with HDR Engineering, Inc. to extend the contract term for an additional two years**

A motion was made by Strickland, second Kalmick to approve Amendment No. 3 to Professional Services Contract for On-Call Water and Engineering Services with HDR Engineering, Inc.

The motion carried by the following roll call vote:

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

**24. 24-319 Adopted Resolution No. 2024-21 authorizing an application for funds for the Environmental Cleanup, Tier 1 Grant Program under the Orange County Transportation Authority (OCTA) Environmental Cleanup Program**

A motion was made by Strickland, second Kalmick to adopt Resolution No. 2024-21, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Grant Funds for the Environmental Cleanup Tier 1 Grant Program Under the Orange County Transportation Authority Environmental Cleanup Program."

The motion carried by the following roll call vote:

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

**PUBLIC HEARING**

**25. 24-247 Adopted Resolution No. 2024-17 approving the 2024-2025 Annual Action Plan for Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Entitlement Grant Programs**

No Councilmember had any ex parte communication to disclose for this item.

Charles Kovac, Housing Manager, introduced Steve Holtz, Community Development Deputy Director, and presented a PowerPoint communication titled *City Council Public Hearing on the 2024-25 Annual Action Plan*, with slides entitled: *Background (2); 2024-25 Funding; CDBG Public Services; CDBG Capital & Housing Preservation Projects; HOME Allocations; Available Carryover HOME Admin; Recommendations; and Questions?*

Councilmember Moser confirmed with Manager Kovac that the Mobile Home Tenant-Based Assistance (TBA) program has served 51 individuals and the additional funding is expected to serve approximately 25 more individuals. There was also discussion on the possibility of re-opening the application process.

Mayor Van Der Mark opened the Public Hearing.

City Clerk Robin Estanislau stated there were no public speakers for this item.

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 memorandum.*

Mayor Van Der Mark closed the Public Hearing.

A motion was made by Van Der Mark, second Moser to adopt staff recommendation that the City Council approve and authorize the following in compliance with the Consolidated Plan Procedures of 24 CFR Part 91: conduct a public hearing for the 2024-25 Action Plan; and, adopt Resolution No. 2024-17, "A Resolution of the City Council of the City of Huntington Beach, California, Approving the 2024-2025 Annual Action Plan for Federal Community Development Block Grant and HOME Investment Partnerships Programs"; and, authorize the City Manager to sign all necessary related documents.

The motion carried by the following roll call vote:

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

**26. 24-299 Approved Zoning Text Amendment No. 23-002 (Zoning Update) by approving for introduction Ordinance Nos. 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314 and Resolution No. 2024-22; and, approved for introduction Ordinance No. 4322 amending Title 3 of the Huntington Beach Municipal Code (HBMC) titled Revenue and Finance**

Joanna Cortez, Principal Planner, presented a PowerPoint communication titled *Zoning Text Amendment No. 23-002 & Municipal Code Amendment* with slides entitled: *Request; Chapter 230 Site Standards (2); Chapter 231 Off Street Parking and Loading Provisions (2); map showing Beach Edinger Specific Plan (BECSP) Zone Amendment boundaries; BECSP — Section 2.5: Street Improvements; Currently, BECSP requires 6 ft. wide sidewalks and a range of 4 ft. – 9 ft. wide plant strip; Proposed: No landscape requirement for ROW less than 10 ft. wide; BECSP — Section 2.5: Street Improvements; Municipal Code Amendment; Recommendation; and Questions?*

There being no Councilmember questions, Mayor Van Der Mark opened the Public Hearing.

City Clerk Robin Estanislau confirmed there were no public speakers for this item, nor was any supplemental communication received.

Mayor Van Der Mark closed this public hearing.

Councilmember Bolton confirmed with Principal Planner Cortez that the proposed "clean-up" issues can be approved separately from the proposed policy issue.

Councilmember Kalmick and Principal Planner Cortez discussed the Beach-Edinger Corridor Specific Plan (BECSP) Environmental Impact Report (EIR) which Councilmember Kalmick thought was going to be repealed. Principal Planner Cortez explained that decertifying the BECSP EIR would require new zoning standards, commitment for long-term resources which were not in the budget when the H Item was originally presented, and noted discussions are ongoing.

