

**Minutes
City Council/Public Financing Authority Regular Meeting
City of Huntington Beach**

**Monday, April 21, 2014
4:00 PM – Study Session
6:00 PM – Regular Meeting
Council Chambers Civic Center,
2000 Main Street
Huntington Beach, California 92648**

**An audio recording of the 4:00 PM portion of this meeting,
and a video recording of the 6:00 PM portion of this meeting,
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agengas/**

4:00 PM - ROOM B-8

CALL TO ORDER – 4:03 PM

ROLL CALL

Present: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Study Session

PowerPoint communication dated April 21, 2014, entitled *Downtown Task Force Recommendations*.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit)

Mark Bixby, Planning Commissioner and City Council Candidate, spoke on his own behalf regarding the amount of alcohol served downtown and the continued need for enforcement activities. He recommended holding businesses accountable for their Conditional Use Permits (CUPs), and discussed tightening conditions on entertainment permits. He voiced concerns about parking and provided support for additional surveillance cameras in the first three blocks. (00:03:37)

Richardson Gray, HB Neighbors, thanked Councilmembers Boardman, Carchio and Katapodis for their support and participation on the Downtown Taskforce, and its recommendation to amend the Downtown Plan. He voiced support to extend the term of the Taskforce, extend hours for structure parking, initiating a new Zoning Text Amendment that prohibits new alcohol permits, and Police Department reporting in District One. (00:05:48)

Dan Kalmick thanked the Police Department for the large number of uniformed personnel he witnessed in the Downtown during the past weekend. He voiced concerns about certain Downtown businesses advertising free beer, and discussed the need for improved parking and

signage. (00:08:34)

Richard Plummer, HB Neighbors, voiced concerns about the late night culture in the Downtown, and businesses advertising alcohol deals. He asked Council to take action to attract/draw a different demographic to the area. (00:11:38)

STUDY SESSION

1. **Discussion took place among members of the Downtown Task Force and the City Council to develop recommendations to enhance the safe and high quality of life for the Downtown's residential neighborhoods while maintaining a sustainable and vibrant downtown economy.**

DOWNTOWN TASK FORCE ROLL CALL:

Council Liaisons: Connie Boardman, Joe Carchio, and Jim Katapodis (all present);
Taskforce Members: Brett Barnes (present), Meg Bernardo (present), Domenic Iorfino (present), Ralph Palomares (Arrived at 4:45), Ron Newman (Absent), Cesar Pena (Absent), Dave Shenkman (Absent), Susie Smith (Absent), Michael Wentworth (Absent), Cathy Werblin (Absent), and Stephanie Wilson (Absent) - **NO QUORUM**

Task Force Liaison Connie Boardman provided a PowerPoint entitled *Downtown Task Force Recommendations* that included the following titled slides: General Overview, Members, Recommendations with Staff Comments, and Current Efforts in Downtown.

Police Chief Robert Handy presented a PowerPoint with slides titled *Current Efforts in Downtown - Police Department Efforts* that addressed bike patrols, mounted patrols, community meetings, training for ABC license holders, uniformed and undercover operations, increased security, entertainment permit requirements and issuance of violations, resources for bar crowd, brighter LED street lights, monthly parking pass for employees, and parking incentives during holidays.

Councilmember Hardy and Manager Wilson discussed fees associated with painting the interior of the downtown parking structure and providing additional security in District 1 public parking lots. Manager Wilson added that discussion regarding the US Open of Surfing will take place on a future agenda.

Mayor Harper and Chief Handy discussed working with the Downtown Business Improvement District (BID) regarding employee use of the Parking Structure.

Councilmember Sullivan and Manager Wilson discussed economics and bringing a Zoning Text Amendment back related to alcohol service in restaurants.

Mayor Harper, Councilmember Sullivan and Manager Wilson discussed how at a later date, the Taskforce will bring back specific recommendations related to new parking permit districts.

Discussion ensued on Coastal Commission issues, and Councilmember Boardman commented on how businesses hope to move forward quickly with a new Plan. Transportation Manager Robert Stachelski described the parking permit district process.

Discussion continued on increasing surveillance cameras, and Mayor Pro Tem Shaw and

Councilmember Hardy discussed license plate readers.

Staff indicated that following collaboration with BID and Visit Huntington Beach (VHB), separate written reports regarding trash receptacles and parking signage would be provided to Council.

Councilmember Sullivan called for effective signage like that present in the City of Monterey.

Mayor Harper called for permanent vs. temporary signage.

Mayor Pro Tem Shaw discussed surf board signs and painting streets for directional purposes. He also stated support for setting limitations on the number/types of businesses in the downtown, a practice he says is done in other cities.

Councilmember Hardy stated support for detail within categories, and she and staff discussed use of the parking structure's top level for employee parking.

Councilmember Boardman and Police Chief Handy discussed metered parking in appealable vs. non-appealable areas of the Coastal zone.

Discussion ensued on making the Taskforce a permanent committee with at large representation. Mayor Harper recommended the Downtown Economic Development Committee (EDC) bring forth a proposal to Council. Councilmember Sullivan disagreed.

Taskforce member Smith discussed the importance of follow-up by any and all committees. Discussion ensued on recommendations for public restrooms. Taskforce member Iorfino discussed how portable restrooms create a public nuisance.

