

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, March 21, 2023
3:00 PM – Council Chambers
4:30 PM – Council Chambers
6:00 PM – Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 3:00, 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/**

3:00 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 3:01 PM

ROLL CALL

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

CITY COUNCILMEMBER COMMENTS

Councilmember McKeon provided an update on the Orange County Power Authority (OCPA) non-disclosure agreement; and, Councilmember Moser reported attending University of California Irvine (UCI) graduate student presentations, which included recommendations to enhance both Oak View and Sunset Beach communities.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED AND/OR STUDY SESSION ITEMS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communication pertaining to the Study Session that was received by her office following distribution of the Council Agenda packet:

Study Session, #5 (1)

A motion was made by Kalmick, second Bolton to under Brown Act Urgency § 54954.2(b)(2), add discussion items on pending Federal and State housing lawsuits to the Closed Session agenda, to include discussion on the Temporary Restraining Order (TRO) issued after hours on Friday, March 17, 2023.

The motion failed by the following roll call vote:

AYES: Kalmick, Moser, and Bolton

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

Councilmember Kalmick explained he made this motion since City Attorney Gates apparently failed to follow the request of Councilmembers Bolton, Kalmick, and Moser to include those topics for the Agenda.

City Attorney Gates stated he does not believe any of these items fall under the Brown Act "urgency exception" rule, and noted the City Attorney is responsible to agendaize lawsuits. City Attorney Gates also noted Councilmembers have all been apprised of the latest information on these issues, and there is no additional information to present during Closed Session.

Councilmember Kalmick stated that he believes City Attorney Gates is acting illegally on this issue.

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS — None

RECESSED TO CLOSED SESSION — 3:07 PM

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

CLOSED SESSION

1. 23-265 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Tabares (Tiffany) v. City of Huntington Beach/Eric Esparza; OCSC Case No.: 30-2021-01200297.
2. 23-273 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8.) Property: APN numbers 111-372-06 and 111-372-07. Agency negotiator: Al Zelinka, City Manager; Ursula Luna-Reynosa, Director of Community Development; and Sean Crumby, Director of Public Works. Negotiating parties: Timothy A. Fissinger, Vice President of Real Estate for Republic Services. Under negotiation: Price and terms of payment.
3. 23-276 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Pacific Airshow, LLC v. City of Huntington Beach and Kim Carr; OCSC Case No. 30-2022-01287749.
4. 23-266 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Eric Parra, Chief of Police; Sunny Han, Acting Chief Financial Officer; and Alisa Backstrom, City Treasurer. Employee Organization: Police Officers' Association (POA)

4:30 PM — COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – HELD STUDY SESSION — 5:02 PM

ROLL CALL

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

PUBLIC COMMENTS PERTAINING TO STUDY SESSION ITEMS — None

STUDY SESSION

5. 23-213 Economic Feasibility of Oil Wells Owned and Operated by the City of Huntington Beach

Fire Chief Scott Haberle introduced Thomas Walker, Petroleum Engineer Consultant from Evans and Walker, who presented a PowerPoint communication titled *Economic Feasibility of Oil Wells Owned and Operated by the City*, with slides entitled: *Civic Center Wells; Process; Production - Springfield Unit; Production and Gross Revenue - Civic Center; Average Monthly Revenue Expense and Net Profit; Decision to Halt Production 2021-22; Known Repair Costs; Breakeven Oil Price; Summary; and Questions?*

Councilmember Burns confirmed with Chief Haberle the City would not be likely to find an operator willing to lease any of these wells for even a year.

Councilmember Kalmick recommended that staff be asked to look at the abandonment procedure which could be implemented over the next several years to limit liability.

6. 23-250 Overview of Applied Ethics, Code of Conduct and Conflicts of Interest Best Practices

City Manager Al Zelinka and John P. Pelissero, PhD, Markkula Center for Applied Ethics, Santa Clara University (via Zoom) presented a PowerPoint communication titled *Applied Ethics, Code of Conduct and Conflicts of Interest*, with slides entitled: *Background; Applied Ethics, Codes of Conduct, and Conflicts of Interest; Quote slide; What is Ethics?; What is Applied Ethics in Government?; How Governments Apply Ethics to Actions; Some Examples of Best Practices; Approaches to Applied Ethical Decision-making; Approaches to Ethical Decision-making (4); Using the Lenses in Decision-making; A Framework for Ethical Decision Making; Goals for a Code of Ethics and Conflict of Interest Policy; and For More Information.*

Councilmember Kalmick confirmed with Dr. Pelissero that the City's current policy provides the simplicity and clarity that captures a good code of conduct.

At 5:37 PM, Mayor Strickland called for a brief recess.

6:00 PM — COUNCIL CHAMBERS

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE — Led by City Manager Al Zelinka

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.

7. 23-281 Chaplain Roger Wing with the Huntington Beach Police Department

CLOSED SESSION REPORT BY CITY ATTORNEY — None

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:

City Manager's Report #9 (1); Consent Calendar #14 (1); #16 (1), #18 (1), #21 (1); Administrative Items #26 (1), #28 (2) which were all uploaded to the web and Council iPads prior to the start of the meeting.

PUBLIC COMMENTS (3-Minute Time Limit) — 20 Speakers

Pat Goodman was called to speak and stated her support for Public Hearing Item #25 regarding approving Amendments for the Housing Element Update, and support for Administrative Items #28 regarding proposed 90-day plan to address homelessness in Huntington Beach. (00:50:14)

Rick Taketomo, Parkside Estates Owner's Association, was called to speak and shared concerns related to completion of the Parkside Estates project; specifically, new City-required extensive and expensive sidewalk and gutter standards to be required of the developer before turning street maintenance over to the City. (00:52:47)

Ken Inouye, a 50-year resident of Huntington Beach, was called to speak and shared his concerns related to the City Council decision to litigate the State-mandated Regional Housing Needs Assessment (RHNA). (00:55:09)

Shirley Dettloff, former Huntington Beach Planning Commissioner, Councilmember and Mayor, former California Coastal Commissioner, and resident of Huntington Beach since 1964, was called to speak and stated support for Public Hearing Item #25 regarding approving Amendments for the Housing Element Update. (00:58:20)

Pam Free, Former 30-year Manager, Plaza Art Affaire, and for full disclosure, Mother to Councilmember McKeon, was called to speak and shared her observations regarding the former Council's decision to go out to bid for managing the Plaza Art Affaire, and described concerns regarding unethical and unequal booth space rental fees. (01:00:53)

Jenny Braithwaite was called to speak and stated support for Public Hearing Item #25 regarding approving Amendments for the Housing Element Update. (01:03:49)

Allie Plum, Huntington Beach Mobile Home Advisory Board Member, and Huntington Beach Mobile Home Resident Coalition Member, was called to speak and asked that Councilmembers become

partners in solving the problem of excessive space and land rent increases for mobile home residents. (01:06:57)

Tim Geddes, a 39-year resident of Huntington Beach, was called to speak and shared his opinions related to the Housing Element and the Council Majority's simplistic denial with no attempt to work with all Councilmembers to look for solutions to the affordable housing dilemma. (01:09:48)