Councilmember Kalmick stated the original issue was addressing middle income housing, and noted his confusion regarding an ordinance that could be appealed by a vote of the people. Principal Planner

Cortez confirmed that a future City Council could just repeal the ordinance if they chose to support a project like this and would not be required go through a vote of the people. He stated he will not be supporting Ordinance No. 4322 because it doesn't affect any policy change in the long term.

Councilmember Bolton stated she also will not support Ordinance No. 4322.

A motion was made by Burns, second Strickland to approve finding Zoning Text Amendment No. 23-002 exempt from the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density and in accordance with the BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009. Pursuant to CEQA Guidelines Section 15162 and 15163, no subsequent EIR or supplement to the EIR need be prepared for this ZTA and no further environmental review or documentation is required; approve Zoning Text Amendment No. 23-002 with findings (Attachment No. 1) after the City Clerk reads by title, approve for introduction: 1. Ordinance No. 4307, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 Definitions of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No.2); 2. Ordinance No. 4308, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 210 Residential Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 3); 3. Ordinance No. 4309, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 211 C Commercial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 4); 4. Ordinance No. 4310, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 212 I Industrial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 5); 5. Ordinance No. 4311, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 218 M Mixed Use-Transit Center District of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 6); 6. Ordinance No. 4312, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 Site Standards of the Huntington Beach Zoning Code and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 7); 7. Ordinance No. 4313, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 231 Off-Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 8); 8. Ordinance No. 4314, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 241 Conditional Use Permits and Variances – Temporary Use Permits-Waiver of Development Standards of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 9); 9. Resolution No. 2024-22, "A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Beach and Edinger Corridors Specific Plan (SP 14) (Zoning Text Amendment No. 23-002)"; (Attachment No. 10); and C) Find the Municipal Code Amendment exempt from the California Environmental Quality Act Approve Municipal Code Amendment and, after the City Clerk reads by title, approve for introduction: Ordinance No. 4322, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding New Chapter 3.60 Entitled "Joint Exercise of Power Agreements." (Attachment No. 11)

The motion carried by the following roll call votes to approve finding Zoning Amendment No. 23-002 exempt from the California Environmental Quality Act (CEQA); Ordinance Nos. 4307, 4308, 4309, 4310, 4311, 4312, 4313 and 4314; and, Resolution No. 2024-22:

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

The motion carried by the following roll call vote for Ordinance No. 4322:

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

#### **ADMINISTRATIVE PUBLIC HEARING**

#### **27. 24-316 Conducted Administrative Public Hearing for the 2024 Annual Weed Abatement Program and authorized the Director of Public Works to proceed with abatement**

Jimmy Hoang, Code Enforcement Manager, presented a PowerPoint communication titled *Annual Weed Abatement Public Hearing*, with slides entitled: *Background, Program Timeline (3), Recommendation and Questions?*

Mayor Van Der Mark opened this Administrative public hearing.

City Clerk Robin Estanislau announced there were no public speakers.

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 was uploaded to the City's website and Councilmember iPads: *1 email communication*.

Mayor Van Der Mark closed this Administrative public hearing.

A motion was made by Van Der Mark, second Burns to open a public hearing for any objections to the proposed removal of weeds and rubbish; and, authorize the Director of Public Works to proceed with the abatement of the nuisance.

The motion carried by the following roll call vote:

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

#### **28. 24-313 Received Public Comment Pursuant to CA Government Code - GOV § 54954.6 Regarding the Modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District**

Mayor Van Der Mark asked the City Clerk to report on the notice of this public hearing.

City Clerk Robin Estanislau stated the notice of this public hearing was completed in the manner and form as required by § 54954.6 of the California Government Code.

Kriss Casanova, Economic Development Manager, provided a verbal report for this item.

Mayor Van Der Mark opened this Administrative public hearing.

City Clerk Robin Estanislau announced there were 4 public speakers.

Peter "PT" Townend, 45-year resident of Huntington Beach, was called to speak and stated that Huntington Beach is known as "Surf City" and is home of the International Surfing Museum, Surfing Walk of Fame, Surfing Hall of Fame, and Guinness World Record Holder for the Biggest Surfboard in the

World. He stated support for the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District.

John Villa, Huntington Beach Wetlands Conservancy Executive Director, was called to speak and stated his support for the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. He noted funding for the Tourism Business Improvement District does not come from the City of Huntington Beach or the residents, but only affects people staying at hotels and motels. He stated the increased funding of two percent (2%) will help pay for commercials and advertisements focused on increasing tourist visits.