Mayor Pro Tem Shaw thanked the Taskforce, and he and Police Chief Handy discussed plans in place regarding undercover presence for entertainment permits including limited resources for sustainability and building enforcement downtown.

City Manager Wilson discussed how plans may be incorporated into the mid-year budget process.

RECESS TO CLOSED SESSION

Mayor Harper announced: Pursuant to Government Code Section 54957.6.a, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator City Manager Fred Wilson, who will be participating today in Closed Session discussions regarding labor negotiations with FMA, MEA, MSMA, PMA and/or POA.

CLOSED SESSION

2. Pursuant to Government Code Â§ 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Maria Garcia v. City of Huntington Beach, et al. United States District Court Case No. SACV 12-01779. Wrongful death / Civil Rights action resulting from the shooting of Plaintiff's son, Erick Catalan, by the police.
3. Pursuant to Government Code Â§ 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding John Doe v. City of Costa

Mesa, et al., United States District Court Case No. SACV12-1665, which challenges the constitutionality of City Ordinance No. 3926 prohibiting entry of registered sex offenders into City parks.

- 4. Pursuant to Government Code Â§ 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators and Fred Wilson, City Manager regarding the following: FMA, MEA, MSMA, PMA, and/or POA.**

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:20 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None

ROLL CALL

Present: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
Absent: None

PLEDGE OF ALLEGIANCE – Led by Councilmember Joe Carchio

INVOCATION - Led by Charles "Bud" Lung from First Church Christ Scientist and member of the Greater Huntington Beach Interfaith Council.

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.

AWARDS AND PRESENTATIONS

Mayor Harper called on Victoria Alberty to present the Adoptable Pet of the Month.

Victoria Alberty, Wagon Trail Rescue Foundation, reported that every pet presented for adoption during City Council meetings has been adopted. She deferred to Pat of the Orange County Humane Society.

Pat, Orange County Humane Society presented Gracie, a four (4) year old Chihuahua mix, as the Adoptable Pet of the Month.

Ms. Alberty referenced Humane Society flyers available outside the Chambers with contact information. Interested parties were invited to call 714-536-8480 or access www.OCHumanesociety.com.

Mayor Harper called on Jeff Snow from Rainbow Environmental Services who recognized Albertson's Grocery Stores for its sustainability achievements in diverting more than two million pounds of Huntington Beach food waste from the landfill.

Jeff Snow, Rainbow Environmental Services provided a brief presentation addressing food waste landfilled in the U.S., methane pollution from landfills nationally and the journey to zero waste. He reported that Albertson's donates 68% of perishable food to the Fresh Rescue program through

Second Harvest and commented positively on their efforts in segregating food waste and getting it ready for collection by Rainbow for subsequent organic recycling. He addressed greenhouse gas emissions avoided and recognized Albertson's Grocery Stores for its sustainability achievements in diverting more than two million pounds of Huntington Beach food waste from the landfill.

Mayor Harper commented on the merits of the Second Harvest organization.

Mayor Harper called on Community Services Director Janeen Laudenback who presented the Mayor's Award to Brigette Beisner.

Community Services Director Laudenback reported that Project Self-Sufficiency (PSS) is celebrating thirty (30) years of helping the Huntington Beach community and commented on the work and efforts of Brigette Beisner as PSS Program Coordinator. She presented her with the Mayor's Award in recognition of her efforts.

Community Services Director Laudenback announced a fundraiser for PSS on May 4, 2014, "Wine, Cheese and Chocolate" at the Newland Barn from 2:00 PM to 5:00 PM. Additional information can be found on the City's website.

Mayor Harper thanked residents for taking the Mayors' challenge regarding water conservation and noted that the City is in the number one position for cities of its size in water conservation efforts.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan L. Flynn announced supplemental communications that were received by her office following distribution of the Council agenda packet:

Councilmember Items

Communications received regarding Item No. 13 (City Council-Placed Ballot Initiative to repeal the Plastic Bag Ban) from Merle Moshiri, Hildy Meyers, Richard Moore, Dolores Hill, Thor Faber, Cari Swan, Steve Labins, Ray Hiemstra, Mary Lundin, Scott Meyer, Anonymous, Judith Wisenbaker, Erik Peterson, Norm Westwell, Phillis Lane, and Frank Wissel.

PUBLIC COMMENTS (3 Minute Time Limit)

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

Stephanie Deagle, HB Relay for Life, announced the American Cancer Society's signature fundraising event, Relay for Life, on June 7th and 8th at Central Park. She addressed the event theme, urged residents to participate and noted flyers are available outside Council Chambers for additional information. She highlighted event features and noted the need for sponsors and volunteers. (00:23:28)

Richard Moore spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported gathering over 1,039 signatures in support of placing the matter on an upcoming ballot and who do not believe that the ban is necessary or appropriate for the City. He urged City Council to

consider the desire of residents and the economic impacts of the ban. He suggested levying \$2 for every drink sold downtown next year. (00:26:40)

Clem Dominguez voiced concerns about the amount of alcohol served downtown. He believed that the steps proposed by the City to reduce alcohol consumption downtown are not strong enough and commented on the City's unfunded liabilities. He stated the need to resolve the cause of the problem, not pay more police to contain it. Additionally, he indicated that those who are causing the problem; not taxpayers, should pay. Mr. Dominguez reported he supports the plastic bag ban, as he is a surfer and anything good for the environment is good for him, adding that the problem is the 10 cents charge for paper bags. He hoped that City Council would compromise and eliminate it. (00:29:10)

