

**CITY OF HUNTINGTON BEACH  
SUPPLEMENTAL COMMUNICATION**

**Joan L. Flynn, City Clerk  
Office of the City Clerk**

**TO: Honorable Mayor and City Councilmembers**

**FROM: Joan L. Flynn, City Clerk** *JLF*

**DATE: 4/20/2015**

**SUBJECT: SUPPLEMENTAL COMMUNICATIONS FOR THE APRIL 20, 2015, REGULAR CITY COUNCIL/PFA MEETING AND SPECIAL MEETING OF THE SUCCESSOR AGENCY**

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Attached are the Supplemental Communications to the City Council (received after distribution of the Agenda Packet):

**Study Session**

PowerPoint communication dated April 20, 2015, entitled *Review of Options for the Reuse/Redevelopment of Rodgers Senior Center Site*.

**Administrative Public Hearing**

**#10.** Communication received from City Attorney Michael Gates and Public Works Director Travis Hopkins, submitting corrected pages for Resolution No. 2015-18.

**Ordinances for Introduction**

**#11.** Communication received from Kim Nicholson, Chairperson of the Huntington Beach Environmental Board submitting a comment letter regarding the draft Addendum to the Final EIR.

**#11.** Communication received from Gino J. Bruno, dated April 20, 2015, supporting the repeal of plastic carryout bags.

**Councilmember Items**

**#13.** Communication received from Councilmember Erik Peterson, dated April 20, 2015, revising his item to correct the date that Measure FF was passed by the voters of Huntington Beach.

**#13.** Communication received from Kim Carr, dated April 20, 2015 regarding the establishment of the proposed Citizen's Infrastructure Advisory Board.

**#13.** Communication received from Gino J. Bruno, dated April 20, 2015, supporting the establishment of the proposed Citizen's Infrastructure Advisory Board.

**#14.** Communication received from Gino J. Bruno, dated April 20, 2015, supporting the reestablishment of the Finance Commission.

