

Minutes

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

Tuesday, September 5, 2023
3:30 PM — Council Chambers
6:00 PM — Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

3:30 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 3:31 PM

ROLL CALL

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

CITY COUNCILMEMBER COMMENTS (3-Minute Time Limit)

Councilmember Burns thanked all involved for the successful Civil War Days event at Central Park over Labor Day weekend; Councilmember Moser honored the passing of Fred Provencher, founder of the HB Reads One Book Program, and founder of the Human Relations Task Force.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEMS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet, which were all uploaded to the City's website and Councilmember iPads:

Closed Session #4 (3 email communications)

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3-Minute Time Limit) — None.

RECESSED TO CLOSED SESSION — 3:34 PM

CLOSED SESSION

- 1. 23-709 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.)**
Mayor Strickland announced, Agency designated representatives: Al Zelinka, City Manager and Melanie Chaney, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Theresa St Peter, Interim Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City

**Attorney; Scott Haberle, Fire Chief and Sunny Han, Chief Financial Officer.
Employee Organization: Fire Management Association (FMA).**

- 2. 23-710 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.)
Mayor Strickland announced Agency designated representatives: Al Zelinka, City Manager and Melanie Chaney, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Theresa St Peter, Interim Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Scott Haberle, Fire Chief and Sunny Han, Chief Financial Officer.
Employee Organization: The Huntington Beach Firefighters' Association (HBFA).**
- 3. 23-724 CONFERENCE WITH LEGAL COUNSEL — LITIGATION (Gov. Code section 54956.9(d)(4).): Number of matters: One (1) — Confer with City Attorney regarding a request to provide Amicus support with regard to Gloria Johnson, et al. v. City of Grants Pass; United States Court of Appeals for the Ninth Circuit Case Nos. 20-35752;20-35881; United States District Court for the District of Oregon Case No. 1:18-cv-01823-CL.**
- 4. 23-683 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Gapezzani (Gary) v. John Romero, City of Huntington Beach; OCSC Case No.: 30-2021-01225030.**
- 5. 23-684 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Segal-Kaloski (Pamela) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2021-01222791.**
- 6. 23-698 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Whitaker (Brittany) v. City of Huntington Beach, et al.; OCSC Case No.: 30-2021-01235807.**
- 7. 23-702 CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Pacific Airshow, LLC v. City of Huntington Beach and Kim Carr; OCSC Case No. 30-2022-01287749.**

6:00 PM — COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALLED TO ORDER SPECIAL MEETING OF THE SUCCESSOR AGENCY — 6:00 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by Police Chief Eric Parra

INVOCATION

- 8. 23-720 Huntington Beach Police Chaplain Bob Ewing**

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.

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Gates reported that by a vote of 4–0–3 (Kalmick, Moser, Bolton — Abstain), the Council authorized his office to provide Amicus support with regard to Gloria Johnson, et al. v. City of Grants Pass; United States Court of Appeals for the Ninth Circuit Case Nos. 20-35752; 20-35881; United States District Court for the District of Oregon Case No. 1:18-cv-01823-CL.

AWARDS AND PRESENTATIONS

9. 23-678 ~~ITEM WITHDRAWN Mayor Strickland to call on the Friends of the Library for presentation of a check in the amount of \$250,000 to Community & Library Services Director Ashley Wysocki~~

City Attorney's Report, #12 (23-739), was presented out of agenda order. The minutes reflect agenda items in their original order.

Mayor Strickland announced that City Manager's Report, Item #10 (23-718), Quarterly Homeless Report was rescheduled to September 19, 2023, and Consent Calendar Item #17 (23-742), medical management responsibilities related to a workers' compensation claim was withdrawn from the Agenda.

City Clerk Robin Estanislau announced Ordinances for Introduction #29 regarding pedestrian use of center medians was pulled from the agenda by the Police Department.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet, which were all uploaded to the City's website and Councilmember iPads:

City Attorney's Report #12 (1 PowerPoint communication); Consent Calendar Items #15 (25 emails), #16 (37 emails), #17 (1 email); #19 (1 staff memorandum and 2 emails), #20 (1 email), #22 (20 emails), #24 (1 email), #26 (1 email), #27 (2 emails), #28 (2 emails); Ordinances for Introduction #29 (1 staff memorandum and 14 emails); Administrative Items #30 (1 staff memorandum and 101 emails), #31 (45 emails), #32 (100 emails); Councilmember Items #33 (12 emails), #34 (104 emails), and #35 (77 emails).

PUBLIC COMMENTS (3-Minute Time Limit) — 100 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>.

Ashton Arocho, 2nd Vice-President, City Clerks Association of California (CCAC) and City of Westminster City Clerk, was called to speak and read for the record a previously submitted letter of support for the City of Huntington Beach City Clerk's Office dated August 28, 2023. The letter of support was approved unanimously by the CCAC Board, and signed by 169 Clerks in California. (00:55:53)

Barbara Shapiro, a Huntington Beach homeowner since 1980 and licensed nurse in California with infectious disease and public health training, was called to speak and stated her opposition to Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (00:58:11)

James Black, District Representative, Office of Senator Dave Min, was called to speak and read for the record Senator Min's statement respectfully urging City Council to reject Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (01:01:51)

Tony Daus, a 25-year resident of Huntington Beach, Former President, California-based professional organization of engineers and scientists, and Former Executive Vice President of an international engineering firm, was called to speak and shared his opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures, specifically Section 310 (City Clerk qualifications), and Section 702 (local control over elections). (01:04:08)

Carol Daus, a resident of Huntington Beach since 1997, was called to speak and stated her opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (01:06:05)

Joseph Dagley, a 30-year resident of Huntington Beach, was called to speak and shared opposition to Administrative Items #31(23-693) regarding introduction of ordinances to amend the Municipal Code to dissolve the Human Relations Committee, and #32 (23-734) regarding proposed Policy on Human Dignity. (01:09:25)

Kathy McGuire, a 32-year resident of Huntington Beach and retired high school English teacher, was called to speak and stated her opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (01:12:45)

Barry Kielsmeyer was called to speak and stated his opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (01:22:56)