Kathy May, owner and operator of Kathy May's Lakeview Café, spoke about a proposal to serve beer and wine in her restaurant establishment located in Central Park. She reported receiving many requests from customers for beer and wine and that on numerous occasions, customers have left because no beer and wine is served which is affecting her business. She added having a beer and wine license at another location and reported being in good standing with ABC. She asked City Council to place the matter on a future agenda for discussion. (00:32:17)

Mary Jo Baretich, Cabrillo Mobilehome Park Homeowner's Association, spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. She stated she is happy with the existing ordinance with the exception of the 10 cent charge for paper bag. She added that she lives across the street from the beach and commented positively on the decreased amount of trash on the beach since the ban has been in place and reported that many cities are seeking to establish a similar ordinance. (00:40:05)

Chris Epting spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He commented on the importance of getting involved, regardless of how residents feel about the ban. He took issue with a recent exchange of communication with Mayor Pro Tem Shaw where he was "branded" as a Tea Party member simply because he disagreed with the ordinance. (00:36:44)

Craig Frampton spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He stated that, unless it becomes a State-wide ordinance, the people of the City should have the right to vote on the issue. He added that the bigger issue is enforcing existing litter laws instead of passing new laws and announced the launch of a new Facebook page, Huntington Beach Community Forum. (00:40:13)

Natalie Somelch, sophomore at Huntington Beach High School, spoke in opposition of Agenda Item No. 13 - Repeal of Plastic Bag Ban and listed reasons why plastic bags should be banned. (00:41:25)

Larry Perez spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported that he recycles 100% of his plastic bags and he now has to carry two sets of bags, one for food items and the other for home-improvements types of items. He added that he now limits his shopping to the City of Cypress, which does not have a plastic bag ban in place and that his wife shops in the City of Irvine. He stated that residents should be able to vote on the matter and that there is no reason for the ban. (00:42:50)

Joseph Mastropaolo spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He opined there is no need for the ban, that it is a littering problem and that it should be solved

without penalizing the citizens of the City. He urged City Council to not invent problems but solve them without penalizing citizens.

Sue Gross spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. She stated that Huntington Beach is a great place to live partly because residents have a voice. Additionally, she related comments of other residents, suggested penalizing those who litter and asked that City Council allow residents to choose by placing the matter on the ballot. (00:47:20)

Thomas Greeley spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He stated that having citizens vote on this matter is a more democratic way than how the matter was addressed. (00:49:20)

Michael Hoskinson spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He commented on the issue of taxation, science, social engineering and socialism and stated that this matter has served to divide the City. He indicated that residents should determine the outcome of this issue with no government interference. (00:50:25)

Alex Christie spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He stated that the matter should be placed on the ballot for residents to decide. (00:51:39)

Jason Snyder, President of the Huntington Beach High School Sustainability Club, spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban adding that he supports the ban on plastic bags and listed reasons why plastic bags are bad for the environment. While he supports the ban, he indicated that residents should be allowed to vote on the issue and that accurate and complete information should be available to educate residents on the matter. He added that by banning plastic bags, the City has set itself as an example to others to preserve mother earth. (00:53:00)

Linda Conn spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban and reported that she stopped shopping in Huntington Beach because of the inconvenience of not having a personal choice of her own. She added that she has been active in recycling, reuses plastic bags and encourages others to lessen their carbon footprint. She expressed concerns with cross-contamination and asked that City Council place the matter on the ballot. (00:55:05)

Tim Kowal spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported he has no objection to the present ban but objected to the bag tax adding that it serves to scold members of the community who are on fixed incomes. He urged City Council to place the issue on the ballot and allow residents to vote on the matter. (00:58:02)

Don Gibas spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He stressed that City Council represents the people and stated that he does not believe the issue was researched correctly. He encouraged placing recycling barrels and developing other ideas of dealing with the issue. He believed that City Council has overstepped its authority on this issue and urged placing the matter on the ballot and letting the people decide while offering complete information, both pluses and minuses. (00:59:33)

Maureen Lawson voiced concerns related to the recent civil disturbance downtown. She reported that a number of people were stabbed, including members of the Marines. She addressed parking problems, vandalism, and other issues and noted that she is reluctant to go downtown and that businesses have suffered. (01:04:03)

Gino J. Bruno spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban and urged City Council to place the matter on the ballot. He commented on the number of residents affected by the ban without the benefit of their views. He added that the voices of the governed should be heard by those who govern. (01:05:55)

Al Hendricker spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban noting that there is sufficient justification to place the matter on the ballot and addressed the economic impacts to residents. He addressed the fee on paper bags and spoke against governing bodies fixing the price on any commodity or product sold in the U.S. He urged City Council to place the matter on the ballot and to place consideration of eliminating the fee for paper bags on the agenda for the next City Council meeting. (01:07:40)

Robert Foutz spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban adding that the people should have the opportunity to vote on the matter. He commented on a U.N. report indicating there is no global warming and commented on other items that litter the beaches. (01:10:00)