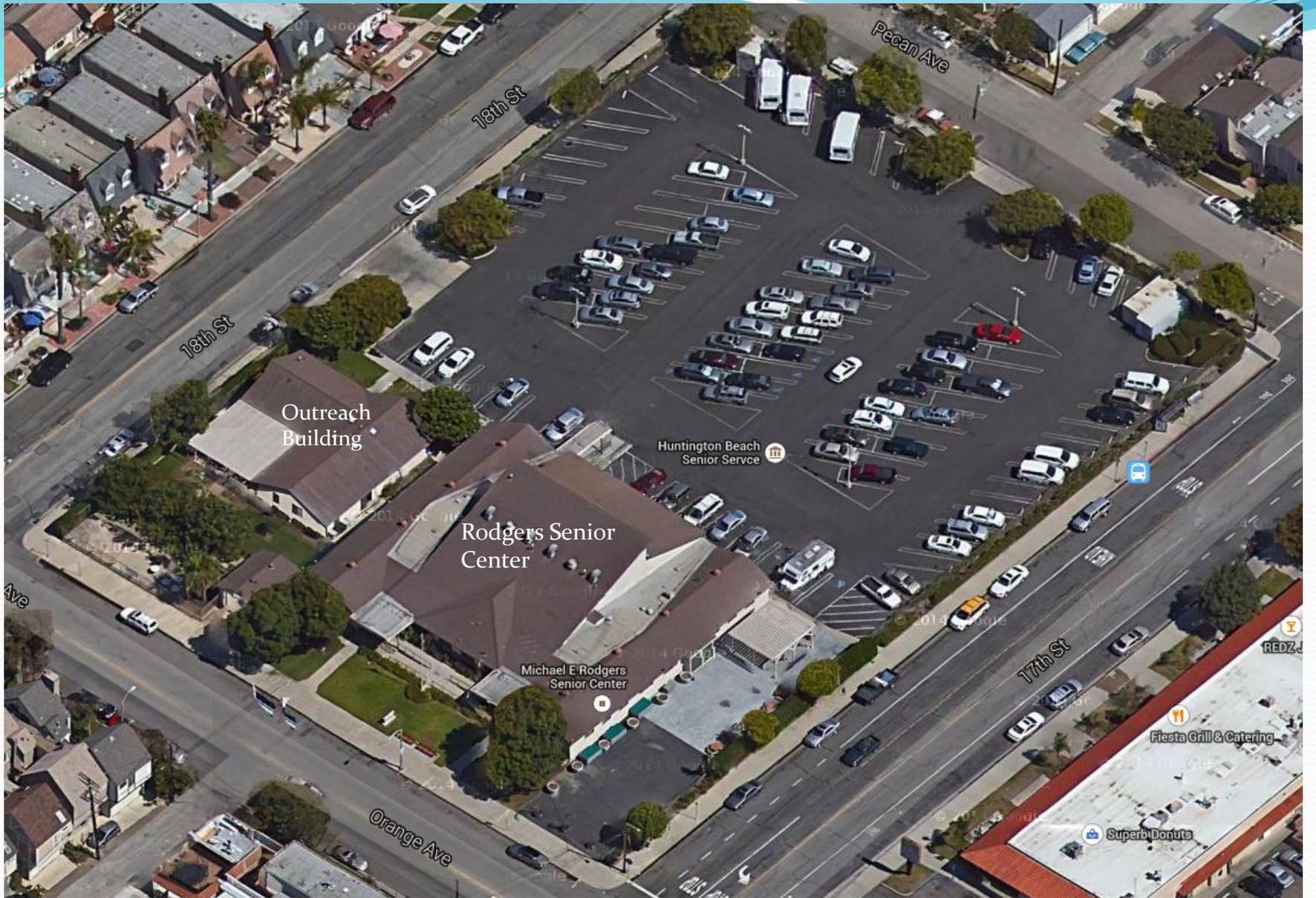


# Review of Options for the Reuse/Redevelopment of Rodgers Senior Center site

City Council Study Session  
April 20, 2015

# History of Current Site

- August of 1917 the City of Huntington Beach purchased land located at 1706/1718 Orange Ave for a sum of \$10.00
- City accepted grant deed with a covenant (restriction) that the property be used as a public park space
- For 90 years the City has used the property as a public park, recreation center, and exclusively as a senior center since the early 1970's
- In 1984 the building was upgraded and dedicated as the current Rodgers Sr. Center (1984)
- In 1990's the Outreach Center building was added



Outreach Building

Rogers Senior Center

Huntington Beach Senior Service

Michael E Rodgers Senior Center

Fiesta Grill & Catering

Superb Donuts

Pecan Ave

18th St

18th St

17th St

Orange Ave

REDZ

# Current Status

- City Attorney determined that Chevron has no property interest due to the Marketable Record Title Act, which requires to preserve a reversionary interest, the deed must be re-recorded every 30 years
- Chevron did not re-record its interests as required to preserve the reversion of the property
- Therefore, the City owns the property in its entirety and the City now has several options for the site

# Options for Consideration

1. Lease the space out to non-profit or re-purpose the existing space
2. Create a Public Park/repurpose outreach facility as clubhouse/rental space
3. Develop the site (residential – would require Measure C Vote)

# Option 1 – Lease or Repurpose Space

- Current condition of the of the existing would require substantial improvements
- Ongoing maintenance for lessee or City could be expensive
- If leased to non-profit would likely require Measure C Vote



# Option 2 – 2 Acre Parkland

- Development of the park is estimated to be \$1.5 Million
- City's currently meeting its park inventory standards

Example of a 2  
acre park

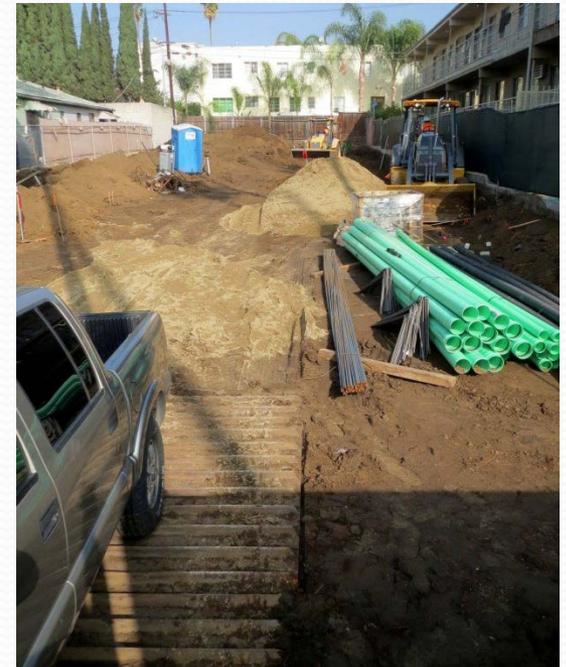


# Option 3 – Develop the Site

## Options for development:

1. 26 Single Family Residential Units with a 5,875 sq ft of public open space
2. 24 Single Family Residential Units with a 11,750 sq ft pocket park
3. 22 Single Family Residential Units with a 17,625 sq ft mini park

Construction of 8,000 sq ft  
public open space



# Potential Parcel Map with Park



The above parcel map shows a 24 unit project with 11,750 sq ft pocket park

# General Site Information

- Lot size 2.009 acres
- General Plan designation P RMH-25-d (public with underlying residential medium high density at 25 dwelling units per acre)
- Current Zoning Map OS PR (open space – parks and recreation)



# Surrounding Area



# Option 3 – Site Development Timeline

Step	Anticipated Date
Prepare a project description/site plan for entitlement	May 2015
City Council action to approve EIR Consultant/Allocate Funding	June 2015
Initiate CEQA process	July 2015
Community Service Commission Review	September/October 2015
Conduct Community Meetings/Input	September /October 2015
Planning Commission public hearings for General Plan Amendment, Zoning Map Amendment EIR, and parcel map	May 2016
City Council approval of project	June 2016
City Council approval of ballot measure for November 2016 election	July 2016
Obtain voter approval as required by Measure C	November 2016
If voters approve - Release RFP to interested developers for project development	December 2016

# Cost/Revenue Estimates

Anticipated Costs		Potential Revenue	
EIR Consultant	\$225,000	Land Sale (conservative estimate)	\$9 - \$11 Million
Architect/Engineering Services	\$75,000	Estimated Annual Property Tax	\$400k
<b>TOTAL</b>	<b>\$300,000</b>		