Nora Pedersen, a long-time resident of Huntington Beach, was called to speak and shared her concerns related to recent decisions by the Council majority and asked that all Councilmembers listen to all residents of Huntington Beach. (01:18:54)

Roy C. McCord, a long-time resident of Huntington Beach, was called to speak and stated his opposition to Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (01:21:35)

Linda Moon was called to speak and stated her opposition to Consent Calendar Item #16 (23-741) regarding actionable policy options regarding City library materials and safeguards; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #33 regarding proposed e-bike licensure and use regulations; #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (01:25:37)

Andrew Einhorn was called to speak and requested the City Council have an external independent investigation of Mayor Pro Tem Van Der Mark to determine the truth of her allegiances before allowing her to continue participating in the Ad Hoc Human Dignity Committee, and stated his opposition to

Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (01:28:25)

Laura Sire, a long-time resident of Huntington Beach, was called to speak and stated opposition to Consent Calendar Item #15 (23-673) regarding approval and execution of professional services contracts for state and federal legislative advocacy services, Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Item #22 (23-726) regarding payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (01:31:43)

Jocelyn Rabbit Sire, a resident of Huntington Beach since 1988, was called to speak and stated opposition to Consent Calendar Item #15 (23-673) regarding approval and execution of professional services contracts for state and federal legislative advocacy services, Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Item #22 (23-726) regarding payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (01:35:00)

Betty Kanne, a 40-year resident and Huntington Beach homeowner, was called to speak and stated her opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #32 (23-734) regarding proposed Policy on Human Dignity; and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (01:38:17)

Pat Goodman was called to speak and stated opposition to Consent Calendar Item #15 (23-673) regarding approval and execution of professional services contracts for state and federal legislative advocacy services, Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Item #22 (23-726) regarding payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (01:41:25)

Marissa Jackson was called to speak and stated her support for Councilmember Item #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. Ms. Jackson shared her opinion that no person is perfect, all should try to do better, and noted those who serve the people should set aside personal interests and work together to improve the health and vitality of the community. Ms. Jackson also shared concerns about Huntington Beach Hospital. (01:44:41)

Cathey Ryder, a Huntington Beach homeowner and resident since 1985, was called to speak and stated opposition to Consent Calendar Item #15 (23-673) regarding approval and execution of professional services contracts for state and federal legislative advocacy services; Item #22 (23-726) regarding

payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California; and Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (01:47:53)

Unnamed Guest was called to speak and stated opposition to and stated opposition to Consent Calendar Item #15 (23-673) (b.) regarding approval and execution of professional services contracts for federal legislative advocacy services; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (01:50:01)

Unnamed Guest was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (01:53:52)

Yvonne Gonzalez Duncan, League of Women Voters Member and Former State Director of League of United Latin American Citizens (LULAC), was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #33 regarding a proposal for e-bike licensure and use regulations; and #34 (23-731) regarding proposal to censure Councilmember Moser. (01:57:26)

Joanne Sosa, a resident of Huntington Beach, was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (02:00:50)

Tim Geddes, a 40-year resident of Huntington Beach, was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (02:03:08)

Peter Levy, a rabbi and Regional Director, Orange County and Long Beach Anti-Defamation League, was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (02:06:07)

Florice Hoffman was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #33 regarding a proposal for e-bike licensure and use regulations; #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (02:08:42)

Wendy Rincon, a 49-year resident of Huntington Beach, was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Item #22 (23-726) regarding payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; and #32 (23-734) regarding proposed Policy on Human Dignity. (02:11:41)

Chad Williams, born and raised in Huntington Beach, and Former Navy SEAL Veteran, was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (02:15:00)

Kane Durham, Pride at the Pier Board Member, was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity; and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (02:19:02)

Gaston Castellanos, Democratic Party Representative, was called to speak and shared his opinion that hate has no place in Huntington Beach or these chambers, and rather than giving false and misleading arguments or complaining about hate crimes, people should be prosecuting hate crimes. (02:22:09)

Brian Vea, a resident of Huntington Beach, was called to speak and stated opposition to Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (02:24:33)

Lawrence Schiel, 33-year resident of Huntington Beach and homeowner, was called to speak and stated his support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (02:26:57)

Keith Ellis, Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (02:30:09)

Andrew Goffe, Candidate for U. S. Congress 47th District, was called to speak and stated opposition to Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (02:33:14)

Unnamed Guest was called to speak and stated support for Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (02:36:27)

Ann Palmer, a 30-year Huntington Beach resident, was called to speak and stated support for ensuring that Consent Calendar Item #19 (23-712), specifically the City's response to Orange County Grand Jury findings and recommendations regarding animal welfare, do not fall through the cracks. In response to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures, Ms. Palmer stated support for a full Charter review. She also shared her opinions on Administrative Items #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; and her support for Councilmember Items #33 regarding a proposal for e-bike licensure and use regulations. (02:38:18)

Leanne Nichols Shoup, a fourth generation Huntington Beach property owner and taxpayer, was called to speak and shared her opinions regarding the Policy on Human Dignity, and specifically

Councilmember Moser's confrontation against Mayor Pro Tem Van Der Mark at the August 8, 2023, City Council meeting. (02:41:33)

Judy Lewis, retired Los Angeles County Sheriff Captain and Volunteer in Huntington Beach and Orange County, was called to speak and stated opposition to Administrative Items #31 (23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees, and #32 (23-734) regarding proposed Policy on Human Dignity. (02:44:52)

Doris Hill, a resident of Huntington Beach for over 45 years, was called to speak and stated support for Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (02:48:13)

Mark Dixon, a Huntington Beach resident, voter and homeowner for over 50 years, was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (02:49:37)

Tad Baltzer, Huntington Beach resident and Greater Huntington Beach Interfaith Council Member, was called to speak and invited everyone to attend the Blessing of the Waves event on September 17 at Pier Plaza. The event will begin with live music at 5:30 PM, and weather permitting, end with a paddle out. (02:53:43)

T. J. England was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (02:56:01)

Kristine Fray was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (02:57:53)

Heidi Barlow was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:01:04)

Bethany Webb, 45-year resident of Huntington Beach, was called to speak and shared her personal opinions in opposition to or support of certain Councilmembers. (03:04:17)

Joyce Riley, resident of Huntington Beach, was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:07:30)