Cathey Ryder, a Huntington Beach homeowner since 1985, was called to speak and thanked staff for the excellent Study Session presentation for Item #5 regarding the economic feasibility of oil wells owned and operated by the City; asked how Administrative Items #28 regarding the proposed 90-day Plan to Address Homelessness will actually reduce homelessness, and stated her support for Public Hearing Item #25 regarding approving Amendments for the Housing Element Update. (01:12:44)

Amory Hanson was called to speak and stated support for Administrative Items #28 regarding the proposed 90-day Plan to Address Homelessness. (01:14:51)

Pano Frousiakis, a life-time resident of Huntington Beach and HB Public Works Commission Member, was called to speak and shared his opinions on local control vs special interests and thanked the Council Majority for bravely standing for local control against the Sacramento "regime". (01:16:34)

Unnamed Guest was called to speak and thanked Community and Library Services Director Chris Slama, Public Works Director Sean Crumby, Director of Homelessness and Behavioral Health Jason Austin, and the last Chief Financial Officer for their outstanding service to Huntington Beach. Unnamed Guest also asked Mayor Strickland to take measures to ensure orderliness, decorum and polite behavior for all City Council meetings. (01:19:42)

Jessamyn Garner, a resident of Huntington Beach and UMB Law and UMB Actions Communications Director, was called to speak and stated support for Public Hearing Item #25 regarding approving Amendments for the Housing Element Update. (01:23:03)

Karen Carroll, a long-time resident of Huntington Beach and retired finance educator, was called to speak and stated support for Public Hearing Item #25 regarding approving Amendments for the Housing Element Update. (01:26:09)

Kathy Tillotson, Build Futures Owner and Operator in Huntington Beach for nine years, was called to speak and shared her opinions on the failure of the newly elected Councilmembers to act on their campaign promise to have a plan to address homelessness within 90 days, and stated support for Public Hearing Item #25 regarding approving Amendments for the Housing Element Update. (01:28:22)

Unnamed Guest was called to speak and shared her opinions regarding the invocation policies for Huntington Beach City Council meetings and stated support for being respectful to all and following invocation guidelines cited by the courts in 2002. (01:31:31)

Chris Waring, a resident living in Surf City Beach Cottages, was called to speak and shared some space rent statistics specifically for Surf City Beach Cottages, and offered to meet with Councilmembers to find solutions for Senior citizens on fixed incomes. (01:33:46)

Cari Swan was called to speak and shared her concerns related to Public Hearing Item #25 regarding approving Amendments for the Housing Element Update, specifically Part B, CEQA Action, adopting a statement of overriding considerations, and asked that City Attorney Gates and Councilmembers ensure

this is not some kind of a trap that may encumber the City to make exceptions for needed protections or future exposures. (01:36:51)

Linda, former Children's Needs Task Board Member, was called to speak and expressed her appreciation for the services of Chris Slama, Director of Community and Library Services. She thanked him for the great memories by providing activities focused on unity, health, safety, family and fun. (01:39:43)

Roger Noor was called to speak and stated he is still on a hunger strike to demand that Huntington Beach set up a Citizen Oversight Committee for the Police Department. Mr. Noor thanked Mayor Strickland for meeting with him, and recommended residents attend the Mayor's town hall meetings. (01:42:52)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES

Councilmember Kalmick reported having a conversation with the Huntington Beach Police Officers' Association (POA); and Councilmember McKeon reported speaking with the Huntington Beach Police Management Association (PMA) regarding labor negotiations.

CITY TREASURER'S REPORT

8. 23-282 City Treasurer provided a report on City of Huntington Beach exposure to current bank issues

City Treasurer Backstrom presented a PowerPoint communication titled *City of Huntington Beach Exposure to Current Bank Issues* with slides entitled: *Background*; and *City of Huntington Beach Exposure to [sic] Current Banking Issues (2)*.

Councilmember Moser thanked Treasurer Backstrom for acting quickly on this issue and providing the report showing a de minimus impact.

CITY MANAGER'S REPORT

9. 23-275 Recognizing Community & Library Services Director Chris Slama for his leadership and management while serving the City

City Manager Al Zelinka, Assistant City Manager Travis Hopkins and Mayor Strickland honored Community and Library Services Director Chris Slama to acknowledge his 32 years of service to Huntington Beach.

Director Slama thanked everyone for their kind words, and noted that it takes a team of dedicated staff, Commissioners, and Councilmembers to provide outstanding service.

Councilmember Moser expressed her appreciation for his joyful dedication of service to Huntington Beach and wished him well as he continues his career in Irvine.

CONSENT CALENDAR

Councilmember Burns pulled Consent Calendar Items #10 and #11 for further discussion.

City Clerk's Department

10. 23-206 Approved and Adopted Amended Minutes

Councilmember Burns pulled this item to request a change to the last sentence of his statement regarding Consent Calendar Item #12, on Page 13, which reads: *"He noted that any "special interest" actions are divisive at any level of government and stated this Ordinance does not ban any flags anywhere except on City property."*

He requested the sentence be reconstructed to accurately reflect his comments: *"Councilmember Burns stated that if two years ago the self-serving and Sacramento-serving Council majority had done the right thing, this item would not have been necessary, and noted that any "special interest" actions are divisive at any level of government. He also clarified that this Ordinance does not ban any flags, anywhere, but restricts that government flags only be flown on Huntington Beach government properties."*

A motion was made by Burns, second Strickland to approve and adopt the City Council/Public Financing Authority regular meeting minutes of March 7, 2023, **as amended**.

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

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

11. 23-204 Received and filed the City Clerk's quarterly listing of professional services contracts filed in the City Clerk's Office between July 1, 2022 and December 21, 2022

Councilmember Burns pulled this item to clarify details on several service contracts contained in the quarterly listing, and Community Development Director Ursula Luna-Reynosa provided clarification for those Community Development contracts.

A motion was made by Burns, second Strickland to receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk during the period of July 1, 2022 and September 30, 2022;" and, receive and file the "List of Professional Services Contracts Approved by Department Heads and Submitted to the Office of the City Clerk during the period of October 1, 2022 and December 31, 2022."

The motion carried by the following roll call vote:

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

City Manager's Office

12. 23-218 Approved the appointment of Kathy Carrick to the Mobile Home Advisory Board (MHAB) as recommended by City Council Liaisons Van Der Mark and McKeon

A motion was made by Strickland, second McKeon to approve the appointment of Kathy Carrick as an At-Large Member of the MHAB through August 4, 2024, the end of term for the current vacancy.

The motion carried by the following roll call vote:

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

- 13. 23-249 Approved and accepted \$1.5M from the State of California's Budget Act of 2022 for Be Well OC in Huntington Beach Mobile Crisis Response Program ("Be Well") operations; authorized the City Manager and/or Acting Chief Financial Officer to execute all funding documents; and approved the appropriation of funds received to Fund 1281**

A motion was made by Strickland, second McKeon to approve and accept \$1.5M from the State of California's Budget Act of 2022 to support the operations of the Be Well OC in Huntington Beach Mobile Crisis Response Program; and, authorize the City Manager or Acting Chief Financial Officer to execute all documents to receive and manage the aforementioned state funds; and approve appropriations to Fund No. 1281 for use towards Be Well.