Keith Schnekenburger spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban and equated the ban to "soft tyranny". He added that the issue is about freedom of choice and urged City Council to let the people vote on it. (01:11:04)

Helena Foutz spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. She provided testimony regarding a recent conversation where it was noted that since the City of Long Beach passed its ban on plastic bags, the City of Los Alamitos has increased its business. She urged City Council to place the issue on the ballot for residents to decide. (01:13:01)

Warren Conde spoke regarding the Huntington Beach Duck-A-Thon and invited City Council and residents to support the event. He announced a Salute to the Armed Forces and Gold Star Mothers on May 16, 2014, noting that additional information can be obtained at www.duckathon.org. He added that the main fundraiser for the Huntington Beach Community Clinic will be held May 16th through May 18th and noted the need for volunteers. (01:13:52)

Jennifer Paulin spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. She stated her beliefs that plastic bags are less than 1% of the environmental problem, that most people recycle, and that the ban has greatly affected and inconvenienced residents and businesses. She reported that Councilmembers were elected to represent the people and that the people should have a voice. She asked that City Council rescind the ban and place the matter on the ballot for the people to decide. (01:16:00)

Dave Weigel spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported that it is inconvenient, significantly slows down the checkout process and has negative economic impacts. He urged City Council to place the issue on the ballot and let the voters decide. (01:17:22)

Hildy Meyers spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. She noted the negative impacts of plastic bags to the environment and marine life adding that only 5% of plastic bags are recycled. She reported that plastic bags are made from petroleum, the use of which is causing climate change and stressed the need to "modify our ways" now in order to prevent the worst consequences of climate change. She reported that a signature collection effort

to place the matter on the ballot has failed and suggested giving people time to adjust to the small, but necessary change rather than go backwards. (01:18:05)

Ray Raines spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported that he has been using reusable bags for many years but noted that this is a matter of principle, especially in relation to the bag penalty/tax. He urged City Council to rescind the ban and do what is right. (01:19:02)

Jeff Coffman, small business owner and Chair of the Environmental Board, spoke on behalf of himself in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. He indicated that voters spoke when they elected Jill Hardy and Jim Katapodis to the City Council in the last election as both were very vocal about supporting the ban on plastic bags. He added that the matter has been followed for years and there has never been this many people speaking against it. He noted that bags that are reused for waste and trash end up in the landfill, which is not sustainable. He reported that the City did an EIR and it resulted in the ban being good for the City. He stressed that the issue is about the environment, about animals getting hurt and about having trash everywhere and not about a 10 cent tax. He added that in order to place this on the ballot, 10% of the number of registered voters in the City is needed on a petition (10,000 or more signatures), which has not been accomplished. City Council has already voted on the issue and the ban is in place. He urged City Council to maintain the ban and do the right thing for Surf City. (01:21:04)

Tony Soriano, Chairman, Surfrider Foundation Huntington Beach, spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported that the organization's volunteers work to clean the beaches and typically pick up 300 to 375 pounds of trash per cleanup event including single-use plastic bags. He added there are currently over 100 jurisdictions in California that have already passed a ban on plastic bags and stressed that repealing the ban would be a huge step backwards. He urged City Council not to repeal the ban. (01:23:31)

Craig Cadwallader, Chairman, Surfrider Foundation South Bay Chapter, spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported participating in beach cleanups all over Southern California and commented on the environmental problems created by single-use plastic bags. He stated he was impressed by the Invocation mentioning Earth Day, and the importance of taking care of our environment but noted that it seems to have been rapidly forgotten. He provided information regarding the impact of litter on property values and offered same for City Council's review. He added that repealing what has already passed would be a step backwards and urged City Council to continue with the ban as other cities have done. (01:26:20)

Frank LoGrasso spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He contended that the City Council majority greatly exceeded its authority, stating there is a line between managing the City and instituting an ideological agenda. He addressed impacts to everyone in the City and opined that the City Council should not have the power by itself to institute laws affecting citizens and businesses. He urged the City Council to place the matter on the ballot for residents to decide. (01:29:30)

Mary Jane Higby spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. She reported that she now shops in other cities and uses plastic bags to line her trash can and recycles them responsibly. Additionally, she stated objection at the City telling her she needs to pay for a paper bag if she needs one. She urged City Council to place the matter on the ballot and let citizens decide. (01:32:38)

Philip Johnson voiced concerns regarding homelessness in Huntington Beach and encouraged the City and City Council to continue to help the homeless. (01:34:00)

Bill Hickman spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban, noting that a bag ordinance is something for which residents elect Councilmembers to research and decide. He addressed the multiple hearings conducted before City Council voted for this ordinance, including an EIR. He added that if enough people really cared about the ordinance, they would have collected enough signatures to place the matter on the ballot and noted there are over 100 municipalities in California that have adopted such ordinances. He commented on the costs of paper bags noting that the fee is used as an incentive for customers to remember to bring their reusable bags. He added he would love those fees to go to an environmental program but that State law prevents that without jumping through some hoops. He added that if anyone needs free, reusable bags, the Surfrider Foundation would be happy to provide them. He addressed a potential State-wide ban through SB 270, similar to the Huntington Beach ordinance and which is gaining more support. He reported there are plenty of other options available to pick up dog waste and commented on enforcement of litter laws. He commended City Council for passing the ordinance, stated that it needs time for residents to adapt and urged City Council to leave it as is. (01:35:12)