Margaret Robinson was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; and Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (03:08:58)

Jeanne Goodin was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:11:56)

Cyndie Kasko, Huntington Beach resident and licensed medical provider, was called to speak and ask for a positive approach for Councilmember Items #33 (23-732) regarding proposed e-bike licensure and

use regulations, and stated opposition to Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:15:17)

Hector Valdez, a 30-year resident of Huntington Beach, was called to speak and stated support for Councilmember Items #33 (23-732) regarding proposed e-bike licensure and use regulations. (03:19:03)

Mark Anderson, Huntington Beach resident, was called to speak and stated support for Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:20:00)

Ronin Kasko, born and raised in Huntington Beach, was called to speak and stated support for Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards, and Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:22:41)

Mary Kyle, a 25-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (03:25:32)

Neal Kuster, a 22-year Huntington Beach resident, was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (03:27:23)

Diana Lithgow, a 41-year resident, Huntington Beach homeowner, and a nurse, was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #32 (23-734) regarding proposed Policy on Human Dignity; and Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:30:27)

Carly Kasko was called to speak and stated support for Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:33:41)

Val Savalle was called to speak and stated support for Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:35:24)

Kimberly, a resident of Costa Mesa who surfs in Huntington Beach, was called to speak and shared her opinions regarding City Attorney's Report Item #12 (23-739), and opposition to Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (03:38:57)

Amory Hanson was called to speak and shared his support for the plaque commemorating the service of Donald MacAllister at the Huntington Beach Pier. (03:44:35)

Paula Schaefer, resident of Huntington Beach, was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures. (03:45:14)

Melissa Ronning was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards, and Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:49:10)

Ada Hand was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures, and #32 (23-734) regarding proposed Policy on Human Dignity. (03:52:34)

Keith Jorgensen, a resident of Huntington Beach since 1979, was called to speak and stated support for Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (03:55:51)

Mary Jo Baretich, a resident of Huntington Beach for over 40 years, was called to speak and stated opposition to Administrative Items #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees, specifically the proposed dissolution of the Mobile Home Advisory Board. (03:57:44)

Kathryn Levassiur, a resident of Huntington Beach with a passion for short-term rental regulations, was called to speak and asked that Council consider allowing un-hosted short-term rentals. She also and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards. (04:01:03)

Buffy Channel was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Item #22 (23-726) regarding payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; and #32 (23-734) regarding proposed Policy on Human Dignity. (04:04:09)

Unnamed Guest was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards, and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (04:07:35)

Tamara Colby, a proud Huntington Beach educated individual, was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31 (23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (04:11:05)

Marilyn Boehm, 35-year resident of Huntington Beach, was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity, and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (04:15:16)

Terry Rose, a Huntington Beach resident since 1983, was called to speak and shared her opposition to a variety of issues she feels the Council majority has improperly handled. (04:18:35)

Kathy Carrick, a 48-year resident of Huntington Beach, was called to speak and shared her opinions regarding what she described as the efforts of leftist ideologists to disregard open dialogue and genuine community engagement, which serves to exacerbate existing division and fuel unnecessary discord within the community. She asked that steps be taken to discourage outside, or non-resident, influences from distorting the voices of the local community members. (04:21:41)

Ken Inouye, a 50-year resident of Huntington Beach, was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. He encouraged community members and Councilmembers to respectfully work together on city business in a manner that everyone can be proud of. (04:24:20)

Valentina Bankhead, a 6-year Huntington Beach resident, was called to speak and stated support for Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (04:26:48)

Lilli Wells, 21-year Huntington Beach resident was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (04:30:02)

Steve Wells, 28-year Huntington Beach resident, was called to speak and shared his opinions on effective government and government leaders. (04:33:06)

Pursuant to Resolution No. 2014-56, at approximately 10:35 pm Mayor Strickland made a motion, second McKeon, to continue business after the hour of 11:00 PM. The motion carried by a consensus of Council. (04:36:30)

Jeanne Farrens was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures. (04:37:36)

Joan Moon, a long-time Huntington Beach resident, was called to speak and stated opposition to Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (04:40:53)

Lisa, a 47-year Huntington Beach resident, was called to speak and stated support for requiring voter ID, thanked the newly-elected Councilmembers for their service, encouraged the Councilmembers with differing opinions to keep their conduct professional, and asked for constructive input from all. (04:43:58)

Unnamed Guest was called to speak and shared his opinions on many issues related to recent Councilmember actions. (04:47:11)

Chris Slama, a resident of Huntington Beach for over 40 years and Former Huntington Beach Community and Library Services Director, was called to speak and thanked the Friends of the Library for their continued support. He also stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures, specifically proposed amendment to Charter Section 612, Measure C; #32 (23-734) regarding proposed Policy on Human Dignity; and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (04:51:38)

Mason Creyanimiller was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #33 (23-732) regarding proposal for e-bike licensure and use regulations, #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (04:54:48)

Laury Creyanimiller was called to speak, shared her opinions, and stated opposition to every agenda proposal presented by the newly elected Council majority. (04:56:27)

Jerry Donohue, a 47-year Huntington Beach resident, was called to speak and shared his opinion that Councilmembers need to talk to each other as humans and begin to set a proper example for the community. (04:59:48)

Kim Carr, Former Huntington Beach Mayor, was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures; #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #33 (23-732) regarding proposal for e-bike licensure and use regulations, #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (05:01:42)

Gabi Gibson, a resident of Huntington Beach, was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (05:04:59)

Emma Jenson was called to speak and shared her opinions related to vote protocol and voter demographics. (05:07:51)

Lisa Ferraro, a 35+-year resident of Huntington Beach and business owner, was called to speak and stated support for Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (05:11:08)

Beck Levin, Dayle McIntosh Center for the Disabled, Systems Change Advocate, was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity; Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser, and #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (05:15:06)

Peg Corley, LGBTQ Center Orange County, Executive Director, was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards; Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity; and Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (05:18:12)

Hera Poun, Huntington Beach High School Junior, was called to speak and asked that Councilmembers encourage questions and clear dialogue from themselves and the people they serve, and stated her interest in serving on the Youth Board. Mayor Strickland asked Ms. Poun to complete a blue card for staff follow-up. (05:21:38)