# Measure C Vote



- Ballot Measure Costs - \$8,500
- Public Education Campaign - \$75,000 (estimate)

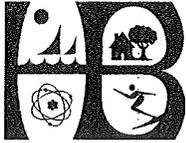


# Recommendations for Land Sale Proceeds

- Expansion of Edison and Murdy Community Centers, including Gymnasiums
- Bartlett Park improvements
- Bluff Top Park trail improvements
- Harbor Beach/park improvements
- Acquisition of Central Park encyclopedia lots
- Development of undeveloped portions of Central Park
- Le Bard Park Phase II
- Complete cleanup and develop former gun range for park purposes
- Reinvest in Neighborhood Parks



# Questions



# CITY OF HUNTINGTON BEACH

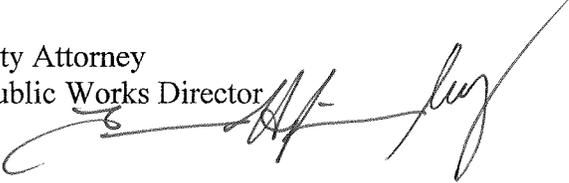
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**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** MICHAEL GATES, City Attorney  
TRAVIS HOPKINS, Public Works Director

**DATE:** April 17, 2015

**SUBJECT:** REVISED ATTACHMENT FOR THE CITY COUNCIL APRIL 20, 2015  
AGENDA PACKET ITEM NO. 10



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There is an error in the Staff Report and Resolution of Necessity. At the end of page 1 and carrying over to page 2 of the Resolution, "Florida Street" should read "Beach Boulevard," so that the full sentence reads:

"The street will conform and align with the existing, fully improved public roadway to the immediate east and west of the segment and significantly improve overall traffic operations, traffic and pedestrian safety, and transit operations between First Street and Beach Boulevard."

The attached Resolution is the correct version for Attachment #1 for Agenda Item No. 10 - Adopt Resolution No. 2015-18, "A Resolution of the City Council of the City Of Huntington Beach Finding and Determining that the Public Interest and Necessity Require Condemnation of a Permanent Street Easement and a Temporary Construction Easement in Certain Real Property Located at 80 Huntington Street, City of Huntington Beach, Orange County Assessor's Parcel No. 024-291-16, for the Atlanta Avenue Widening Project."

Attachment: Corrected Resolution No. 2015-18.

c: Fred Wilson, City Manager  
Department Heads  
File

## SUPPLEMENTAL COMMUNICATION

Meeting Date: 4/20/2015

Agenda Item No. 10

RESOLUTION NO. 2015-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND  
NECESSITY REQUIRE CONDEMNATION OF A PERMANENT STREET EASEMENT  
AND A TEMPORARY CONSTRUCTION EASEMENT IN CERTAIN  
REAL PROPERTY LOCATED AT 80 HUNTINGTON STREET, CITY OF  
HUNTINGTON BEACH, ORANGE COUNTY ASSESSOR'S PARCEL NO. 024-291-16,  
FOR THE ATLANTA AVENUE WIDENING PROJECT

WHEREAS, the project for purposes of this real property acquisition consists of widening and improving Atlanta Avenue between Huntington and Delaware Streets in the City of Huntington Beach (the "Project"); and

The Circulation Element of the General Plan of the City of Huntington Beach ("City") designates Atlanta Avenue as a four-lane primary arterial street with a center median and bike lanes in both directions. Pursuant to Resolution No. 2005-5, the City Council found that the arterial highway portion of the City's Circulation Element conforms with the Master Plan of Arterial Highways of the County of Orange ("MPAH"), which also designates Atlanta Avenue as a primary arterial street. The City is required to have an adopted Circulation Element consistent with the MPAH and to pursue build-out of the street system to maintain acceptable traffic operation and regional mobility to receive Measure M funds and grants for the improvement of City arterial streets; and

The segment of Atlanta Avenue between Huntington Street and Delaware Street does not currently comply with its primary arterial designation in the City's Circulation Element and the MPAH. This segment of Atlanta Avenue requires widening to meet current and future traffic operation needs in the area. Widening the street to a four-lane divided street will address traffic capacity deficiencies, and more safely and efficiently accommodate bicyclists, pedestrians and transit access in the area. This segment currently has a single lane of travel in each direction, no bicycle lanes, and a portion of the south side of the roadway near Delaware with no curbs, gutters, or sidewalks. The widening of this last remaining section will result in a total public right-of-way of 89.75 to 105 feet, with four through lanes, including median, bicycle lanes, and curbs, gutters and sidewalks. The street will conform and align with the existing, fully improved public roadway to the immediate east and west of the segment and significantly improve overall traffic operations, traffic and pedestrian safety, and transit

operations between First Street and Beach Boulevard. The recommended design provides only the minimum required facilities to meet the needs of all forms of transportation in the area, thus minimizing private property acquisition and impacts; and

Pursuant to Resolution No. 2005-6, the City Council authorized City Staff to apply to the Orange County Transportation Authority (“OCTA”) for funding for various arterial street improvements, including the Project. Subsequently in June 2005, OCTA allocated transportation grant funding to the City for the Project; and