Mike Posey, member of the Planning Commission but speaking on his own behalf, spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He commented on neighboring cities that have not adopted similar bans and stated that the City is losing revenue to those cities. He commented on water wasted on washing reusable bags and energy required in the manufacture of paper bags. Additionally, he indicated that the issue should be placed on the ballot for voters to decide and that the fee for paper bags should not be legislated by the government. (01:37:53)

Dan Kalmick, Planning Commissioner and Liaison to the Environmental Board spoke on his own behalf in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. He referenced Councilmember Sullivan's letter regarding this item and noted that public health concerns have all been debunked adding that Long Beach has had the ban for eighteen (18) months and there is no public health crisis in Long Beach. In addition, he noted the work and effort of the Pegasus School Students on this matter and stated that if this matter is placed on the ballot, they will not have the opportunity to vote on it. He noted that the matter has been thoroughly and numerously discussed and that it does not need to be placed on the ballot. He commented on the number of signatures collected to place it on the ballot noting that it is less than 1% of what is needed, which is not the majority of residents. (01:40:15)

Ron Higby, Surf City Tea, spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban, commented on City's Council job and arrogance. He referenced the Surfrider Foundation as an example of how America gets things done, other than government. He urged City Council to remember that politics is the art of compromise and to reconsider this matter and place it on the ballot. He added that government has gone too far. (01:43:01)

Mark Dixon spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban and reported he has been carrying his own bags to shop for many years and it has not been a hardship or a problem. He commented on the opening of the present meeting with the invocation and a presentation on the health of the environment and hoped it will be remembered when it is time to vote on this matter later in the meeting. He urged City Council to back up its promise in keeping the beaches pristine by helping to control plastic bags in the City and reported picking up five (5)

Hefty bags of discarded plastic bags between Beach and Magnolia, last June. Additionally, he noted that the argument regarding the inconvenience and hardships caused by the paper bag fee and residents going to other cities to shop falls apart when you consider the cost of a round trip noting that it costs more in gasoline than 10 cents. He commented on the negative effects on the ocean, shores and costs of cleanup adding that these call for the permanent elimination of plastic bags. He urged that City Council to do the right thing and put this issue to rest as it was adopted and has been settled and is effective. He called on City Council to deal with new and pressing issues in the City that have not been settled. (01:46:20)

Diana Dehm, Sustainability News and Entertainment Radio, spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. She stated that the plastic bag ban is one piece of the big picture and commented on the importance of focusing on zero waste. She provided information regarding a challenge issued by the organization, "Trash on your back challenge" and commented on the amount of money spent on waste management, yearly. She asked City Council to consider having the City become a zero waste city. (01:48:50)

Kathryn Goddard, President of the Friends of Shipley Nature Center, spoke regarding scheduled Earth Day events on Saturday, April 26, 2014, from 9:00 AM to 2:00 PM at Shipley and invited the public to attend adding there is a list of forty (40) projects in which to participate. She urged those interested to email dayofservicehbfv@gmail.com. (01:52:06)

Peggy Price, representing the Compassionate City of Huntington Beach project and Huntington Beach Interfaith Council, announced the First Compassionate Day of Community Service where community members will participate in many events including beach cleanups. Regarding Agenda Item No. 13 - Repeal of Plastic Bag Ban and speaking on behalf of herself, she reported having compassion for the planet and for those who spoke tonight and felt they were not heard. She reported that today's children do not have a chance to vote regarding how the planet will be when they are adults and stated she does not favor a ballot initiative. She added that she attended various meetings where this item was discussed and heard the voices noting that so did City Council and that City Council voted accordingly and out of concern for the community. She reported returning from Hawaii, where the entire state has gone "plastic-bag free". She reported they have a fee for paper bags of 5 cents, did not hear anyone complaining and suggested that may be a solution for Huntington Beach. She stated that as she drives along Coast Highway, she has noticed a huge reduction in the plastic bags blown against the fence or floating in Bolsa Chica adding that she has been carrying her own bags for years. She suggested that the biggest concern at this time is to look at more ways in which to save the environment. (01:53:42)

Shawn Dracoules spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. She commented on the negative environmental and economic impacts of single-use plastic bags and stated that it is ignorant and irresponsible to ignore the facts. She urged City Council to stand with protecting wildlife and the environment and to not repeal the current ban. She added that with all the information that is out there, it is incredible how there are people who think plastic bags are necessary. (01:56:53)

Robert Johnson acknowledged Patriot's Day and spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban adding that citizens have a right to vote regarding the matter in honor of those who fought and died, protecting our freedoms. He also voiced concerns about the City's Affordable Housing Program and referenced an article in the "Orange County Register" regarding redevelopment. He added that funds are being used for moderate-income housing adding that moderate-income people do not need this help from the City. (01:58:43)

Billy O'Connell spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban and commended Councilmember Sullivan for bringing the issue forward. He added that government has no place in his bedroom or his kitchen and urged City Council to give the people of the City the opportunity to vote on this issue. (02:01:50)