Unnamed Guest, Huntington Beach High School Senior, was called to speak and stated opposition to Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (05:24:29)

Dom Jones, Huntington Beach resident and California's 47th District Congressional Candidate, was called to speak, stated opposition to certain items on the agenda, and her concerns related to recent actions by the Council majority that in her opinion, undermine democracy and marginalize specific groups. (05:27:19)

Chris Dawson, a student at Huntington Beach High School and campus Turning Point USA President, was called to speak and stated his support for Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards. (05:30:32)

Megan Mend, Huntington Beach homeowner since 2008, was called to speak and stated opposition to Consent Calendar Item #16 (23-741) for actionable policy options regarding City library materials and safeguards, and Administrative Items #32 (23-734) regarding proposed Policy on Human Dignity. (05:32:52)

Chris Kluwe, 15+-year Huntington Beach resident, was called to speak and stated opposition to generally everything on the agenda, including Councilmember Items #33 (23-732) regarding proposal for e-bike licensure and use regulations, as long as the item remains so vague. He also shared his opinions regarding the many poor decisions the Council majority is making. (05:36:10)

Unnamed Guest was called to speak and stated support for Councilmember Items #35 (23-738) regarding resolution declaring City to be a "no mask and no vaccine mandate" city. (05:39:27)

Unnamed Guest was called to speak and stated opposition to Councilmember Items #34 (23-731) regarding proposal to censure Councilmember Moser. (05:42:56)

Steve Trevino, a 30-year Huntington Beach resident, was called to speak and shared his opinions and disappointment regarding the items that the Councilmember majority is choosing to focus on. (05:45:54)

Robin Estanislau, City Clerk, was called to speak and stated opposition to Administrative Items #30 (23-700) regarding three proposed Charter amendment ballot measures. (05:49:09)

Unnamed Guest was called to speak and shared his opinions and accusatory opinions on a number of issues. (05:52:26)

City Attorney Michael Gates noted for the public record that defamatory comments, such as calling someone a criminal, is not free speech and as announced by Mayor Strickland prior to inviting public speakers forward, such comments are not allowed during the Public Comments portion of Councilmember meetings. (05:55:55)

Frances Marquez, City of Cypress Councilmember, was called to speak and stated opposition to Administrative Items #31(23-693) regarding introduction of ordinances to amend the Municipal Code to streamline, consolidate, and/or dissolve a select number of boards, commissions, and committees; and Councilmember Item #34 (23-731) regarding proposal to censure Councilmember Moser. (05:56:39)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING

Mayor Pro Tem Van Der Mark and Mayor Strickland reported attending an event in Sacramento at the request of Senator Janet Nguyen and Assemblywoman Diane Dixon to receive a commendation honoring California Surf Day.

OPENNESS IN NEGOTIATION DISCLOSURES

Mayor Strickland reported meeting with members of the Huntington Beach Fire Association (HBFA).

CITY MANAGER'S REPORT

**10. 23-718 ~~Quarterly Homeless Report~~
 Postponed to September 19, 2023**

11. 23-723 August update from Orange County Mosquito and Vector Control (OCMVC)

City Manager Al Zelinka noted that Orange County Mosquito and Vector Control Board Member Mike Posey submitted a report which was included in Supplemental Communications, and reminded everyone to ensure there is no standing water on their property in an effort to prevent mosquito breeding.

CITY ATTORNEY'S REPORT

**12. 23-739 In response to Dec 20, 2022 City Council direction, report on history of authorized
 actions in the Moore v. City, Gates lawsuit and report on review of RWG
 involvement**

City Attorney Michael Gates presented a PowerPoint communication titled *Response to H Item Part 2* with slides entitled: *McKeon H Item - Review of RWG (10)*; *Propriety of Craig Steele Retainer (11)*; *"Independent" Investigation (16)*; *History of Council Actions on Moore, Field (8)*; *Other Improprieties Involving Steele (8)*; *McKeon H Item - Review of RWG (11)*; and *Thank You*.

Councilmember McKeon and City Attorney Gates discussed illegal disclosure of emails relating to Closed Session from the City's server by former City Manager Oliver Chi, and referring such a breach out for further investigation.

Councilmember Kalmick shared his opinion that City Attorney Gates has not refuted a single fact in the RWG report. City Attorney Gates responded he would be happy to provide *Response to H Item Part 3*, and Councilmember Kalmick asked him to do that.

Councilmember Bolton requested Part 3 include a representative from RWG to defend their report. She made reference to what she believes are inaccurate items in City Attorney Gates' Part 1 and Part 2 reports, specifically statements contending that the "newly elected 2020 Council" suddenly settled a case that had been in litigation for two years, and asked what the reason was for this 180-degree change. Councilmember Bolton stated that Mr. Steele did not interview her about this case, and noted she only talked with Mr. Steele after she was assigned to the Ad Hoc Committee tasked to deal with the issue.

City Attorney Gates responded that he appreciates Councilmember McKeon bringing this Item forward because for two years everyone has listened to Councilmember comments and accusations on this issue, and he stated RWG has issued their 30+ page report which in the end found no wrong-doing by him or the City Attorney's Office, and he sees no reason to bring back any of the RWG attorneys.

Mayor Strickland stated that the law is violated when anyone illegally breeches any client/attorney communications.

CONSENT CALENDAR

Councilmember Kalmick pulled Consent Calendar Items #15, #16, #18, #19, #20 and #22;
Councilmember Burns pulled Items #13 and #25 for further discussion.

CITY CLERK

13. 23-694 ITEM WITHDRAWN ~~Approve and Adopt Minutes~~

Councilmember Burns pulled this item to request review of language in the August 1 minutes to accurately reflect a conversation between Councilmember Moser and Mayor Pro Tem Van Der Mark related to amending the Declaration of Policy on Human Dignity. He asked the item be withdrawn, and that revised minutes be submitted at the next meeting.

14. 23-719 August Update of Activities for Citizen Boards, Commissions, Committees (BCCs) and Regional Agencies

A motion was made by Van Der Mark, second Burns to receive and file.