The City also has been awarded and is applying for additional grants; and

The State of California Department of Transportation (“CalTrans”) administers Federal grant funding for right-of-way acquisitions. CalTrans will not authorize the City to advertise for or award construction contracts for federally financed projects until the City certifies that it has possession of the Property; and

The approvals granted for the Project, including but not limited to the Recirculated Negative Declaration No. 09-001, which the City Council approved on February 19, 2013, the Coastal Development Permit No. 09-001 and Conditional Use Permit No. 09-019, both of which the City Planning Commission approved on April 23, 2013, and all other Project amendments are incorporated by this reference and made a part of this Resolution; and

The Project will serve the public interest by improving public safety and decreasing traffic congestion. Recently, Pacific City (located west of the Park) as a condition of its development widened Atlanta Avenue between First and Huntington Streets. This has resulted in the section of Atlanta between Delaware and Huntington as the lone remaining “choke point” on Atlanta between Beach Boulevard and First Street; and

The “choke point” in the section of Atlanta between Delaware and Huntington has resulted in street alignments that require additional motorist decisions. Narrowing roadways have a greater potential for merging accidents and motorists inadvertently driving vehicles off of the street. The Project will help to minimize accident potential and provide improved traffic safety; and

The Project also will accommodate local transit services. Current transit activity turning from Huntington Street and stopping on Atlanta Avenue is constrained due to the width of the roadway, the tight corner and the presence of cyclists on Atlanta. Widening the roadway to provide two eastbound travel lanes and a bike lane will help to reduce the impacts of the bus

**Esparza, Patty**

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**From:** Estanislau, Robin  
**Sent:** Monday, April 20, 2015 12:13 PM  
**To:** Esparza, Patty  
**Subject:** FW: HBEB Response to EIR Addendum (Repeal of Bag Ordinance)\_2015-04-17MSv3.doc  
**Attachments:** HBEB Response to EIR Addendum (Repeal of Bag Ordinance)\_2015-04-17MSv3.doc; ATT00001.txt

Don't know if the last email had the attachment :)

-----Original Message-----

**From:** Beckman, Hayden  
**Sent:** Monday, April 20, 2015 11:54 AM  
**To:** Estanislau, Robin  
**Subject:** FW: HBEB Response to EIR Addendum (Repeal of Bag Ordinance)\_2015-04-17MSv3.doc

Robin,

Please forgive me if you're not the correct recipient of a late communication for tonight's Council meeting.

The Environmental Board has drafted a comment letter on the draft Addendum that the Council will bring forward for action tonight as Item 11 on the agenda. It is attached to this email.

Please let me know if you have any questions or concerns.

Thank you,

Hayden Beckman  
Assistant Planner  
City of Huntington Beach

-----Original Message-----

**From:** Kim Nicolson [<mailto:kimcnicolson@gmail.com>]  
**Sent:** Sunday, April 19, 2015 10:43 PM  
**To:** Beckman, Hayden  
**Subject:** HBEB Response to EIR Addendum (Repeal of Bag Ordinance)\_2015-04-17MSv3.doc

Hi Hayden,

Please see the attached comment letter regarding the EIR Addendum repealing the bag ban on behalf of the Environmental Board. If you would please include this in your presentation to council tomorrow night, we would greatly appreciate it.

Let me know if you have any questions.

Thanks!

Kim Nicolson

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 4/20/2015

Agenda Item No. 11

| April 17~~20~~, 2015

Mr. Hayden Beckman  
City of Huntington Beach  
Department of Planning and Building  
2000 Main Street  
Huntington Beach, CA 92648

Subject: Administrative Draft Addendum to the Final EIR, SCH #2011111053

Dear Mr. Beckman:

At the April 2, 2015 Huntington Beach Environmental Board (HBEB) meeting, a committee of three HBEB members (Mark Sheldon, Jeff Coffman, and Tony Soriano) was appointed to review and prepare a response to the subject Draft Addendum to the Final EIR, with said response submitted for approval by HBEB Chair Kim Nicolson and subsequent forward to the Huntington Beach City Council.

The Draft Addendum is titled "Huntington Beach Repeal of the Single-Use Carryout Bag Ordinance / Addendum to the Final Environmental Impact Report." The introduction of the Draft Addendum clarifies that "this document is an addendum to the Single-Use Carryout Bag Ordinance Final Environmental Impact Report (EIR) that was adopted by the Huntington Beach City Council in March 2013 (SCH #2011111053)" (Final EIR).

Using the procedure described above, the representatives of the HBEB offer the following comments for your consideration:

**General:**

- A1. We appreciate that the City has prepared a document which implicitly acknowledges the requirement under the California Environmental Quality Act (CEQA) Guidelines to provide a document addressing the impact of the Repeal of the Bag Ordinance.
- A2. We are also pleased that the Draft Addendum has acknowledged the need to consider four principal Environmental Impacts affected by the repeal of the Bag Ordinance, as identified in Section 4 of the Final EIR: "Air Quality," "Biological Resources," "Greenhouse Gas Emissions," and "Hydrology and Water Quality."
- A3. The Draft Addendum does not directly address all Environmental Impact issues as identified in the Final EIR. Notably absent is a specific discussion of CEQA-required topics in Final EIR Section 5 "Other CEQA Discussions:" "Growth Inducing Impacts," and "Irreversible Environmental Effects."
- A4. The Draft Addendum fails to identify the Report Preparers by name, as was done in Section 7.2 of the Final EIR.