The motion carried by the following roll call vote:

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

Community Development Department

- 14. 23-183 Considered and directed staff to forward the 2022 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research**

A motion was made by Strickland, second McKeon to approve the 2022 Housing Element Annual Progress Report and direct staff to submit the 2022 Housing Element APR to the California Department of Housing and Community Development and Governor's Office of Planning and Research.

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 Department

- 15. 23-211 Approved Amendment No. 1 to the Lease Agreement between the City of Huntington Beach and Michael Ali, dba Zack's Too Beach Concession**

A motion was made by Strickland, second McKeon to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Lease Agreement between the City of Huntington Beach and Michael Ali, dba Zack's Too" for the continued operation of Zack's Too Beach Concession.

The motion carried by the following roll call vote:

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

16. 23-210 Approved and authorized execution of Amendment to Lease Amendment between the City of Huntington Beach and Michael and Christie Bartusick for Park Bench Café, for the operation of a restaurant/food concession in Huntington Central Park

A motion was made by Strickland, second McKeon to approve and authorize the Mayor and City Clerk to execute the "Amendment to Lease Amendment between the City of Huntington Beach and Michael and Christie Bartusick, dba Park Bench Café" for a restaurant/food concession in Huntington Central Park.

The motion carried by the following roll call vote:

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

17. 23-229 Approved five-year License Agreement with Southern California Edison for Langenbeck Park to expire March 31, 2028

A motion was made by Strickland, second McKeon to approve the License Agreement with Southern California Edison for the use of 8.19 acres of property known as Langenbeck Park (Contract No.9.5163), and authorize the Mayor and City Clerk to execute any and all documents necessary to conclude this transaction.

The motion carried by the following roll call vote:

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

Police Department

18. 23-233 Authorized utilization of State Asset Forfeiture Funds to fund travel to State and National Peace Officers' Memorials

A motion was made by Strickland, second McKeon to authorize the use of \$60,000.00 in State Asset Forfeiture funds to fund the outlined expenses.

The motion carried by the following roll call vote:

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

Public Works Department

19. 22-824 Approved and authorized execution of a Cooperative Agreement with the Cities of Garden Grove and Westminster for a traffic signal synchronization project along Bolsa Chica Street / Valley View Street; placed project on City of Huntington Beach

Fiscal Year 2022/2023 Capital Improvement Program; and authorized budget appropriation of local funds from the Air Quality Management District Fund

A motion was made by Strickland, second McKeon to approve and authorize the Mayor and City Clerk to execute "Cooperative Agreement by and between the Cities of Huntington Beach, Garden Grove and Westminster for the Valley View Street / Bolsa Chica Street Corridor Traffic Signal Synchronization Project"; amend the City of Huntington Beach 2022/2023 Capital Improvement Program (CIP) to include the Traffic Signal Synchronization project along Valley View Street/Bolsa Chica Street with a total project budget of \$2,343,900; allocate grant funds from the Orange County Transportation Authority of \$1,735,949, project matching funds from the City of Garden Grove in the amount of \$135,608 and project matching funds from the City of Westminster in the amount of \$142,846 to a designated grant account approved by the Finance Department; and, allocate City of Huntington Beach funds in the amount of \$329,496 from the Air Quality Management District (AQMD) fund to account no. 20190014.82700.

The motion carried by the following roll call vote:

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

20. 23-075 Accepted the lowest responsive and responsible bid and authorized execution of a construction contract with All American Asphalt in the amount of \$4,385,950 for the Residential Zone 2 Overlay Project, CC-1701

A motion was made by Strickland, second McKeon to accept the lowest responsive and responsible bid submitted by All American Asphalt construction company in the amount of \$4,385,950; and, appropriate \$2,000,000 in HB Recovery Funds to Infrastructure Fund Account 31490022.82300, and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following roll call vote:

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

21. 23-171 Approved the West Orange County Water Board (WOCWB) proposed budget for Fiscal Year 2023/24, with the City of Huntington Beach contributing a cost share of \$1,025,374

A motion was made by Strickland, second McKeon to approve the WOCWB proposed budget for Fiscal Year 2023/24, which includes the City's cost share of \$1,025,374.

The motion carried by the following roll call vote:

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

22. 23-180 Approved execution of an Agreement between the City of Huntington Beach and the State of California Department of Parks and Recreation, Division of Boating and Waterways (DBW) for Stage 13 Periodic Nourishment of the Orange County Beach Erosion Control Project

A motion was made by Strickland, second McKeon to approve and authorize the Mayor and City Clerk to execute "Agreement between the City of Huntington Beach and the State of California Department of Parks and Recreation, Division of Boating and Waterways (DBW) for Stage 13 Periodic Nourishment of the Orange County Beach Erosion Control Project."

The motion carried by the following roll call vote:

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

23. 23-197 Approved and authorized execution of the First Amendment to the License Agreement between the City of Huntington Beach and OC405 Partners JV for the continued use of a City-owned parcel for the I-405 Improvement Project

A motion was made by Strickland, second McKeon to approve the First Amendment to the License Agreement entitled "First Amendment to License Agreement by and between the City of Huntington Beach and OC405 Partners JV for Temporary Use of City Property" (See Attachment); and authorize the Mayor and City Manager to execute the License Agreement Amendment on behalf of the City.

The motion carried by the following roll call vote:

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

24. 23-223 Accepted bid and authorized execution of a construction contract with Aguilar & Calderon Corporation in the amount of \$887,541.50 for the Le Bard Park Improvements Project, CC-1668

A motion was made by Strickland, second McKeon to accept the lowest responsive and responsible bid submitted by Aguilar & Calderon Corporation in the amount of \$887,541.50; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following roll call vote:

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

PUBLIC HEARING

25. 23-224 Directed the City Manager to accept applications for permits related to accessory dwelling units (ADUs) and SB 9 development projects; and continued with public hearing open to April 4, 2023, request to adopt Resolution No. 2023-14 approving General Plan Amendment No. 2021-003 (Housing Element Update), adopt Resolution No. 2023-16 approving General Plan Amendment No. 2022-001 (General Plan Land Use Element Affordable Housing Overlay), approve for introduction Ordinance No. 4289 approving Zoning Map Amendment No. 2022-002 (Zoning Map Affordable Housing Overlay), approve for introduction Ordinance No. 4291 approving Zoning Text Amendment No. 2022-008 (HBZSO Chapter 229 Affordable Housing Overlay), adopt Resolution No. 2023-13 approving Zoning Text Amendment No. 2022-009 (Beach and Edinger Corridor Specific Plan Affordable

Housing Overlay), approve for introduction Ordinance No. 4290 approving Zoning Text Amendment No. 2022-007 (Holly Seacliff Specific Plan Affordable Housing Overlay), adopt Resolution No. 2023-15 approving Subsequent Environmental Impact Report No. 2022-002 with findings of fact and statement of overriding considerations (Housing Element Update and Associated Program Implementation Actions).