The motion carried by the following roll call vote:

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

CITY MANAGER

15. 23-673 Approved Intergovernmental Relations Committee (IRC) recommendation to approve and authorize execution of Professional Services Contracts with Kahn, Soares, & Conway LLP for State Legislative Advocacy Services and with Stapleton & Associates for Federal Legislative Advocacy Services

Councilmember Kalmick pulled this item to share his concerns about approving a lowest-performing firm, and discussed with Mayor Strickland the history of how these two companies were selected by the Intergovernmental Relations Committee.

Councilmembers Bolton and Moser requested further clarification and Mayor Strickland stated he made these recommendations based on his experiences in Washington, DC and in Sacramento, as well as appearing in a Bloomberg report.

Councilmember McKeon and Mayor Pro Tem Van Der Mark stated support for Mayor Strickland's recommendation and how during a recent trip to Washington, DC, they became aware of Mayor Strickland's many relationships with politicians on both sides of the aisle.

A motion was made by McKeon, second Van Der Mark to, as recommended by the Intergovernmental Relations Committee, approve and authorize the Mayor and City Clerk to execute a Professional Services Contract between the City of Huntington Beach and Kahn, Soares, & Conway LLP for State Legislative Advocacy Services; and as recommended by the Intergovernmental Relations Committee,

approve and authorize the Mayor and City Clerk to execute a Professional Services Contract between the City of Huntington Beach and Stapleton & Associates for Federal Legislative Advocacy Services.

The motion carried by the following roll call vote:

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

16. 23-741 Directed staff to return to City Council on October 17, 2023 with actionable policy options regarding City library materials and safeguards

Councilmember Kalmick stated he pulled this item in an attempt to abandon the entire endeavor and to maintain existing policies.

A motion was made by Kalmick, second Bolton to pull this item to maintain existing policies regarding City library materials and safeguards.

The motion failed by the following roll call vote:

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

A motion was made by Strickland, second Burns to approve the June 20, 2023 Council direction by directing staff to return with actionable policy options related to safeguards over City library materials on October 17, 2023.

The motion carried by the following roll call vote:

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

17. 23-742 ~~ITEM WITHDRAWN Authorize the City Manager to approve a contract with Paradigm Management Services, LLC ("Paradigm") to undertake medical management responsibilities related to a workers' compensation claim~~

COMMUNITY DEVELOPMENT

18. 23-674 Approved the Huntington Beach Downtown Business Improvement District's Annual Report and Proposed Budget for Fiscal Year (FY) 2023-2024, and Adopted Resolution No. 2023-37 declaring the City's Intention to Levy an Annual Assessment for FY 2023-2024 at a public hearing scheduled for October 3, 2023

Councilmember Kalmick pulled this item to determine if Huntington Beach Downtown Business Improvement District Administrative Assistant Madeleine Gates is related to City Attorney Michael Gates. City Attorney Gates affirmed his daughter works part-time for the Business Improvement District.

Mayor Strickland and Councilmember Kalmick both thanked Huntington Beach Downtown Business Improvement District Executive Director Jamie Strong for an excellent Annual Report.

A motion was made by Kalmick, second Strickland to approve the Huntington Beach Downtown Business Improvement District Annual Report and Proposed Budget for FY 2023-2024; and, adopt Resolution No. 2023-37, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for FY 2023-2024 within the Huntington Beach Downtown Business Improvement District", which sets a public hearing for October 3, 2023 to consider continuation of the Huntington Beach Downtown Business Improvement District; and, authorize the revenue appropriation of \$3,200 in account 71000710.40500 and an expenditure appropriation of \$3,200 in account 71080101.69505, for a net zero impact to the fund.

The motion carried by the following roll call vote:

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

19. 23-712 Approved Responses to the 2022-2023 Orange County Grand Jury Reports Related to Animal Welfare, School Safety, and Group Homes

Councilmember Kalmick pulled this item to amend it to include the last-minute staff memorandum submitted as supplemental communication.

A motion was made by Kalmick, second Strickland to approve the City's responses to findings and recommendations posed by the Orange County Grand Jury related to animal welfare, school shootings, and group homes; and approve not responding to the Orange County Grand Jury report on the California drought; and authorize the City Manager to submit the City's responses to the Presiding Judge of the Superior Court, ***as amended by supplemental communication (amend language for clarity in subject and recommended actions; and, standardization of all draft responses)***.

The motion carried by the following roll call vote:

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

COMMUNITY AND LIBRARY SERVICES

20. 23-665 Approved and executed a five-year Memorandum of Understanding between the City of Huntington Beach and Friends of the Shipley Nature Center

Councilmember Kalmick pulled this item to recuse himself, in an abundance of caution under SB 1439, because of a campaign contribution and potential for conflict of interest. He left the room.

A motion was made by Van Der Mark, second Burns to authorize the Mayor and City Clerk to execute and approve a Memorandum of Understanding between the City of Huntington Beach and Friends of Shipley Nature Center.

The motion carried by the following roll call vote:

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

FINANCE

21. 23-727 Adopted Successor Agency Resolution No. 2023-03 approving an Amended Recognized Obligation Payment Schedule 23-24B for the FY 2023-24 Fiscal Period of January 1, 2024 to June 30, 2024, Subject to Submittal to, and Review by the Oversight Board and the State Department of Finance under California Health and Safety Code, Division 24, Part 1.85; and, Authorizing the Posting and Transmittal of the ROPS

A motion was made by Van Der Mark, second Burns to adopt Successor Agency Resolution No. 2023-03, "A Resolution of The Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving an Amended Recognized Obligation Payment Schedule 23-24B for the FY 2023-24 Fiscal Period of January 1, 2024 to June 30, 2024, Subject to Submittal to, and Review by the Oversight Board and the State Department of Finance under California Health and Safety Code, Division 24, Part 1.85; and, Authorizing the Posting and Transmittal of the ROPS."

The motion carried by the following roll call vote:

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

22. 23-726 Authorized the Appropriation and Transfer of \$3,650,000 of Litigation Reserves and \$181,000 of FY 2023/24 General Fund Available Surplus to the General Liability Fund to fund the payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California

Councilmember Kalmick pulled this item to clarify case numbers which were not identified, and City Attorney Michael Gates clarified dates and described specifics on these cases.