David Wright, Waterfront Beach Resort Representative, was called to speak and stated support for the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. He noted that tourism generates tax revenue for Huntington Beach through the Transient Occupancy Tax, sales tax and parking revenue. Mr. Wright stated that in order to remain competitive with surrounding cities, the time to act is now to keep Huntington Beach in the forefront of traveler's minds.

Kelly Miller, Visit HB President and CEO and representing the Visit HB Board of Directors, was called to speak and stated support for the modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District. He noted this modification changes the assessment from four percent (4%) to six percent (6%) and is not a sales or property tax but is one hundred percent paid by overnight lodging businesses and used to market, sell and promote Surf City USA. He added this assessment generates about \$.5B in direct economic impact and 5,000 jobs, in addition to \$16M in Transient Occupancy Tax last year. Mr. Miller expressed his appreciation for the cooperation received from everyone in the City to reach this agreement to prime the pump in a bigger way.

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 was uploaded to the City's website and Councilmember iPads: *1 letter and 8 email communications.*

Mayor Van Der Mark called for Councilmember comments. There being none, she closed this Administrative public hearing and announced that the item will come before Council for a public hearing on June 4, 2024.

A motion was made by Strickland, second Burns to receive and file public comment related to the proposed modification of the Management District Plan for the Huntington Beach Tourism Business Improvement District per adopted Resolution No. 2024-13.

The motion carried by the following roll call vote:

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

## **COUNCIL MEMBER ITEMS**

### **29. 24-337 WITHDRAWN/NO ACTION TAKEN — Item Submitted by Council Member Kalmick – Sign Code Update (HBZSO Section 233) – Request for Action**

Councilmember Kalmick introduced this item by explaining it is an effort to obtain information regarding how other cities handle non-commercial signage on public right-of-way. He also referenced several

supreme court case rulings and stated his intent is to also ensure the City's sign codes are up to date. He noted he had received an email from the City Attorney stating that Huntington Beach sign codes are compliant and consistent. Councilmember Kalmick noted that from staff research it appears that only Irvine and Costa Mesa are the two other cities in our area that allow signs in the public right-of-way.

Councilmember Kalmick stated that as the 21st Century has progressed and everyone has the world at their fingertips, he believes allowing signs in the public right-of-way is a blight to the beauty of the City and it is time to have a discussion on the topic of eliminating the code section that allows these signs. He added this effort would not change the code for signs on private property.

Councilmember Kalmick made a motion asking Council to direct staff to prepare ordinance text to remove non-commercial signs in the public right-of-way to proceed through the Planning Commission.

Councilmember Bolton seconded the motion, and shared that she has never received requests from any member of the community to add more signs.

Councilmember Moser stated her support and thanked Councilmember Kalmick for ensuring this item was brought back. She made reference to Irvine's sign code that relates to a specific event, and shared concerns related to blight.

Mayor Pro Tem Burns stated he is not a fan of signs, but he believes they do a great job of informing people, and he sees a great value in political signage. He made a substitute motion to change the Sign Code to make private property sign regulations the same as commercial property sign regulations.

Councilmember Bolton asked Mayor Pro Tem Burns to describe again his substitute motion and he stated that the Sign Code for commercial properties would also apply to private property.  
second.

Councilmember Strickland clarified with Mayor Pro Tem Burns that the intent is for commercial businesses to have the same rights as private property owners and seconded the substitute motion.

City Attorney Michael Gates clarified that in the 50-day period before an election the City's regulations become relaxed so that candidates or people can post non-commercial signs on public property and the public right-of-way. He confirmed with Mayor Pro Tem Burns the intent of the substitute motion is to ensure that the easing of sign regulations applies equally to commercial and private properties. There was further discussion to clarify if the intent of the substitute motion is to include signage size being the same for commercial and private properties.

City Attorney Michael Gates noted for the record that governments are allowed to distinguish and categorize speech in only one way, and that is to create two categories: commercial and non-commercial. Commercial can be more restrictive. Non-commercial is less restrictive in that the government cannot discriminate based on the message content. He explained that it would not be appropriate to limit private property signage by defining what is, or is not, allowed on sign messages by stipulating only signs for the immediate up-coming election are allowed.

Discussion continued with more details related to Irvine's code. Councilmember Kalmick stated his belief it is not appropriate to put up candidate signs for any election other than the immediate upcoming election. He added that his goal was to eliminate some of the signage blight, not increase it. He stated opposition to any effort that could possibly increase public right-of-way signage and would withdraw the item rather than go down that path.