**Old Data / Estimates:**

B1. We note that much of the numbers presented in the Draft Amendment are based on old data and estimates which were employed in the Final EIR which is now over two years old. Furthermore, the values in the Final 2013 were taken from multiple sources which many not have been fully consistent in the methods and assumptions employed. While ~~those that~~ data may have been the best available at the time, more accurate and self-consistent data may now be available. The many other jurisdictions which have enacted similar bag ordinances since the Final EIR was approved provide reasonable cause to review available data sources.

B2. "Conservative Estimates" are cited in Table 1 for the number of paper bags needed to replace single use plastic bags (assumed 1:1 though paper bags generally provide 50% more storage volume). This assumption arguably results in an overestimate of paper bag use and associated environmental impacts.

B3. "Conservative Estimates" are cited in Table 1 for the number of reuses of reusable bags (assuming 52 uses, much lower than the 125 uses provided in the specifications for such bags). This assumption arguably results in an overestimate of reusable bag consumption and associated environmental impacts.

B4. An obsolete Web Link has been provided for the cited report "Environment Agency – United Kingdom government. "Life Cycle Assessment of Supermarket Carrier Bags". February 2011." This report is the principal source for assertions throughout the Draft Addendum concerning environmental impacts of reusable bags.

**Project Description:**

C1. The City's objectives for the original Bag Ordinance are itemized, and include the reduction of adverse Environmental Impacts; for example, "impacts to biological resources (including marine environments) and water quality," and "Avoiding litter and the associated adverse impacts to stormwater systems, aesthetics and the marine environment (Pacific Ocean and Bolsa Chica Ecological Reserve)." The section concludes by stating "With repeal of the Bag Ordinance, these objectives of the Bag Ordinance would also be removed." This set of statements acknowledges that the Repeal of the Bag Ordinance is expected to result in adverse environmental impacts relative to the current situation with the Bag Ordinance in effect.

C2. Other stated objectives of the original Bag Ordinance include "Reducing the number of single-use plastic bags distributed by retailers and used by customers in Huntington Beach," "Deterring the use of paper bags by customers in Huntington Beach," and "Promoting a shift toward the use of reusable carryout bags by retail customers in Huntington Beach." These objectives of the Bag Ordinance would also be removed. The Draft Addendum acknowledges this but does not address the associated impacts on consumer behavior, including the original Bag Ordinance's encouragement of environmentally responsible personal practices in bag selection, use, and disposal, as well as the effect of the removal of that encouragement on behavior, and its ultimate impact on consumer waste disposal.

C3. It should also be noted that because Huntington Beach is a popular tourist destination, that the consumer behavior implications of the Bag Ordinance and it's proposed repeal extend not only to Huntington Beach residents, but also significantly to visitors. Repeal of the existing Bag Ordinance represents an opportunity cost for Huntington Beach to demonstrate environmentally responsible practices and encourage them beyond its borders. Furthermore, many travel consumers make trip decisions influenced by the environmental preservation of the locations that they consider visiting, so that City environmental policy may impact the quantity and type of tourists that are attracted. The environmental impact of this broader influence and reputation (or its removal) has not been addressed in the Draft Addendum.

**Environmental Impacts:**

D1. The Draft Addendum acknowledges that under it's assumptions, the Repeal of the Bag Ordinance would increase *Ozone and Atmospheric Acidification* emissions: "approximately 875 kg per year for ozone and 9,808 kg per year for atmospheric acidification compared to existing conditions with the Bag Ordinance." This represents an adverse environmental impact and needs to be plainly acknowledged as such.

D2. Recitation of the Air Pollution Control District regulations governing manufacturing is not a relevant argument of mitigation of *Air Quality Impacts* since the same or similar regulations existed in the Air Pollution Control District prior to and during the implementation of the Bag Ordinance. At the same time, while this statement is generally true of most jurisdictions in the United States, the location of manufacture of the bags has not been described in the Draft Addendum and so this general assertion is unsupported. By either consideration, the mitigation of adverse air quality impacts of the Repeal of the Bag Ordinance has not been demonstrated.

D3. The Draft Addendum acknowledges that the Final EIR determined that the Bag Ordinance would reduce the number of single-use plastic bags within Huntington Beach, which could increase the amount of plastic carryout bags which could "incrementally increase the amount of litter entering coastal and marine habitats, this increasing litter-related impact to sensitive species, plant communities, and coastal wetlands areas." The potential increase of the supply of paper and reusable bags under the Bag ordinance, potentially increasing those items in the litter stream, is mentioned in the Draft Addendum. However the Draft Addendum does not specifically mention the higher environmental mobility and greater ingestion threat to wildlife which has been observed with thin-gauge "single use" plastic bags. Therefore the Repeal of the Bag Ordinance, which is estimated to increase the number of such single-use plastic bags in Huntington Beach relative to the current status with the Bag Ordinance in place, should be evaluated as a more significant wildlife threat.