Councilmember ex parte communications to disclose — None

Councilmember McKeon requested that a vote be taken on Action “A” prior to opening the Public Hearing, and explained that due to a potential property ownership conflict, he would recuse himself from participating in actions related to Actions “B – H”. He noted that he reached out to the Fair Political Practices Commission (FPPC) on this matter, but has not received a final opinion.

A motion was made by Strickland, second McKeon to direct the City Manager to accept applications and process permits for accessory dwelling units (ADUs) and SB 9 development projects (Item A).

Community Development Director Ursula Luna-Reynosa noted for the record that SB 10 is not included in this item because the City never opted in, and has never received any SB 10 applications, nor would the City receive any SB 10 applications until the City Council decided to opt in.

Councilmember Bolton confirmed with Director Luna-Reynosa there would be discussion on Accessory Dwelling Units (ADUs) and the role they play in Housing Element numerical calculations.

The motion carried by the following roll call vote:

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

Councilmember McKeon left the room.

City Manager Al Zelinka thanked staff members for working like crazy on the Housing Element, and acknowledged Deputy Director of Community Development Jennifer Villasenor, Senior Administrative Analyst Nicole Aube, Associate Planner Alyssa Matheus, Housing Manager Charles Kovac, Planning Manager Matt Schneider, Deputy Director of Community Development Steve Holtz, Director of Community Development Ursula Luna-Reynosa, and Consultants David Barquist and Rita Garcia from Kimberly Horn.

Community Development Director Ursula Luna-Reynosa, Senior Administrative Analyst Nicole Aube, and Deputy Director of Community Development Jennifer Villasenor presented a PowerPoint communication titled *2021-2029 Housing Element Update* with slides entitled: *HCD Enforcement; Consequences of Failing to Obtain HCD Certification; Housing Element Update; Housing Element Status; Regional Housing Needs; 2021-2029 Huntington Beach RHNA; Total RHNA Strategy Including Buffer Sites; RHNA Sites (Zoning Overlays Applied Concurrently w/HE Adoption); Adequate Sites Summary; BECSP Affordable Housing Overlay (ZTA No. 22-009); Affordable Housing Overlay (ZTA No. 22-008 & ZMA No. 22-001); Mixed Density Affordable Housing Overlay Holly Seacliff Specific Plan (ZTA No. 22-007); Draft Subsequent Program EIR & Significant and Unavoidable Impacts; Final Subsequent Program EIR & Statement of Overriding Considerations; ADUs and SB9; Recommendation; and Next Steps: If adopted, the Housing Element will be transmitted to HCD for review and certification.*

Councilmember Burns noted his impression that the report deals with everything before or while a project is being built, but not much is included to deal with anything after a project is built. Deputy Director Villasenor stated that there are a number of effects that actually are part of the Significant and Unavoidable Impact analysis that show the cumulative construction and operational impacts. She further explained that there will be an environmental CEQA consultant that prepares the Environmental Impact Report (EIR) including sub-consultants for specific topics like traffic, vehicle miles traveled, greenhouse gas and air quality emissions. Deputy Director Villasenor noted that threshold standards can come from regulatory agencies, or City-adopted CEQA guidelines, as well as industry standards.

Councilmember Bolton confirmed that 487 ADUs are included in the calculations, and asked what would happen if those ADUs were not included in the calculations. Staff replied that additional sites would have to be defined to pick up that loss in each income category. Councilmember Bolton described the things she learned by delving into the details regarding ADUs, and asked why no one stepped up to inform Councilmember Burns that the ADU statute, SB 68, had already been challenged in 2020, and it was dismissed with prejudice. Councilmember Bolton explained this means another lawsuit could not be filed based on the same claims, and the City could not halt ADU applications based on Council's previous actions. Councilmember Bolton apologized to the residents of Huntington Beach for this whole exercise based on a mistake that she noted no one else will talk about.

Councilmember Burns agreed he had not been informed of a prior ADU case that was dismissed, and he accepted responsibility. He explained that during all discussions, he has stated that ADU applications could be filed under Huntington Beach zoning regulations, but not if filed under State-mandated regulations, in order to protect quality of life for single-family neighborhoods.

Mayor Strickland asked staff if it is accurate to state that the identified RHNA figure of 13,368 units is a starting point, and more will have to be developed in the future. Director Luna-Reynosa clarified that the zoning implementation actions before Council in this item only adds the 13,368 Regional Housing Needs Assessment (RHNA) numbers. She added if and when the City faces a no net loss situation, a site would have to be determined in that inventory and brought before City Council to re-zone at that time.

Mayor Strickland confirmed with Director Luna-Reynosa that the statement of overriding conditions is only attached to Part B. Director Luna-Reynosa also noted that the California Environmental Quality Act (CEQA) is a disclosure law, which requires the City to disclose any potential environmental impacts associated with the action.

Mayor Strickland opened the Public Hearing.

City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet:

Public Hearing Item #25 (7) which were uploaded to both the web and Councilmember iPads prior to the start of the meeting.

Public Speakers — 2

Lita Whitehead, who grew up and was educated in Huntington Beach, was called to speak and shared her perspective of the unique feel of Huntington Beach, and its reputation as a great City that provides a high quality of life. She stated she wants to preserve the Huntington Beach quality of life for her family as well as current and future generations. She shared her opinion that allowing low-income, high-density housing is a detriment to the City and community. She believes the City is at capacity and supports

standing up for what is valued and not give in to the political pressures and agendas that are destroying this great State. Ms. Whitehead stated her opposition to the Housing Element and urged Councilmembers to vote no. (02:55:33)

Cooper, a life-time 30-year resident of Huntington Beach, was called to speak and stated he expects Councilmembers to show respect and answer fellow Councilmember questions, because when they don't, he feels he will be treated the same way. Cooper stated the presentation was solid regarding where all of the houses are going along Beach Boulevard and the indicated areas, and asked Councilmembers to approve this item. He stated he would like to have Huntington Beach be in compliance, see some new houses built, and noted currently his 30-year-old friends cannot afford to live in Huntington Beach. (02:57:09)

There being no more public speakers, Mayor Strickland closed the Public Hearing.

Mayor Strickland clarified for the record that his intentions on this matter have always been to move ahead with a lawsuit, and also approve the Housing Element so Huntington Beach is compliant. He added that as the Housing Element is studied further, the California Department of Housing and Community Development (HCD) requires a signed statement of overriding considerations which states that Councilmembers believe the benefits of the affordable housing projects override the negative impact they could cause to the environment. The negative impacts for all projects have to be mitigated through California Environmental Quality Act (CEQA), and in this instance the State is forcing speech and violating First Amendment rights. He noted that Councilmembers are being forced to agree that these mandates and mandated housing projects are more important than their negative impact to the environment, to air quality, the greenhouse gases created, the damage to our geology, soils, seismic ground shaking or seismic ground failure. He reiterated that the statement of overriding considerations supersedes all of those concerns, and is more important than the potential significant hazards to the public and environment through accidents, or conditions involving the release of hazardous materials in our environment; more important than strain on precious resources like water, and water discharge which could degrade water quality and supply; more important than the noise created which would degrade quality of life; more important than the strain created on public safety services, or the increase in demand on public spaces and parks, or increased traffic and number of vehicle trips which conflict with the City's policies and goals to maintaining a specific threshold addressing circulation; more important than the impact on the schools and infrastructure ... the list goes on and on. Mayor Strickland stated he cannot in good conscience support a statement of overriding considerations because it goes against everything he stands for. Further, he will not allow the State to violate his First Amendment right to vote.