Councilmember Bolton asked for clarification on what problem would be solved by the substitute motion. Mayor Van Der Mark noted that in the past some residents have asked to place large signs on their property, but currently they are not allowed to do that.

Councilmember Moser asked that if this item was withdrawn could further discussions be had. She stated that in her mind it would be appropriate for the sake of transparency and precision for the Substitute Motion to be brought back as its own item, rather than piggy backing on the original item.

Councilmember Bolton stated she would like to see a legal memo on the Substitute Motion as she is having difficulty understanding the full implications.

After Councilmember Strickland requested clarification that if Councilmember Kalmick were to withdraw his item, then the Substitute Motion would also be withdrawn, City Attorney Gates reminded Council that a Substitute Motion was on the floor. The substitute motion was then withdrawn by Mayor Pro Tem Burns, and the item itself was withdrawn from consideration by Councilmember Kalmick.

**30. 24-350 Denied Item Submitted by Council Members Bolton, Kalmick, and Moser — HB Public Library: Vote of the People to Privatize/Outsource (Charter Amendment) and Postpone/Terminate RFP Process Until After Vote**

Councilmember Kalmick introduced this item by stating the lack of good policy direction from Councilmembers has kept staff from being successful in reaching the intended end game, and noted the topic touches nearly every resident and they would like to have a say in the final decision. He added that because it would take years to fix if it didn't work, and there is not overwhelming data that supports a positive outcome, he believes the people should be allowed to vote and decide if the library system is currently working, or is it broken and needs to be fixed.

Councilmember Kalmick reviewed the sample resolution and proposed charter amendment. He noted the cost would be relatively low to put this on the November 2024 ballot, and stated there has been no value, other than financial, for supporting library privatization. No one is claiming this change would make the library better, nor have there been claims from the residents that the library needs to be better.

Councilmember Bolton stated her support for the comments of Councilmember Kalmick. She added this is not a complicated issue and the voters should have an opportunity to weigh in. Councilmember Bolton shared her concern, based on actual experience of other municipalities, about the cost to get the library back to where it was before outsourcing. She stated the probability of failure is too high to decide without the input of the voters.

Councilmember Moser stated her support for the comments of Councilmembers Kalmick and Bolton and thanked all of the residents who have responded with public comments and emails to fight for the existing library system. She noted this is a long-term decision that needs to be decided by the community, rather than just the Councilmembers.

Councilmember McKeon shared his opinion that there is nothing wrong with requesting proposals, evaluating operational efficiencies and potential cost savings for any City department. He added, the question is not "what is wrong with the library?" It is Council's fiduciary responsibility to determine the most efficient way to run the library. Approving a request for proposals is needed to acquire the facts and data before any action can be considered.

Councilmember McKeon noted that Councilmembers are elected to be good financial stewards of their hard-earned tax dollars. Putting everything to a vote is not practical nor efficient and definitely not a good use of taxpayer funds and time.

Mayor Pro Tem Burns stated his support for Councilmember McKeon's comments, and stated he has no intention of privatizing the library system. He noted there may be information acquired through the request for proposals process which could be used to reduce costs and improve efficiencies. He referenced the many functions in other departments that are currently outsourced and stated outsourcing may or may not work for the library, but until information and data is obtained it is not possible to know.

Councilmember Strickland asked staff where they were in the request for proposals process. Interim City Manager Eric Parra replied research is still being conducted, including dealing with some unions, and no requests for proposals have been sent out.

Mayor Van Der Mark stated her support for the comments made by Mayor Pro Tem Burns and Councilmember McKeon. She acknowledged that Councilmember decisions have long-term effects, and each Councilmember is elected to make hard decisions. Mayor Van Der Mark believes this item is premature, and it is Council's fiscal responsibility to move ahead with the request for proposals to gather data. Gathering data does not mean Council will proceed to outsourcing.

Councilmember Moser shared her belief that it is premature to proceed with the request for proposal (RFP) process, and stated it is not necessary for Council to respond with an RFP request for every communication they receive from people claiming they can save the City money. She also noted that there were not hundreds of people requesting the Charter amendments, yet there was nearly \$500,000 spent in placing them on the March 5, 2024, election ballot. In this situation, there are hundreds and hundreds of people requesting they be allowed to vote on whether the library system is privatized.