D4. Citing National Pollution Discharge Elimination System (NPDES) and other regulatory requirements for wastewater discharge is not a relevant argument of mitigation of the impact of the Repeal of the Bag Ordinance, since the same or similar regulations existed prior to and during the implementation of the

Bag Ordinance. Furthermore, the presence of these regulations does not adequately address the fundamental problem of litter, which includes materials which fall into the biosphere, much of which evade existing control and collection mechanisms.

D5. The discussion of Best Management Practices (BMPs) for stormwater and other runoff issues does not clearly acknowledge that Huntington Beach has not fully implemented BMPs for litter capture consistent with what other local coastal cities have employed. [The HBEB recommends examination of the Storm Drain practices of Dana Point as an effective system for reference.] The Draft Addendum implicitly acknowledges the incomplete nature of City runoff control when it states “These BMPs and control techniques *would* reduce litter related storm drain and water quality impacts thus *would* also reduce litter impacts on biological resources.” (emphasis added). An unimplemented plan does not provide mitigation. The City needs to *implement* BMPs if this point in the Draft Addendum is to be relevant for environmental impact.

~~D5~~D6. Litter also cannot be entirely mitigated by “responsible consumer behavior” if the post-collection system is faulty. Single use plastic bags have been observed to fly out of uncovered waste collection receptacles at City beaches, drawn by wind entrainment or birds. The City should provide waste receptacles which are adequately protected from such losses (in particular, with properly functioning self-closing lids) at all beaches and other City-maintained property. The City should also consider ways to encourage of property owners with outdoor receptacles to do the same.

~~D6~~D7. The discussion of Greenhouse Gas impacts due to the Bag Ordinance (which in any event are considered to be Class III, *less than significant*), includes speculation concerning greenhouse gas impacts of the agricultural processing of organic materials used in many reuseable bags. If the scope of evaluation is to be extended to raw materials sourcing, then a more thorough and consistent examination of *all* processes for all of the bag raw materials under consideration (including single-use plastics and paper, as well as reusable bag materials) is warranted.

~~D7~~D8. The same considerations indicated relative to *biological resources* cited as items D3, ~~D4~~, and ~~D4~~through -D6 above also apply to the ~~reports~~Draft Addendum arguments about *Water Quality from Litter*.

D8. Citing State and EPA Regulations on manufacturing activities is not a relevant argument of mitigation of the impact of the Repeal of the Bag Ordinance on Water Quality Associated with Manufacturing Bags, since the same or similar regulations existed prior to and during the implementation of the Bag Ordinance.

D9. The existence of regulations (AB 258) for avoiding and mitigating spills of preproduction plastics does not address the degree to which such spills have actually occurred. As for many other assertions in the Draft Addendum, quantitative analysis has not been included.

**Additional Observations:**

- | ~~X1E1~~. Many of the issues identified above ~~are~~ seriously compromise the Draft Addendum as a meaningful and quantitative response to the impact of the Repeal of the Bag Ordinance.
- | ~~X2E2~~. The Repeal of the Bag Ordinance is not a simple exercise of a different option under the original EIR. Time and resources have been expended by the City of Huntington Beach and other parties including its citizens and businesses to implement the original bag ordinance, and additional time and resources will be expended by all parties to implement a Repeal of the Bag Ordinance.
- | ~~X3E3~~. The City of Huntington Beach has not stayed static during the approximate year and a half that the Bag Ordinance has been in place. The citizen and business population has changed in that time. The City has access to data concerning such changes which might be considered preliminary, but which is more up to date than the now several-years old estimates used in the Final EIR and now in the Draft EIR.
- | ~~X4E4~~. The City has failed on many counts to collect and meaningfully update information available to them, including data specifically identified to be collected by the City under the Bag Ordinance, which would enable a more accurate assessment of the impacts of the Repeal of the Bag Ordinance. For example, all stores which now sell paper bags for \$0.10 each are required to keep records of those sales, and the city is instructed to collect that data under the ordinance. The stores are believed to be keeping that data since paper bags are now part of their sales, but there is no indication that the City has been collecting this data.
- | ~~X4E5~~. The difference in the wording of the Titles of the Final EIR and the Draft Addendum (in particular, the addition of the words "Repeal of," reflects the fact that the original Bag Ordinance and the proposed Repeal of the Bag Ordinance are two separate actions with separate and distinct impacts. As such the Environmental Impacts of the Repeal of the Bag Ordinance are not properly addressed by an Addendum to the Final EIR of the original Bag Ordinance. A true addendum would not change the title of the subject document, and this simple semantic consideration underlies a fundamental difference.
- | ~~X5E6~~. The proposal to address the environmental impacts of the Repeal of the Bag Ordinance by a Draft Addendum which does not provide for a Public Comment period does not adequately regard the concern by many Huntington Beach citizens for the impacts of the proposed Repeal of the Bag Ordinance, expressed in public comments at prior City Council meetings. Those comments suggest that citizens have concerns which would be properly documented and addressed by the City in a formal Public Comment period as was employed for the original Bag Ordinance.
- | ~~X6E7~~. Not only has a formal Public Comment period not been employed, but the availability of the Draft Addendum for public review has been minimal. At the April 2, 2015 HBEB meeting the City Staff Liaison represented that the Draft Addendum would be available for review by April 8, ~~2015~~. The document was not distributed to HBEB's review Committee until April 14, and was not posted on the public website until April 15. Consideration of the Draft Addendum and possible final action on the Repeal of

the Bag Ordinance has been placed on the City Council Agenda, providing less than a week for anyone on the HBEB membership, or the general public, to review it and prepare comments.