Chris Crater spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. He noted that this matter was thoroughly discussed and that residents had opportunities to make their voices heard, but many chose to stay silent. He commented positively on the plastic bag ban adding that there is no reason to have plastic bags or more oil products. He reported that the nation's oil dependency has led to many problems and commented on the 10 cent fee noting that more than that is thrown away in trash in the form of cans and bottles, each week. Additionally, he noted that residents shop in other cities because it is more convenient for them to do so while travelling to and from their jobs. He urged Huntington Beach to be a City that leads and influences other cities as an example. (02:02:58)

Annette Patterson spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. She reported that she recycles and stated she supports placing this issue on the ballot. If not, she urged City Council to take the ban further and ban reusable bags made in China as their environmental policies are not great. She suggested incentivizing reusable bags manufactured in Huntington Beach. (02:05:37)

Ray Hiemstra, Orange County Coastkeeper, spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. He commented on the adoption of the ordinance adding that the opponents have had enough time to try to rally support, without success. He addressed the importance of the City's reputation with the environment with tourists and visitors and urged City Council not to repeal the matter and not to take a step backwards. He referenced an online survey conducted by the Chamber of Commerce where it was found that 75% of the responding businesses that the plastic bag ban had no effect on their businesses. This is not a business issue and Coastkeeper has seen no evidence that there is a wide opposition to the ban in the City. He added that many studies cited were funded by the bag manufacturers and have been discredited. (02:07:12)

Jerry Griffin spoke in support of Agenda Item No. 13 - Repeal of Plastic Bag Ban. He commended Councilmember Sullivan for bringing this item forward and urged City Council to place the matter on the ballot. He commented on the amount of litter found on the beaches and reported that plastic bags are way less than anything else and the people are making a big deal where it is not warranted. He opined this should be a State-wide issue banning other sources of litter. (02:09:19)

Flossie Horgan spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. She commented on the importance of thinking globally and acting locally in moving into the future, sustainably. Additionally, she commented on the numerous hearings and discussions regarding this matter and noted that City Council made a reasonable decision in approving the ban. She added that the 10 cent fee is only for purchasing paper bags when you don't take your reusable bag and encouraged residents to take their bags with them when they go shopping. She stressed that City Council is elected to set policies and make hard decisions and urged City Council to maintain the ordinance as is and not place the issue on the ballot. She opined that separating trash is more of a health hazard than carrying a reusable bag to the market. (02:10:37)

Sharon Koch, Sierra Club Los Angeles Chapter, spoke in opposition to Agenda Item No. 13 -

Repeal of Plastic Bag Ban. She commended City Council for adopting the plastic bag ban ordinance and listed other cities in California that have done so. She urged City Council to have the courage to continue to stand by its convictions and maintain the ban in place. She added that plastic bags do not disappear even when they break down into a landfill. (02:13:02)

Tim Hendrix, student at UC Irvine with a degree in Social Ecology, spoke in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban. He reported that individuals speaking in favor of repealing the ban do not necessarily represent the population of Huntington Beach. He commended City Council for adopting the ban and sees it as a simple solution to a problem that can be overturned. He added that as much thought goes into going to another city to shop as it takes to remember to take reusable bags to the market. (02:15:29)

Mark Bixby, Planning Commissioner and City Council candidate spoke on his own behalf in opposition to Agenda Item No. 13 - Repeal of Plastic Bag Ban and commented on the negative impacts of plastic bags. He noted this is the eighth hearing on the matter noting there was full audience participation with full media coverage and there were ample chances for residents to participate. He added that no new information has been brought forward tonight and reemphasized that the 1,000 signatures collected in support of placing the matter on the ballot is less than 1% of the registered voters in the City. He reported that City Council is elected to make "big picture" policy decisions that go beyond the "me" to the "us". He commented on the importance of the environment and marketing the City's clean beaches noting that the latter is core to the City's identity. He stated he supports the plastic bag ban as originally adopted and opposes repeal and stated that there is no need for the matter to be placed on the ballot. (02:18:40)

Mayor Harper thanked everyone who participated in Public Comments.

Noting that there were fifty-four (54) speakers quite divided on this issue, Councilmember Sullivan made a motion that was seconded by Councilmember Carchio to move Councilmember Item No. 13 forward on the agenda.

The motion carried by the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

Mayor Harper announced Item No. 13 would be heard at this juncture.

COUNCILMEMBER ITEMS

13. Item Submitted by Councilmember Sullivan Failed: City Council-Placed Ballot Initiative to Repeal the Plastic Bag Ban

Councilmember Sullivan thanked those who participated in Public Comments and stated he would be willing to change his motion if a motion to repeal the ban is presented at this time. He commented on signatures collected in favor of placing the matter on the ballot, and stated his opinion that because the current ordinance was adopted by a 4 – 3 vote, the people deserve a vote. He also stated his opinion that the ban would be defeated if placed on the 2014 ballot, and asked Council to let the people decide.

In response to Mayor Harper's inquiry regarding the price charged for paper bags, City Attorney Jennifer McGrath reported that it is not considered a tax, because the City is not collecting the money. The City is legally able to direct collection of the penalty by grocery stores and it was specifically designed at 10 cents because grocers indicated implementing a fee would change behavior. She added that the proper term for the 10 cent charge is "incentive". It is not a tax or fine, but rather a fee and grocers keep that money. Additionally, she reported that since the ordinance was adopted no neighboring city has adopted a similar ordinance.