Mayor Strickland stated his appreciation for staff and the hard work they have put into the Housing Element. He expressed his frustration with Governor Newsom's push on Huntington Beach, and noted Governor Newsom's lack of equality by not including all cities in California when addressing the housing crisis. Mayor Strickland noted that 95% of California's population lives in 5% of the air space, and Governor Newsom has no incentive to require development in those other areas. He further noted that Governor Newsom's style of governing, "it's OK for you, but not for me" and presented the examples of Gov. Newsom not wearing a mask during COVID-19, and exempting his home county of Marin from housing mandates, as well as exempting neighboring Napa. He also noted the State has stopped San Bernardino development projects even when the developers moved forward to mitigate.

Mayor Strickland noted that during his Assembly and Senate service in Sacramento he observed the war against suburbia and the automobile. It is not an accident that California has the highest gas tax and highest vehicle registration fees in the country, and most transportation funds are spent on mass transit and the bullet train. Mayor Strickland said it is hutzpah for Governor Newsom to claim that Huntington

Beach is wasting taxpayer dollars to fight for our quality of life, while he spends billions of dollars on a train that goes nowhere.

Mayor Strickland noted that during his Councilmember campaign he was asked over and over by many residents to fight for maintaining the suburban Huntington Beach quality of life. People in Huntington Beach don't want an urban community, and voted in four new Councilmembers that support the effort to maintain quality of life. He added that because there is no option to not approve a statement of overriding considerations, as Mayor he must protect the residents of Huntington Beach. Mayor Strickland stated that the State's housing mandates are not more important than the health and safety of Huntington Beach residents, therefore he must oppose this Housing Element.

Mayor Pro Tem Van Der Mark thanked staff for the comprehensive 500+-page report and noted she read all of it, including the statement of overriding considerations. She never imagined how far a supposedly environmentally conscious Sacramento is willing to take their attack on Huntington Beach residents. She stated that Huntington Beach residents have been cornered into a position where we have to choose between giving up clean air to breathe, compromising the water supply, giving up community safety, and sacrificing the wetlands, or we will be fined. She noted that the required 13,368 housing units will provide for about 29,475 new residents if there are 2.5 persons per unit, and stated most homes in Huntington Beach have more people than that. Therefore, the number of projected new residents could easily double or triple.

Mayor Pro Tem Van Der Mark noted the staff report concluded that the General Plan Update (GPU) results in significant, unavoidable, and cumulative impacts due to the generation of greenhouse gas emissions; despite compliance with GP policies, the project would result in significant and unavoidable impacts concerning construction-related ROG emissions and operational ozone; build-out of these land uses would result in the use of hazardous materials and thus would expose the public or environment to hazardous materials through improper handling or use of hazardous materials, particularly by untrained personnel, transportation accident, environmentally unsound disposal methods, or fire, explosion or other emergencies; any one of the 378 candidate housing sites could be within a quarter mile of an existing school, however the project will facilitate housing development which does not typically involve uses or routine activity that would emit hazardous materials, notwithstanding, present accident conditions that could emit hazardous emissions within a quarter mile of an existing or proposed school; the GPU identified Huntington Beach Unified High School District, Huntington Beach City School District, and Ocean View School District, as well as portions of the Westminster School Districts and Fountain Valley School Districts which could be affected.

Mayor Pro Tem Van Der Mark noted there are over 50 public and private schools in Huntington Beach, and continued reading staff report conclusion impacts: future housing demands facilitated by the project would result in an unaccounted net water demand, therefore, based on the report's projected supplies, there may not be sufficient water supplies available to serve the project in the reasonably foreseeable future development during normal, dry, or multiple dry years. Until the water supply situation improves, the project-related water demands from future development would result in a significant and unavoidable impact concerning water supplies; anticipated increase in traffic volumes would increase ambient noise levels through the City. The report indicated that increased noise levels would occur along Bolsa Avenue between Edwards and Goldenwest Streets. Substantial increases would also occur at various points along Adams, Atlanta, and Edinger Avenues, Pacific Coast Highway, Bolsa Chica, Goldenwest and Brookhurst Streets, where noise levels would increase above established thresholds.

The project would result in substantial adverse physical impacts associated with the provisions of new or physically altered fire protection facilities. The construction could cause significant environmental

impacts in order to maintain acceptable service ratios with response times or other performative objectives. Although the report stated the General Plan does not have the potential to indirectly impact habitat for special status species, riparian habitat and wetlands by increasing environmental pollutants, promoting habitat fragmentation and introducing these species can be affected.

The report concluded future development under the General Plan could potentially result in the indirect loss or degradation of wildlife corridors through increased light and noise pollution, introduction of invasive species, habitat fragmentation and increased urban runoff.

Mayor Pro Tem Van Der Mark stated that asking residents to compromise clean air, water supply, public safety, protected wetlands, endangered species, and migratory paths, or be fined into submission is egregious and punitive. Therefore, she cannot in good conscious support Item 25 as the benefits of building do not out-weigh the consequences of destroying the City, quality of life, and sacrificing endangered wildlife.

Councilmember Kalmick said this is probably the tenth Environmental Impact Report (EIR) report he has read. He noted that a lot of information in EIRs are boiler plate, and even an EIR for building a home would come up with similar conclusions. These documents are informational and intended to hit every edge case that could possibly occur in any development. This is all part of the California Environmental Quality Act (CEQA) signed by Ronald Reagan when he was governor, and in his opinion this document is not a "Sacramento Newsom" push.

Councilmember Kalmick responded to Mayor Strickland's comment about the Marin/Napa areas having zero mandates by noting that according to the Association of Bay Area Governments (ABAG), the City of Napa has been assigned 1,939 RHNA units, and Marin County 14,000 RHNA units. He also stated that SB 106, which Councilmember McKeon referenced at the last meeting, actually lowered the threshold which that area has to account for.

Councilmember Kalmick added that Huntington Beach is classified as "Metropolitan" for zoning purposes, which means we have a minimum density of 30 units per acre. Marin's legislative folks were able to get a bill through Sacramento that says they are "suburban" and therefore have a minimum density of 20 units per acre. Councilmember Kalmick stated a lot of people are advocating that the "fix" is in Sacramento, not in the courts. He acknowledged that even at 20 units per acre Huntington Beach would struggle to meet the RHNA number, and noted some of the Huntington Beach density overlays utilize 35 and even 70 units per acre.