A motion was made by Kalmick, second Strickland to approve the appropriation and transfer of \$3,831,000 from the General Fund to the General Liability Fund business unit no. 55240101 to fund the payment of attorney's fees for Kennedy Commission v. City of Huntington Beach and City of Huntington Beach v. the State of California.

The motion carried by the following roll call vote:

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

PUBLIC WORKS

23. 23-687 Accepted the lowest responsive and responsible bid, and authorized execution of a construction contract with Elegant Construction Inc. in the amount of \$1,680,000.00 for the Police Department Communications Center Renovation Project, CC-1677

A motion was made by Van Der Mark, second Burns to accept the lowest responsive and responsible bid submitted by Elegant Construction Inc. in the amount of \$1,680,000; and authorize the Director of Public Works to execute change orders not to exceed 20% of the contract costs, or \$336,000.

The motion carried by the following roll call vote:

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

NOES: None

24. 23-699 Approved Amendment No. 1 to an Agreement with KOA Corporation for On-call Grant Writing and Administrative Consulting Services and Approved an Appropriation of \$50,000

A motion was made by Van Der Mark, second Burns to approve Amendment No. 1 to the agreement with KOA Corporation for on-call grant writing and administrative consulting services, extending the term by one year and increasing the not-to-exceed agreement amount by \$50,000; and appropriate \$50,000 from the undesignated Traffic Congestion Relief Prop 42 fund balance to Account 21985201.69365

The motion carried by the following roll call vote:

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

25. 23-701 Approved the Execution of a Subdivision Agreement with NASH — Holland 18750 Delaware Investors, LLC and Accepted Securities for the 18750 Delaware Residential Project

Mayor Strickland recused himself in an abundance of caution because his wife owns property in the project area, and left the room.

Councilmember Burns pulled this item to confirm with staff that there was no public hearing on this item when it was presented in May 2020 because this project was part of the 2020 Housing Element Overlay, which was adopted by Council.

A motion was made by Kalmick, second Bolton to approve and authorize the Mayor and City Clerk to execute and record a Subdivision Agreement between the City and NASH — Holland 18750 Delaware Investors, LLC to construct public improvements for the 18750 Delaware residential project (Attachment 1); authorize the City Clerk to record the agreement; and accept the Faithful Performance Bond No. DVHNSU0832094 (Attachment 2), Labor and Material Bond No. DVHNSU0832094 (Attachment 3) and Monument Bond No. DVHNSU0832094 (Attachment 4), the securities furnished for installation of the required public improvements; and, instruct the City Clerk to file the bonds with the City Treasurer.

The motion carried by the following roll call vote:

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

26. 23-707 Rejected bid for the Admiralty Drive Bridge Rehabilitation Project, CC-1450 and approved re-advertisement of the project

A motion was made by Van Der Mark, second Burns to reject the bid received from Beador for the Admiralty Drive Bridge Rehabilitation Project, CC-1450 and to re-advertise the Project.

The motion carried by the following roll call vote:

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

27. 23-704 Canceled contract award for the Humboldt Sewer Lift Station Replacement Project, CC-1634; rejected all remaining bids and approved re-bid of the project in accordance with City Charter requirements and State Law

A motion was made by Van Der Mark, second Burns to cancel the award of construction contract to Mehta for the Humboldt Sewer Lift Station Replacement Project, CC-1634; reject all remaining bids and rebid the project in accordance with City Charter requirements and State Law.

The motion carried by the following roll call vote:

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

28. 23-733 Canceled contract award for the Fiscal Year 2022/23 Sewer Lining Project, CC-1728; rejected all remaining bids and approved re-bid of the project in accordance with City Charter requirements and State Law

A motion was made by Van Der Mark, second Burns to cancel the award of construction contract to Sancon Technologies, Inc. for the Fiscal Year 2022/23 Sewer Lining Project, CC-1728; reject all remaining bids and rebid the project in accordance with City Charter requirements and State Law.

The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

29. 23-708 ~~ITEM WITHDRAWN Approve for introduction Ordinance No. 4293 Amending the Huntington Beach Municipal Code (HBMC) by adding new Chapter 10.82 regarding pedestrian use of center medians~~

ADMINISTRATIVE ITEMS

30. 23-700 Alternate motion approved regarding the submission of 3 Charter amendment ballot measures for voter approval at the March 5, 2024 Statewide Primary Election, and the adoption of Resolution Nos. 2023-42, 2023-43, 2023-44 and 2023-45

Travis Hopkins, Assistant City Manager, and Catherine Jun, Deputy City Manager, presented a PowerPoint communication titled *Consideration of 3 Charter Amendment Ballot Measures for the March 5, 2024 Statewide Primary Election* with slides entitled: *Background; Fiscal Impact; Ballot Measure 1; Ballot Measure 1 - Overview; Ballot Measure 2; Ballot Measure 2 - Overview; Ballot Measure 3; Ballot Measure 3 - Overview; and Recommendation.*

Councilmember Burns stated this diligent and prudent effort is intended to increase governing efficiencies for Huntington Beach residents and businesses, and noted the voters will be the final decision makers.

Mayor Strickland and City Attorney Gates discussed the issue of whether or not it is legal to place these items on a primary election ballot. Elections Code Section 1415 specifically permits cities to place

charter amendments on a primary election ballot, and they noted there are several qualified staff involved in this process that would have stopped it if it was illegal. City Attorney Gates clarified the government codes being cited by many people are not applicable in this case, and there are a lot of laws for different circumstances and situations.

Councilmembers Kalmick, Bolton and City Attorney Gates discussed Kalmick's concern that the City Attorney's Office is providing legal advice on charter amendments that impact that office; details on Section 1415; ramifications, including costs, for defining election processes and procedures which differ from County regulations; concerns about redefining City Attorney authority and attorney/client relationship with the City Council; City Attorney's annual budget authority and restrictions; protecting attorney/client privilege and attorney work product information; how the 2027 effective date was determined; lowering qualifications for City Clerk position; investigation of malfeasance; referencing specific flags in the Charter; vague language regarding property transactions which could affect taxes collected, an issue which Kalmick believes could be handled through an ordinance; lack of staff analysis to determine if there are cost differences between placing these items on the primary vs. general election; amendments being rushed through without adequate citizen feedback; some amendments appear to be solving problems which don't exist; and the potential for triggering lawsuits and additional costs.