In response to Mayor Harper's inquiry regarding third-party research in terms of an increase or decrease in paper bags distributed or in the number of littered plastic bags, City Manager Fred Wilson indicated that staff does not have that information at this time.

City Attorney McGrath reported that the ballot initiative as suggested, would decide on the repeal of the plastic bag ban. She added that the plastic bag ban and the paper bag incentive are required to be in the same motion, as that is how they were analyzed in the EIR. She added that in terms of how much revenue has been generated by the paper bag incentive, the City Manager has indicated that staff does not have that information at this time.

City Manager Wilson stated that staff can always ask for that information but there is no guarantee of an answer.

Councilmember Boardman noted this is the eighth time that City Council has dealt with this issue and that at each opportunity, public comments were welcomed, received and listened to. She added that it is unknown whether the City's sales tax revenue is being affected at all as there is approximately one (1) quarter delay in the reporting of sales tax revenue. Additionally, she reported wanting to compare sales tax figures from November 2013 versus November 2012, but that the Finance Director reported that those figures will not be available until early May. She noted that when the Chamber of Commerce surveyed businesses to determine the effect the ban has had, the responses were so diverse that they decided not to take a position on the ordinance. She added that the California Grocers Association supports the ban and commented on this being representative democracy. There is a mechanism for voters to take action if they disagree with City Council's actions and noted that to place a matter on the ballot; a petition of 10% of the voters in the City is needed, within 180 days. At last count, there were 109,039 registered voters in the City so to qualify for the ballot 10,903 signatures would be needed. Presently there are 1,039 signatures on the petition which is less than 1% of the voters in the City. There is no doubt that the ordinance is an inconvenience in the City, but there is no doubt that most people are willing to put up with it or support it in order to reduce the amount of plastic bags getting into the ocean. If there were a burning issue in the City, volunteers would be offering to gather the signatures. She added that when the City adopted the ordinance, there were seventy (70) cities with similar ordinances; now there are 100. As more and more cities adopt such ordinances, it becomes easier for the State to do so and she referenced SB 270 which will restrict the use of plastic bags in much the same way that the City's ordinance does. She stressed that residents should be proud that the City is part of a larger trend in an effort to reduce ocean pollution. Regardless of their political party, people in Huntington Beach value clean oceans, good water quality, clean beaches and litter-free parks and Councilmember Boardman noted that the City is ahead in the Mayors' pledge to save water. She added that one of the things in the pledge is the use of reusable bags. She commented on residents' support of the sanitation district moving to full secondary treatment of their sewage even though it would end up costing ratepayers more and has resulted in cleaner water going into the ocean. Additionally, she commented on effects on jobs and reported meeting the President of International Paper who indicated that they have

added additional workforce and more shifts. Councilmember Boardman reported that when she was first elected, her environmental stance was well known as was her background in biology and her involvement with Bolsa Chica issues, adding that people knew who they were electing. She reported that residents will have a new opportunity in November to elect Councilmembers and that if the majority of voters are unhappy with the way she has voted, she will not be reelected. However, she did not believe that to be the case and noted that the majority of voters value the City's sustainable efforts. She added that she will not be supporting Councilmember Sullivan's proposal.

In response to Councilmember Katapodis's inquiry regarding the need for a new EIR in order for the matter to be placed on the ballot, City Attorney McGrath reported that she is unsure as to the level of review, but does not believe that a full EIR will be required.

Councilmember Katapodis indicated he would like to know that information as well as potential costs involved. He commented on SB 270 and stated he would like to see how it progresses before sending the matter to the ballot. He addressed the time the ordinance has been in place adding that it has only been five (5) months and reiterated his desire to wait a few months before deciding on this issue to see how SB 270 turns out. He thanked the assembly for participating in Public Comments and stated that it is premature to place the matter on the ballot.

Discussion followed regarding the timeline for placing an issue on the ballot.

City Clerk Flynn stated that in order to get a Council-driven item on the ballot, it would need to be decided at the first City Council meeting in June. She added that all documents need to be presented to the Registrar of Voters by August 8, 2014.

Planning Manager Mary Beth Broeren reported that preliminary analysis could be done to qualify what the effects would be of repealing the ordinance with initial estimates available within four (4) to six (6) weeks. From that information, staff would be able to determine the appropriate level of environmental review.

Mayor Harper commented on there being some kind of a plastic bag bill in the State Legislature for the last several years.

In response to Councilmember Hardy's question regarding the possibility of getting a range of costs related to the EIR, Planning Manager Broeren reported that an addendum to the EIR could cost up to \$5,000 and if a supplemental EIR is needed, the cost would be between approximately \$15,000 and \$20,000.

City Clerk Flynn reported that in order to place an item on the ballot for November, the cost would be estimated at \$8,500 but closer to \$6,000. If it is placed on the ballot as a stand-alone election, the cost would be between \$435,533 and \$525,669. A mail ballot would cost over \$300,000.