In responding to other Councilmember statements that the California Department of Housing and Community Development (HCD) is making Huntington Beach do this, Councilmember Kalmick stated actually the California Environmental Quality Act (CEQA) is requiring [a statement of overriding considerations], because there are significant and unavoidable environmental impacts. He stated he believes CEQA impacts are not all of the impacts listed by Mayor Pro Tem Van Der Mark, and noted any type of development could impact construction, air quality, greenhouse gas (GHG) emissions, and water quality. He confirmed staff's statement that there are so many unknowns in this document that CEQA guidelines state there is a potential for significant impacts. Councilmember Kalmick stated that when you get down to a utility system for water, the reason you dig into the document and read the water supply issue is because our regional urban water management plan only goes out to 2045 and it never contemplated this level of development. Updates state it will likely consider this amount and will likely provide for that, in addition to the other 30 million gallons of water that were brought on board through the groundwater replenishment system in Fountain Valley this year through groundwater replenishment and sewer water recycling.

Councilmember Kalmick noted that statements of overriding considerations are interesting pieces, but does not believe they are forced speech in any way, shape, or form. He added that if any statement of overriding consideration is never going to be signed for Huntington Beach, it would create a very interesting future since CEQA is a very complicated beast, noting the General Plan Update framework document required an overriding considerations statement. He expressed his disappointment at seeing this item hung up on a CEQA technicality when it seems there is some sort of agreement that the Housing Element is satisfactory. He continued that because the esoteric analysis in CEQA, which is a guiding and informational document and not necessarily a policy document, to say we are being forced into stating those things are true he does not feel is the case.

All of the cumulative impacts are for a full build-out of this project which he honestly doesn't think will happen. The zoning on Beach Boulevard has been in place for five years and nothing has been built, so to call that there will be full build-out tomorrow and an onslaught of housing will come tomorrow if this were to pass, is not reasonable.

Councilmember Kalmick commended staff for the bucketing system for this item. Obviously, he would have preferred rather than voting for Part A, just taking care of all of it at once because having staff time and money to go through the zoning text amendment and add a new property every time a property comes out in order to further effectuate fair housing, is a bureaucratic churn that costs everybody money and time.

Councilmember Kalmick stated his disappointment that Council went through this whole exercise on ADUs and SB 9 to end up back where they started, and lost the TRO today in Federal court. He shared his disappointment that the new Councilmembers who had quite a bit of time during their campaign to review the Housing Element and come up to speed on all of it, didn't do that, but required another four months to come back and cop out on a technicality. (03:19:09)

Mayor Strickland asked if the statement of overriding considerations is necessary to pass the Housing Element. Director Luna-Reynosa replied that in order to certify the EIR, a statement of overriding considerations must be adopted. Deputy Director Jennifer Villasenor confirmed that the statement of overriding considerations is needed for just the impact areas that were found to be significant, or for the five topical areas, not all of the impacts.

Councilmember Kalmick stated that in theory they could have developed a Housing Element that had significant unavoidable impacts for noise could contain mitigation measures that require people to work during the day, be quiet, use quiet tires and make sure all the roads are paved 100 percent. There is no implication that you don't get to do that in theory. It would be very expensive and difficult, but you could mitigate all of the issues below significance. It is because our plan checks a box above certain thresholds in the EIR that requires the statement of overriding considerations, not necessarily the other way around; or, the statement of overriding considerations is required in order to pass the Housing Element. Our Housing Element requires a statement of overriding considerations because it has certain thresholds above CEQA thresholds. We could require special batteries that are charged outside the City, or a water policy that builds a brackish water plant as part of a project to mitigate water concerns.

Deputy Director Villasenor responded that CEQA requires identification of feasible mitigation measures and at some time a mitigation measure might become unfeasible or create significant effects and feasible mitigation efforts that are known today would be identified. As mentioned before, the impact analysis for finding significant and unavoidable circumstances is really because of the speculation of trying to say that there will, or won't be, an impact at some point in the future, because we don't know the specifics of

individual projects that will be coming through. It could be very likely, that as projects come through, they comply with mitigation measures, won't cause significant environmental effects.

Mayor Strickland confirmed with Deputy Director Villasenor that, without the Governor's mandate, Council works to mitigate issues for the citizens as projects are approved.

Mayor Strickland stated that Councilmembers, before his time, have been good stewards, and noted that Huntington Beach has already built more affordable housing units than most neighboring Orange County cities. He stated the current RHNA number for Huntington Beach is unjust, and he can't in good conscience ignore the mitigations to protect the citizens of Huntington Beach as part of the process for normal projects. He added the Governor's housing element for Huntington Beach includes such a huge number, it would fundamentally change the make-up of Huntington Beach.

Deputy Director Villasenor clarified that the housing laws have nothing to do with statement of overriding considerations. As mentioned earlier, in 2017 when the City did a General Plan Update, the City Council adopted a statement of overriding considerations, and noted that every single EIR in the last five years or so has required a statement of overriding considerations. This is a disclosure document, you mitigate to the extent that you can, and when you mentioned the other five impacts that are unavoidable, and they were able to mitigate all of the other impacts through this document. This document does have significant mitigation associated with it. There were five areas where they were not able to mitigate to less than significant and unavoidable levels, but that is just the way the California Environmental Quality Act (CEQA) is set up.

City Manager Al Zelinka stated that approving a statement of overriding considerations is required before any of the additional items, Parts C – H, should be considered. He noted that if the additional Parts are even considered before the CEQA Action is approved, they could be creating some liability for the City from a policy, maybe legal, maybe operational standpoint. City Manager Zelinka suggested Councilmembers continue this item and direct the City Attorney and City Manager to return to Closed Session to thoroughly discuss the implications of a potential path forward given the split that may exist on the statement of overriding considerations.

City Attorney Michael Gates stated for the record the City Manager's suggestion is not intended to take an open session discussion back to Closed Session. He further noted that Closed Session discussions are limited topics that are confidential and fall under the Brown Act "exceptions" for Closed Session.

City Manager Al Zelinka clarified the issue is about potential liability that could be facing the City.

Mayor Strickland stated if that is the will of the Council, he will be happy to table this item, and added a delay may possibly allow time for Councilmember McKeon to receive a final ruling from the FPPC.

Mayor Strickland confirmed to Councilmember Kalmick that if a statement of overriding considerations was not required, he would support the remaining parts of this item. Councilmember Kalmick asked Mayor Strickland if, for every project that comes through, he could support a staff-issued memo of those five parts that can't be mitigated, noting the cumulatives so that Councilmembers can at least be aware of what they will be.

Mayor Strickland stated he would have to see the details, but he is open, and if it is the will of Council to table this item he would support that.

Councilmember Burns stated he does not want to lose sight of the fact that Council needs to fight State overreach because Huntington Beach is capable of governing itself, and Council needs to serve the people, the businesses and visitors of this City. Councilmember Burns noted that they had just received training and education on ethical decision making, and he doesn't see anything in this item being ethical. He added that the State overreach with a threatening letter containing repercussions of what could happen to this City, is basic bullying. Councilmember Burns stated it should be handled in the court system so mistakes are not made. Let the court decide. But that is not good enough for Sacramento.