Mayor Strickland responded to some of the specific concerns raised such as municipal election options, clearing up ambiguity for City Clerk qualifications, primary election ballot usually not as overwhelming as the general election ballot; and stated proposed amendments consolidate associated items to reduce costs.

Councilmember Bolton shared her concern that no one knows how the County would respond if Huntington Beach implements municipal voter regulations, and she cannot support these changes until potential consequences are identified.

Councilmember McKeon stated his support for any proposed Charter amendments using a transparent process which maximizes public participation and using a Charter Review Committee/Commission, rather than going from an Ad Hoc Committee directly to the ballot.

Councilmember Kalmick stated his support for using a Charter Review Committee/Commission.

City Clerk Estanislau clarified that "ad hoc" committees are not bound to Brown Act meeting standards and recommended setting up a standing committee to address Charter recommendations.

Councilmember Moser stated support for Councilmember McKeon's comments on this issue, and added her support for including a third-party professional.

Mayor Strickland and City Attorney Gates discussed there are many options that Councilmembers have access to for getting an issue to the voters through the ballot.

Mayor Strickland confirmed with City Clerk Estanislau that everything must be ready by December 8, 2023, in order to be placed on the March 5, 2024 primary election ballot.

City Clerk Estanislau clarified procedure and timeline parameters needed in order to meet the December 8 deadline. She also shared that the cost savings would be approximately \$42,000 to \$56,000 to place these items on the November 2024 general election vs the March 2024 primary election ballot.

Councilmember Moser shared her concerns, including no one currently knows how the county could respond if Huntington Beach would implement municipal voter regulations, costs, proposed items need more clarity and definition, lack of data on the strength or weakness of the existing local election system, lack of staff input and recommendations, and lack of supporting legal information.

Councilmember McKeon, speaking as a member of the former Charter Review Commission, stated his expectation the process can maximize public participation, be legal, and meet the deadlines for completion by December 8 by utilizing the work of the former Charter Review Commission.

City Manager Al Zelinka confirmed that staff would step up and perform as directed by Council.

A motion was made by Kalmick, second Moser to ask staff to return at the next regular Council meeting with structure options and timelines for forming a Charter Review Committee, following the guidelines submitted when the prior Charter Review Committee was established.

The motion failed by the following roll call vote:

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

An alternate motion was made by Strickland, second Burns to create a Council Charter Review Committee for public input, made up of the full City Council, to meet every Thursday for the next four weeks beginning Thursday, September 14, 2023, at 6 p.m.; and authorize hiring an outside consultant experienced in Charter review.

The alternate motion carried by the following roll call vote:

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

31. 23-693 Adopted Resolution No. 2023-40 and approved for introduction Ordinance Nos. 4296, 4295, 4298, 4299, 4297, 4300, and 4301 to amend the Huntington Beach Municipal Code to streamline, consolidate, and/or dissolve a select number of the City's Boards, Commissions, and Committees and Council Committees

Travis Hopkins, Assistant City Manager, presented a PowerPoint communication titled *Board, Commission, & Committee (BCC) Reconfiguration*, with slides entitled: *Background; Recommended Actions (6); and Questions?*

Councilmember Kalmick confirmed with Assistant City Manager Hopkins that the Section 2.100 standard regarding local voter requirement is not being removed for the Fourth of July Board.

Mayor Pro Tem Van Der Mark clarified that the Youth Board is not being eliminated, rather, modifications are being made to increase participation and allow the Board to meet more often.

Councilmember Moser shared how the Human Relations Committee and Police Department have worked very closely on local issues, and Chief Parra agreed the relationship has been a successful cooperative effort. Chief Parra stated he believes specific community issues could be successfully addressed through County services.

A motion was made by Strickland, second Burns to A) approve the official dissolution of the City Council Short-Term Rentals Ad Hoc Committee, Housing/RHNA Ad Hoc Committee, and Cannabis Regulation and Policy Ad Hoc Committee by minute action; and/or B) approve renaming of the Urban Design Study Ad Hoc Council Committee to the Downtown and Beach Front Ad Hoc Council Committee and broadening their scope of work by minute action; and/or C) adopt Resolution No. 2023-40, "A Resolution of the City Council of the City of Huntington Beach repealing Resolutions 2002-106 and 2021-66, and dissolving the Human Relations Committee;" and/or D) after the City Clerk reads by title, approve for introduction Ordinance No. 4296, "An Ordinance of the City of Huntington Beach repealing Ordinance No. 4168 and delete Chapter 2.104 of the Huntington Beach Municipal Code dissolving the Jet Noise Commission;" and/or E) after the City Clerk reads by title, approve for introduction Ordinance No. 4295, "An Ordinance of the City of Huntington Beach repealing Ordinance No. 3332 and delete Chapter 2.112 of the Huntington Beach Municipal Code dissolving the Mobile Home Advisory Board;" and/or F) after the City Clerk reads by title, approve for introduction Ordinance No. 4298, "An Ordinance of the City of Huntington Beach deleting Chapter 2.102 of the Huntington Beach Municipal Code and dissolving the Environmental and Sustainability Board;" and/or G) after the City Clerk reads by title, approve for introduction Ordinance No. 4299, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by amending Chapter 2.111 thereof related to Citizen Infrastructure Advisory Board/Public Works Commission"; and approve the official dissolution of the Smart Cities and Technology Council Committee by minute action; and/or H) after the City Clerk reads by title, approve for introduction Ordinance No. 4297, "An Ordinance of the City of Huntington Beach deleting Chapter 2.108 of the Huntington Beach Municipal Code and dissolving the Huntington Beach Youth Board;" and/or I) after the City Clerk reads by title, approve for introduction Ordinance No. 4300, "An Ordinance of the City of Huntington Beach amending the Huntington Beach Municipal Code by amending Chapter 2.106 thereof related to Fourth of July Executive Board;" and/or J) after the City Clerk reads by title, approve for introduction Ordinance No. 4301, "An Ordinance of the City of Huntington Beach amending the Huntington Beach Municipal Code by amending Chapter 13.54 thereof related to Specific Events;" and/or K) approve the official dissolution of the City Council Boards, Commissions, and Committees Review Ad Hoc Committee upon approval of recommended actions above.