Councilmember Moser referenced the staff report on the potential savings if the library was privatized, and stated if you ask good questions the expectation for savings does not hold up. She stated her opinion that professional library services should not be outsourced to a private entity. Further, this effort is only looking at 1.9% of the City's budget, for a department that has had very little budget increase in the last decade, and it would be more appropriate to look at this within the normal budget process.

Councilmember Moser stated she believes the chaos would be calmed if the RFP process was stopped until the residents have an opportunity to vote. She also shared her opinion that choosing to move forward with the RFP process is not prudent nor thoughtful.

Councilmember Strickland noted the opposing statements made during this discussion by Councilmember Moser who stated there is enough information [to document minimal cost savings through privatization] while Councilmember Kalmick indicated that information is not available. He further stated that "privatization" is selling assets and noted that is not even being considered, but rather the RFP process is to determine whether outsourcing is a viable option. Councilmember Strickland stated his support for continuing the RFP process so that Council has information to make an informed decision.

Councilmember McKeon responded to Councilmember Moser's comments by stating that past City Council actions have led to this difficult financial situation and noted that Councilmembers Bolton, Moser and Kalmick voted to sell the Elan property at Beach Boulevard and Ellis Avenue, as well as the Breakwater property behind Olive Garden, and as part of that transaction, the City must forego \$600,000 each year in property tax revenue for the next 35 years.

Councilmember Bolton stated that the budget would not be balanced on \$600,000 each year, nor will the budget be balanced on the back of the library. She and the residents who have spoken on this issue believe there is enough information available to know they do not need to proceed with the RFP process, and they do not support outsourcing to L S & S because of the published reports on the experiences of other municipalities.

Councilmember Kalmick responded to the on-going discussion by noting that Municipal Finance 101 is based on the understanding that Community Services are always subsidized by the General Fund. He also stated that the residents have not seen the staff documentation that Councilmember Moser referenced. He added that he has not seen the proposal from L S & S that supposedly claims to save the City \$1M.

Councilmember Kalmick discussed the difference between low and high turnout elections, and stated the RFP process should follow the recommendation of a consultant or staff because of Councilmembers asking what efficiencies could result from outsourcing library services. He noted the costs that have occurred because of how City Council has chosen to proceed. He stated that Measure C exempts libraries and doesn't require a public vote for Council decisions that affect the library system.

Councilmember Strickland stated his support for the library's great service. He and Councilmember Kalmick discussed whether it is appropriate to bring the Pacific Air Show, which generates revenue, into the discussion, and the hyperbole being expressed just based on assumptions rather than reality.

Councilmember Bolton asked City Clerk Robin Estanislau what the vote margin was regarding the Pride flag Charter amendment. City Attorney Michael Gates advised that this topic is not on the agenda and should not be discussed.

A motion was made by Bolton, second Kalmick to direct the City Manager, City Attorney and City Clerk to prepare resolutions, ordinances, and any other materials necessary to place two items for consideration on the November 5, 2024 General Election ballot and agendize for a vote at our June 4, 2024, City Council Meeting: A Charter Amendment to require a majority vote of the City Council and a majority vote of the electors of Huntington Beach to approve any proposal that would change the wholesale management of the library, and/or any proposal to operate the library with a private contractor that would employ library staff to achieve cost savings; and, an advisory vote of the electors of Huntington Beach on whether to hire a third-party contractor to operate the HBPL; a replacement of the current management structure, as proposed by the City Council at its March 19, 2024 meeting. Additionally, direct the City Manager to cease any further work on the Request for Proposals (RFP) as it relates to the action taken at the March 19, 2024, meeting.

The motion failed by the following roll call vote:

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

#### **COMMENTS AND MOMENT OF SILENCE TO HONOR THE PASSING OF FORMER MAYOR SHIRLEY DETTLOFF**

Tributes to honor Former Mayor Shirley Dettloff were provided by Mayor Van Der Mark, and Councilmembers Kalmick, Bolton, Moser, Strickland and McKeon who described her ability to meet and mutually agree to respectfully disagree on solutions; honored to have her as a friend; the perfect model of a public servant focused on being collaborative in finding solutions that are best for Huntington Beach;

commitment to continuing Shirley's legacy of service and integrity; someone who never was derogatory to or about anyone; consistent ability to engage in respectful and cordial discussion; and expressed their condolences to Shirley's family and friends.

**ADJOURNMENT** — At 11:00 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 meeting on Tuesday, May 21, 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