Mayor Strickland stated the Council has asked City Attorney Michael Gates to fight on behalf of the City and do whatever is necessary to fight the overreach from Sacramento.

Councilmember Moser thanked staff for the hard work over a very long time on this item. She noted that the requirements being discussed now were there all along, and while she does understand the effort to mitigate or lower the RHNA numbers, expressed concerns about requiring staff to do additional work to create a new version of things. She shared her disbelief that Council is serious about actually moving forward at all, and noted there are many people in town who cannot afford to rent or own, including people who have grown up here. An increase in housing supply is very important in regards to the vibrancy of the community, and is very important to the topic of homelessness, and the prevention of homelessness.

Councilmember Moser continued to note there is a challenge with retaining Police Officers, nurses, teachers, because frankly they cannot afford to live here. There are a lot of built-out areas in the City and the focus should be to figure out creative solutions like ADUs. She added she doesn't think it is a fair statement to say that any ADU that is built is going to negatively or adversely impact the community.

Councilmember Moser referred to Mayor Strickland noting a war on cars, a war on the suburban community, traffic concerns, and stated if Council worked on being more creative in supporting a more walkable city that was mobility and pedestrian-focused, there would be no war on cars. As she sees things, there is a war on humans, and expressed concerns on how the lack of affordable housing does have a direct impact on schools. She commented on the number of schools experiencing a reduction in students, causing a potential for closure. When new families can't move in, where is the vibrant quality of life? She questioned when starter homes like the ones on her block have no children running down the street, where is the quality of life the City needs to keep growing? She expressed an understanding for doing things in a mindful and thoughtful way, but also recognized the fiduciary responsibility to our residents to act in good faith, and how the consequences of not passing this Housing Element are dire as laid out in this presentation tonight.

Councilmember Moser continued by stating if you don't like loss of local control, then you are really not going to like the potential ramifications of not adopting a Housing Element and the potential of having a certified Housing Element. The legal suit, fees, loss of permitting authority, financial penalties, and court receivership are very real things that will impact our community. She reminded all of the loss of funding for services like homelessness, including a previous discussion about a \$12.98 per resident cost to address homelessness, and stated her opinion that if we are not building more housing, we are not preventing homelessness. She acknowledged this is not the only way to prevent homelessness, but we are not preventing it in that way, and the cost is going to go up.

Councilmember Moser stated her disappointment in the lack of good faith and the appearance that newly-elected Councilmembers are trying to fight for the community. She urged Council to follow the law, and then fight in court, adding the fact that we appear to be doing this in the opposite timeline does not set us up for success.

A motion was made by Kalmick, second Moser to approve CEQA Action, Subsequent EIR No. 22-002 with findings of fact and statement of overriding considerations by adopting City Council Resolution No. 2023-15, "A Resolution of the City Council of the City of Huntington Beach certifying Final Subsequent Environmental Impact Report No. 22-002 for the City of Huntington Beach 6th Cycle Housing Element Update (2021-2029), adopting findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program" (Attachment No. 1).

The motion failed by the following roll call vote:

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

There was discussion on whether, or how, the item could be continued since the Public Hearing was closed, and Chief Assistant City Attorney Mike Vigliotta confirmed the Public Hearing could be re-opened, so the item could be continued to a date specific and not require a new public notice.

A motion was made by Kalmick, second Van Der Mark to re-open the Public Hearing and continue the item until the next City Council meeting on April 4, 2023, and direct staff to work on trying to potentially resolve concerns related to the statement of overriding considerations. No vote was taken.

City Attorney Michael Gates stated for the record that an item that has been voted down technically needs a motion for re-consideration, as a failed item cannot be "continued".

Chief Assistant City Attorney Mike Vigliotta stated that a motion to reconsider needs to come from the prevailing side, therefore Councilmember Kalmick cannot make the motion. A motion to reconsider would have to come from someone who voted against the failed motion. He also described actions that would require the item to be re-noticed.

Councilmember Kalmick confirmed with staff it would most likely cost nearly \$5,000 to re-notice the Public Hearing.

Councilmember Moser confirmed with Chief Assistant Attorney Vigliotta that another option would be for one of the three dissenting voters to make a motion to re-consider and re-open the Public Hearing.

A substitute motion was made by Strickland, second Van Der Mark to re-consider CEQA Action, re-open the Public Hearing, and continue the item with public hearing open to the next City Council meeting of April 4, 2023.

The substitute motion carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, and Bolton
NOES: Burns
RECUSE: McKeon (Out of Room)

ADMINISTRATIVE ITEMS

- 26. 23-175 Approved modifications to the City Treasurer's Department by adopting Resolution Nos. 2023-08, 2023-09 and 2023-10; approved for introduction Ordinance No. 4287**

Repealing Ordinance No. 3907 relating to the duties of the Finance Director; and, approved for introduction Ordinance No. 4288 to reinstitute the City Treasurer's Powers and Duties, as authorized in the City Charter

City Treasurer Alisa Backstrom presented a PowerPoint communication titled *City Treasurer's Department – Restore Charter Duties* with slides entitled: *Background (2); Recommendation; Rationale; and Comments/Questions.*

Councilmember Bolton confirmed with City Treasurer Backstrom she would report back in six months on the proposed plans to increase revenue as presented in her report.

Councilmember Kalmick clarified for the sake of transparency, that an elected official does not go through the regular process for pay raises, and this item changes the City Treasurer position from half-time back to three-quarters time position, which includes a pay increase.

A motion was made by Kalmick, second Burns to approve the modification to the City Treasurer's Department by: authorizing two additional full-time equivalent positions (1 Deputy City Treasurer, 1 Accounting Technician) and increase the City Treasurer position from twenty to thirty hours per week; restore the reporting relationship of the current cashing and collections area from the Finance Department to the City Treasurer's Department; and, delete the current position of the Finance Manager and replace the position with that of Treasury Manager (no additional FTE or personnel cost). (See proposed City Treasurer's Department Organizational Chart Attachment 5); adopt Resolution 2023-08, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Classification of Treasury Manager and Establishing Compensation" including Exhibit B - Modified Management Employees' Organization Salary Schedule Effective April 1, 2023; adopt Resolution 2023-09, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Classification of Deputy City Treasurer and Establishing Compensation" including Exhibit 1 - Amended Non-Associated Appointed Executive Management Salary Schedule Effective April 1, 2023; adopt Resolution 2023-10 "A Resolution if the City Council of the City of Huntington Beach Modifying Salary and Certain Benefits of the Elected City Treasurer" including Exhibit 1B - Non-Associated Elected Executive Management Salary Schedule Effective April 1, 2023; authorize the City Manager to take all administrative actions necessary to implement the reorganization; approve General Fund appropriations of \$75,000 to business unit 10025101 for FY 2022/23; and, after City Clerk reads by title, approve for introduction Ordinance 4287, "An Ordinance of the City Council of the City of Huntington Beach Repealing Ordinance No. 3907 relating to the duties of the Finance Director;" and, approve for introduction Ordinance No. 4288, "An Ordinance of the City Council of Huntington Beach amending Chapter 2.15 relating to the duties of the Finance Department and re-adding Chapter 2.16 as amended relating to the duties of the Treasurer."