X7E8. Furthermore, many Huntington Beach citizens have made public comments to City Council asking for the repeal to be put to the voters of the City as a Referendum added to a future election ballot. While an opinion has also been expressed in public comments that the original Bag Ordinance should have been put to a similar Referendum vote, the absence of such a vote in the past does not preclude its employment in the future if the City Council believes that such a vote is the best way to evaluate the opinion of the Huntington Beach electorate.

E9. The California Plastic Bag Ban Referendum which has been approved for the November 8, 2016 ballot, presents a situation in which deferred action on the Repeal of the Bag Ordinance in Huntington Beach would be beneficial. First, the votes on that Initiative within the City of Huntington Beach would be available and would inform the City Council of local voter sentiment without the additional expense of a local Ballot Initiative. Further, if the Statewide Bag Ban is upheld, the existing Huntington Beach Bag Ordinance would be "grandfathered" and avoid the costs and frustration of "off again / on again" regulation to businesses and consumers, as well as the adverse impact on civic reputation of action contrary to the wishes of the broader electorate.

### **Summary of Recommendations**

The Huntington Beach Environmental Board, in keeping with its duty to "advise the City Council and staff on sustainability challenges and opportunities to enhance the overall sustainability, economic, ecological and social environments of Huntington Beach," wishes to make the following recommendations to the City in the light of the preceding points.

F1. Defer action on Repeal of the Bag Ordinance until the outcome of the California Plastic Bag Ban Referendum on the November 8, 2016 General Election ballot has been determined and the results have been analyzed.

F2. If the City wishes to proceed with consideration of the Repeal of the Bag Ordinance, it should employ a level of Environmental Impact Report with a formal opportunity for Public Comment, and which treats the Repeal of the Bag Ordinance as an independent action from the prevailing situation, not as an Addendum to the Final EIR of the Bag Ordinance which ignores the impact of over a year and a half of implementation of that Ordinance.

F3. Any level of Environmental Impact Reporting should employ a more comprehensive and quantitative environmental impact analysis. The City is encouraged to employ the considerations discussed above before approving any EIR document concerning the Bag Ordinance. EIR documents should employ current data rather than prior projections wherever possible.

F4. Regardless of the City's action on the Bag Ordinance, it is encouraged to collect data measuring consumer and business behavior as provided for in the Bag Ordinance, and to analyze that data to monitor its effectiveness.

F4. If full citizen feedback is desired independent of other avenues of citizen expression, then the City should consider a local ballot Referendum on the subject.

F5. Regardless of the City's action on the Bag Ordinance, it is encouraged to fully implement environmental protection actions which mitigate litter and other impacts of plastic bags, including more effective public trash receptacles and implementation of Best Management Practices for Stormwater Runoff.

We appreciate the opportunity to review and comment on the subject document. Please let us know if you have any questions regarding our comments.

Sincerely,

Kim Nicolson  
Chairperson, Huntington Beach Environmental Board

**Esparza, Patty**

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**From:** Dombo, Johanna  
**Sent:** Monday, April 20, 2015 1:33 PM  
**To:** Esparza, Patty  
**Subject:** FW: Council Agenda (04/20/2015)

**From:** Gino J. Bruno [<mailto:gbruno@socal.rr.com>]  
**Sent:** Monday, April 20, 2015 1:07 PM  
**To:** CITY COUNCIL  
**Subject:** Council Agenda (04/20/2015)

I urge the City Council members to support the following items on tonight's Agenda:

- Item 11, dealing with the repeal of the often-called Reusable Bag Ordinance;
- Item 13, sponsored by Council Member Peterson, establishing the Citizen's Infrastructure Advisory Board (CIAB); and
- Item 14, sponsored by Council Member Peterson and Mayor pro tem Katapodis, re-establishing the Finance Commission.

Favorable outcomes in these three areas would serve the citizens of our city very well.

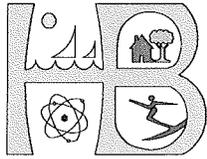
Thank you.

Gino J. Bruno  
Huntington Beach

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 4/20/2015

Agenda Item No. 11



# CITY OF HUNTINGTON BEACH

## City Council Interoffice Communication

**To:** Honorable Mayor and City Council Members  
**From:** Erik Peterson, City Council Member  
**Date:** April 20, 2015  
**Subject:** ***Correction to City Council Member Item – Ordinance to Establish the Citizens Infrastructure Advisory Board***

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I have revised my City Council Member Item—Ordinance to Establish the Citizens Infrastructure Advisory Board—to correct the date that Measure FF was passed by the voters of Huntington Beach.