The motion carried by the following roll call vote:

Items B), H), I) and J):

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

NOES: Moser, and Bolton

Items A), C), D), E), F), G), and K):

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

NOES: Kalmick, Moser, and Bolton

32. 23-734 Approved the Ad Hoc Committee's proposed Policy on Human Dignity

Catherine Jun, Deputy City Manager, presented the historical timeline for this H Item originally introduced by Councilmember Burns.

Councilmember Burns stated that certain segments of society appear to be alienating themselves from the all-inclusive term "everyone" which is used in the Policy on Human Dignity to literally include everyone.

Councilmember Bolton stated that everyone is **not** under the same umbrella, and from her perspective the Policy on Human Dignity should acknowledge that fact through specific delineation.

Councilmember Moser stated she sees this action to remove the history, origin and references to hate crimes from the original declaration as detrimental, and suggested that Councilmember Burns may want to write up a "personal policy" document. She added that in her opinion, Council should not destroy the original Policy on Human Dignity in this way. She noted some of the topics included in the proposed document are issues that she doesn't believe are even under the purview of the City.

Councilmember McKeon shared his opinion that every rational person condemns acts of hate and it shouldn't be necessary for the government to document the fact that hate crimes are condemned.

Councilmember Kalmick stated he cannot support this item based on the poor grammar, and in his opinion, it looks like a mish mash of right-wing policies.

A motion was made by Burns, second Strickland to approve the Ad Hoc Committee's amended Policy on Human Dignity, and formally dissolve the Ad Hoc Committee.

The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

33. 23-732 Approved as amended Item Submitted by Council Members McKeon and Burns — Develop Proposal for E-Bike Licensure and Use Regulations

Councilmember McKeon introduced the item and stated the intent is to coordinate with what the schools are doing to address safe operation and regulation of e-bikes.

Councilmember Kalmick stated support for this item, and asked staff to look into AB1909, amended Section 39002 of the vehicle code, which says cities can require a license but cannot prohibit anyone from riding a bike. He asked for more data, such as who are using e-bikes, review of possible engineering methods for control, consideration of safe school routes, and how e-bikes are being handled by other cities, and education options, before an actual proposal is requested from staff.

Councilmember Bolton suggested community meetings be part of the process to ensure community member concerns are also addressed.

A motion was made by Strickland, second Burns to approve directing the City Manager to work with the Police Department and the City Attorney to develop a proposal for e-bike licensure and use regulations. The proposal should return to City Council in November. The following concepts should be addressed, if possible, in the proposal that returns to Council:

- Require a city license to operate an electric bicycle within city limits unless the rider possesses a valid driver's license.
 - Establish a fee for license (akin to a business license)
- Mandate rental businesses to require customers renting e-bikes to view a safety video in order to have a one-day license or show proof of a valid driver's license.
- Explore enforcement options for PD
 - Revising current HBMC to assist officers with enforcement efforts - see if our HBMC can "follow" or "borrow" rules and enforcement from the California Vehicle Code.
 - New HBMC for "pocket bikes" (Surrans)
 - Higher fine structures, bike impounding

Amended to include ideas shared by Council at the dais.

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

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

34. 23-731 Approved Item Submitted by Mayor Strickland and Council Members Burns and McKeon — Move to Censure Council Member Moser

Councilmember Burns introduced this item by playing a video clip from May 7, 2018, of Gracie Van Der Mark as a Public Speaker in the Council Chambers as evidence of Ms. Van Der Mark's public denial of the accusations against her. He stated the repeated false accusations on August 1, 2023, by Councilmember Moser were inappropriate, out of the lines of decorum, and a violation of the City's code of ethics. Councilmember Burns also noted that "censoring" really doesn't really do anything but document the fact that this type of accusation will not be tolerated.

Mayor Strickland stated decorum has to improve in order for Councilmembers to work together.

A motion was made by Burns, second Strickland to by Minute Order, or majority vote of City Council tonight, censure Councilwoman Moser for the aforementioned statements and hostile/personal escalation made at the Council Meeting on August 1, 2023; that those statements and hostile/personal escalation be deemed "inappropriate," declare that they are not the views/statements of the City Council, and serve as a reminder that those types of statements and hostile/personal escalations do not meet either professional decorum required at City Council nor the goals of the Declaration of Policy of Human Dignity.

The motion carried by the following roll call vote:

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

35. 23-738 Approved Item Submitted by Mayor Pro Tem Van Der Mark — Resolution Declaring City to be a "No Mask and No Vaccine Mandate" City

Mayor Pro Tem Van Der Mark reviewed the history of COVID-19, including retrospective analysis, to support her position that mandating masks and proof of vaccine or booster unnecessarily restrict individual freedoms. She stated exceptions for this action would only apply to those who have tested positive. This item is an effort to ensure personal choice in Huntington Beach for wearing a mask or getting the vaccination, allowing for personal liberty, and taking a stand against government intrusion.

Councilmember Kalmick supplied his own statistical data to dispute Mayor Pro Tem Van Der Mark's statement, and explained that Huntington Beach didn't mandate anything but did follow the advice of the California Department of Public Health and the Orange County Health Agency. He further stated this action could impact implementing California Occupational Safety and Health Administration (CAL OSHA) rules.

Mayor Strickland clarified that if this action is approved, local businesses will have the option to determine whether or not they require people entering their premises to wear a mask or get vaccinated.

He stated it is on elected officials to look at the macro effects, not just the science, and to respect individual freedoms.

Councilmember Bolton stated her support for Councilmember Kalmick's comments, noted that no one has asked for the proposed action, and shared her opinion this discussion is a massive waste of time.

A motion was made by Van Der Mark, second Strickland to approve the City ban broad (universal) mask and vaccine mandates; City Manager to return to Council with a Resolution at the next regular meeting declaring the City to be a "no mask and no vaccine mandate City" as a response to COVID-19 or any variants. Individuals, whether at City Hall or in the private sector, should have a right to choose whether to wear a mask or get vaccinated or boosted.

The motion carried by the following roll call vote:

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

ADJOURNMENT — At 2:49 AM on Wednesday, September 6, 2023, a motion was made by Burns, second by Van Der Mark, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, September 19, 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