The motion carried by the following roll call vote:

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

27. 23-235 Received and Filed Report on Campaign Contributions and Compliance with the Political Reform Act per Senate Bill 1439

Assistant City Manager Travis Hopkins introduced City Council Policy Analyst Shannon Levin who presented a PowerPoint communication titled *Changes to the Political Reform Act: Campaign*

Contributions, with slides entitled: Background Info; Definitions; Proactive not Retroactive; Recommendations; Options; and Questions?

City Attorney Michael Gates stated for the record that this item, like other potential Fair Political Practices Commission (FPPC) violations, the elected officers own any wrong doing, even if staff is offering to provide some support. He continued that it is up to the elected official (officer), with or without that support, to do the right thing and have all the information to make the right decisions.

Mayor Strickland noted that the item states "contributions to campaign" and asked for legal clarification if it also applies to a candidate raising funds for charitable organizations.

Councilmember Kalmick asked for clarification on the definition of "participant" or "party", and provided the example of project "X" where neighbors around it, whom you know personally, may contribute, or send a letter in, or attend a Council meeting. Do they technically become an interested party to that project?

City Attorney Michael Gates confirmed more clarification would be provided.

A motion was made by Kalmick, second Strickland to receive and file this report.

The motion carried by the following roll call vote:

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

28. 23-271 Tabled until April 18, 2023, request to Receive and File and Approve Proposed 90-Day Plan to Address Homelessness in Huntington Beach

Councilmember McKeon clarified some points in response to community comments related to the campaign promise of newly elected Councilmembers regarding a 90-day plan to address homelessness in Huntington Beach. Councilmember McKeon stated this plan focuses on homeless individuals, educating them on available services, and also on enforcement policies. The first part of the process involved uncovering all of the available services, programs and resources the City is utilizing to combat homelessness. He noted this was covered at the March 7, 2023, Study Session. The second part of the plan is to retool current services as well as establish new practices, ordinances and systems to produce a set of metrics for measuring success. He stated today's presentation is the second part of the 90-day plan, and once implemented, this plan will be reviewed quarterly to measure success and see what may need to be adjusted, added or removed to ensure maximum success and efficiency moving forward.

Councilmember McKeon noted many community members are looking for more details, and shared staff had been instructed to keep the presentations brief, with the details provided verbally, to keep the community engaged. Councilmember McKeon suggested the item be tabled to April 18, 2023, so that Lt. Smith can bolster the presentation to contain more written details regarding metrics, enforcement, ordinances used, etc. Councilmember McKeon asked Lt. Smith to address some of the community comments and mention some of the metric successes that have been achieved since the start of the 90-day plan process.

Lt. Smith stated that most comments he is aware of are related to enforcement efforts and noted enforcement has been carried out since the Navigation Center was built. He encouraged interested residents to view arrest records which are available on the City's website. Lt. Smith noted the staffing

constraints with the Police Department being down by 24 sworn officer positions; 15 unavailable due to injury or illness, and six currently in training.

Councilmember McKeon asked Lt. Smith if there are any immediate issues that need to be addressed. Lt. Smith asked that Council approve filling the Social Services Supervisor position to help ensure adequate staffing and supervision of the program. Lt. Smith noted he is currently supervising the two social workers, as well as fulfilling his police management duties. He noted the position is already in the current and next year's budgets.

Councilmember Kalmick asked if this item can be tabled, and also request action at the same time.

City Attorney Michael Gates clarified that filling the Supervisor position is part of the recommendation from Lt. Smith's report, and noted the recommendation to hire was not noted in the Recommended Action on the Agenda. He shared his opinion it appears there was not proper public notice to add approval for hiring as an action item.

Councilmember McKeon moved to table the item until April 18.

Councilmember Moser thanked Lt. Smith for doing a stellar job under difficult circumstances. Councilmember Moser noted that during their campaign, the new Councilmembers did make a contract with Huntington Beach voters to implement a 90-day plan to address homelessness and clean up the streets, and rebutted a campaign comment made by Mayor Pro Tem Van Der Mark regarding the Navigation Center, Project Home Key, and the "contractually obligated 90-day plan that went in the drawer".

Councilmember Moser asked Lt. Smith if former Police Chief Handy's plan has been implemented and how it is going. Lt. Smith responded by stating the plan that he was aware of, included outreach efforts, was implemented and has continued since that time. Councilmember Moser noted the Navigation Center opened December 2020, and the outreach efforts to educate are continuing. She asked Lt. Smith if it was difficult to implement the plan, and he responded "No."

Councilmember Moser stated her point is to make it clear there was no plan that was put in a drawer, and added it is good to have on-going feedback, accountability, assessment, and transparency to the community. She further noted that the current Council majority's approach has resulted in the loss of tens of millions of dollars of funding for the building and implementation of the Healing Center, a permanent shelter. Specifically, the December 20, 2022, Council majority decision to not support Jamboree Housing's request for Huntington Beach's support for their \$10M funding application, and the loss of another \$13M that had been offered to the City by CalOptima.

Councilmember Moser stated support to continue the progress that has been made, and noted the report at the last meeting about the great system of ours that has been created. She stated there is always more to be done, including continued accountability, transparency with the public, regular progress updates, defining success metrics, data usage policies, access to County data, and improving communications. Councilmember Moser expressed some concerns regarding a recommendation to move the Director of Homelessness and Behavioral Health position down to a manager level.

She thanked the team case workers who just started in November and noted their incredible impact; HB Cares Program Director Virginia has done a phenomenal job with recruiting and training volunteers for the Homeless Task Force phone lines and also assisting shortly in the Navigation Center.

City Manager Al Zelinka noted that the Social Service Supervisor position is already funded on the books, and added he will prioritize moving ahead to fill that position.

Mayor Pro Tem Vander Mark stated there have been significant improvements at the Navigation Center, and noted people have stated they feel safer Downtown. She noted there are fewer complaints about women being followed, and feces smeared around in parking structures. She added things have improved, and in her opinion, the Officers are doing an amazing job.

Lt. Smith confirmed for Councilmember Moser that officer posture and enforcement has remained the same.

Councilmember McKeon noted that Council unanimously passed two ordinances addressing closed tents in parks, and enforcing vagrancy and loitering in parking structures, and enforcement in those two areas has already had measurable significance. He added that strong leadership from the dais allows officers to do their job without fear of repercussion. He asked Councilmember Moser why the number one issue for voters was homelessness if the previous Council was doing such a good job. He acknowledged there were good things being done, and noted doing even better is possible if Councilmembers focus on working together, rather than tearing each other apart.


Councilmember McKeon's motion to table this item to April 18 to receive and file this report; and approve the proposed 90-Day Plan, was seconded by Strickland.

The motion carried by the following roll call vote:

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

ADJOURNMENT — 9:38 PM, a motion made by Strickland, second Van Der Mark, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, April 4, 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 of the City of
Huntington Beach, California

ATTEST:



City Clerk-Secretary



Mayor-Chair