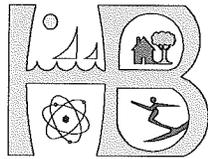
EP:cf

xc: Fred Wilson, City Manager  
Ken Domer, Assistant City Manager  
Joan Flynn, City Clerk  
Michael E. Gates, City Attorney  
Travis Hopkins, Public Works Director

### SUPPLEMENTAL COMMUNICATION

Meeting Date: 4/20/2015

Agenda Item No. 13



# CITY OF HUNTINGTON BEACH

## City Council Interoffice Communication

**To:** Honorable Mayor and City Council Members  
**From:** Erik Peterson, City Council Member  
**Date:** April 20, 2015  
**Subject:** *CITY COUNCIL MEMBER ITEM FOR THE APRIL 20, 2015, CITY COUNCIL MEETING - ORDINANCE TO ESTABLISH THE CITIZENS INFRASTRUCTURE ADVISORY BOARD*

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### **STATEMENT OF ISSUE:**

Measure FF was passed by the voters of Huntington Beach in March 2002. It amended the City Charter to add new section 617 entitled "Infrastructure Fund." Section 617 requires the creation of an Infrastructure Fund and an annual set aside of 15% of General Fund revenues for infrastructure purposes.

Section 617 also requires the City Council to establish by ordinance a Citizens Infrastructure Advisory Board (the "CIAB") to conduct an annual review and performance audit of the Infrastructure Fund and report its findings to the City Council prior to the adoption of the following fiscal-year budget.

The CIAB does not exist. Although some of its Charter mandated responsibilities have been assigned to the Public Works Commission, the City Council should establish the CIAB as required by the Charter.

### **RECOMMENDED ACTION:**

Direct the City Attorney to (1) draft an ordinance for City Council review that would establish the CIAB as required by Charter section 617; and (2) prepare a legal opinion regarding the legally allowable uses of the money in the Infrastructure Fund.

At minimum, the proposed ordinance should require the CIAB to perform the duties mandated by Charter section 617; namely, an annual review and performance audit of the Infrastructure Fund, and a report of its findings to the City Council prior to the adoption of the following fiscal-year budget. Additional items for the ordinance could include a complete audit of the Infrastructure Fund over the past four years; and direction to the City Manager to supply all data required for such audits.

cc: Fred Wilson, City Manager  
Ken Domer, Assistant City Manager  
Joan Flynn, City Clerk  
Michael E. Gates, City Attorney  
Travis Hopkins, Public Works Director

**Esparza, Patty**

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**From:** Surf City Pipeline [noreply@user.govoutreach.com]  
**Sent:** Monday, April 20, 2015 11:44 AM  
**To:** CITY COUNCIL; Agenda Alerts  
**Subject:** Surf City Pipeline: Comment on an Agenda Item (notification)

**Request # 21950 from the Government Outreach System has been assigned to Agenda Alerts.**

**Request type:** Comment

**Request area:** City Council - Agenda & Public Hearing Comments

**Citizen name:** Kim Carr

**Description:** The agenda item proposed by Councilmember Peterson regarding establishing a Citizens Infrastructure Advisory Board is unnecessary. The current Public Works Commission already acts in the capacity of the proposed CIAB. Please refer to HB Municipal Code 2.111.030 (I) where it specifically states the duties of the PWC:

"Acting in the capacity of the Citizens Infrastructure Advisory Board, conduct an annual review and performance audit of the Infrastructure Fund and report its findings to the City Council prior to the City Council's adoption of the ensuing fiscal year budget."

Adding an additional CIAB would be redundant and add a layer of unnecessary government bureaucracy. It would be more appropriate to revise the duties of the PWC if needed than establish a brand new commission.

Sincerely,  
Kim Carr  
Chair, Public Works Commission

**Expected Close Date:** April 21, 2015

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 4/20/15

Agenda Item No. 13

## Esparza, Patty

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**From:** Dombo, Johanna  
**Sent:** Monday, April 20, 2015 1:33 PM  
**To:** Esparza, Patty  
**Subject:** FW: Council Agenda (04/20/2015)

**From:** Gino J. Bruno [mailto:gbruno@socal.rr.com]  
**Sent:** Monday, April 20, 2015 1:07 PM  
**To:** CITY COUNCIL  
**Subject:** Council Agenda (04/20/2015)

I urge the City Council members to support the following items on tonight's Agenda:

- Item 11, dealing with the repeal of the often-called Reusable Bag Ordinance;
- Item 13, sponsored by Council Member Peterson, establishing the Citizen's Infrastructure Advisory Board (CIAB); and
- Item 14, sponsored by Council Member Peterson and Mayor pro tem Katapodis, re-establishing the Finance Commission.

Favorable outcomes in these three areas would serve the citizens of our city very well.

Thank you.

Gino J. Bruno  
Huntington Beach

### SUPPLEMENTAL COMMUNICATION

Meeting Date: 4/20/2015

Agenda Item No. 13

**Esparza, Patty**

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**To:** Esparza, Patty  
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- Item 14, sponsored by Council Member Peterson and Mayor pro tem Katapodis, re-establishing the Finance Commission.

Favorable outcomes in these three areas would serve the citizens of our city very well.

Thank you.

Gino J. Bruno  
Huntington Beach

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 4/20/2015

Agenda Item No. 14