Councilmember Hardy noted that placing the item on the November ballot would be between \$10,000 and \$30,000. She reported attending the recent Easter Egg Hunt and noted that for the past several years, residents have had to bring their own baskets. She added that many people were going back to their cars to get their reusable bags for their children to use in the egg hunt. She commented on the matter of bacteria and cross-contamination of foods and indicated she was puzzled by the amount of food bacteria people were claiming. She reported using plastic bags for meat and stated that in questioning a store manager he stated that hardly anyone uses

them for their meat. She announced that plastic bags are located near the meat for people to use to keep any leakages from occurring. She reported that Mother's Market and Target give customers credit for bringing in their bags. Councilmember Hardy stated that the environment is a public good and the economic incentives for any one individual to make rational decisions that will help the environment is small on an individual basis and that there are some things that require economic incentivizing. She addressed maintaining the public good on behalf of the public and the environment being part of the safety factor in terms of public health. Additionally, she addressed the EIR process and the related public comment period. She added that when she ran for City Council she stated her support of the plastic bag ban and yet she got elected by a lot of votes. She addressed her responsibility to maintain the City budget and noted that spending \$30,000 after there have been numerous hearings and discussions of the matter and in anticipation of SB 270 seems like a bad use of City money. She addressed the sanitation district matter addressed by Councilmember Boardman and reported that it passed by one (1) vote. She added that part of her job is to make decisions that may be unpopular, that the ordinance is right for the City and that there is a mechanism for people to place the matter on the ballot. For those reasons, she stated she will not support the proposal.

In response to Mayor Harper's inquiry, City Clerk Flynn reported that the City's total cost for a general election it is estimated to be \$149,000 to \$177,000.

Councilmember Carchio commented on the City spending \$35,000 for the initiative and reported that Surfrider Foundation promised that the City would get that money back, which has not occurred. He stated that the estimated cost of an addendum to the EIR or a supplemental EIR is good. He commented on the number of signatures obtained and addressed the difficulty and challenges in collecting them. He commended Mr. LoGrasso for his efforts in trying to do the right thing. He reported speaking to the Mayors of Fountain Valley and Westminster who asked him not to repeal the plastic bag ban because they have been making money on it. Additionally he wondered about the difference between the plastic bag used by Councilmember Hardy to put her meat in and those banned by the City. He reported that this needs to be a State-wide measure and that the ban in the City is not solving the problem. He stated his opinion that the State will not do it because over the past four (4) years, it continues to fail. He commented on the 10 cent fee and reported that was the threshold established by the grocery industry to discourage using paper bags and encouraging the use of reusable bags. He stated that they are making millions of dollars, State-wide. He acknowledged that the environment needs to be protected but that residents, as consumers, need to be protected and were not given the opportunity to do that. He stated that banning plastic bags would be fine but took exception to forcing people to pay for paper bags. He opined that the State will never pass a ban and asked what people are afraid of if the vote is taken by the people. He spoke in support of giving residents the opportunity to vote.

Councilmember Hardy clarified that she uses plastic bags for meat and produce and that by providing her own bags, she has reduced her use of plastic bags by about twelve (12) per week. She feels that anyone using plastic bags for meat and produce would take care to place them properly in the trash. She acknowledged that plastic is not great but reiterated she has reduced her use of plastic bags, considerably.

Mayor Harper commented on Measure C and participatory democracy. He added that the City is a creation of the people through a vote on the ballot and that the tradition is that not all decisions are made on the dais.

Councilmember Sullivan commented on waiting for the State to decide on an issue and asked

since when, in this country, people wait for the State to do something to do the right thing. He added that waiting takes away the possibility of placing this matter on the ballot in November. He commented on the cost of the EIR and the additional costs of waiting and on much more spent on other matters. He stated support for a supplemental EIR. He commented on the number of hearings on this matter and noted that people use plastic bags for many things, and that they are multiple use plastic bags. He addressed the issue of bacteria and cross-contamination and referenced studies done by Ivy-league schools and universities. He addressed the 10 cent fee stating that it is a bribe by the grocery stores. He referenced comments about people knowing what City Council candidates stood for and stated that people are often not aware of what is going on. He stated wanting democracy in the City and that those who do not realize that the people want a vote on the matter, were not listening.

Mayor Harper asked regarding the requirement for an environmental review in order to repeal something that was just adopted, and City Attorney McGrath reported that the incentive fee is unusual as it is attached to a project and therefore, will need some sort of environmental review. She stated that her office will determine, in a few days, the level of environmental review necessary and will communicate same with the City Manager.

In response to Mayor Harper's question, Planning Manager Broeren reported that the EIR requires a no-project alternative, and that the no-project alternative was not having the ordinance adopted. Within the EIR that City Council certified is a very brief discussion about not adopting the ordinance. If the City decides to pursue the ballot or reevaluating the ordinance, staff would start determining the level of environmental review needed. She noted that since adoption of the ordinance, circumstances have changed and there are some environmental benefits that the City has realized, according to the EIR.

Mayor Harper stated that there is no quantitative data available in terms of the effects of the ordinance and that it seems unconscionable that there is a price tag for changing your mind.

Planning Manager Broeren stated the EIR analyzes the issues associated with plastic bags and their ban including air quality, greenhouse gas emissions and biological impacts. The quantification is primarily associated with air quality and that analysis is there. She added there have been changes in existing conditions that must be factored in. Staff presently does not have enough information to be able to say that no further environmental review is needed.

Mayor Harper stated the next time a ban comes forward, he will insist building in the ability to be able to repeal without incurring additional cost.

Mayor Pro Tem Shaw commented on the difficulties of doing an initiative because of the challenges of getting signatures but noted a case in Fullerton where the citizens gathered 10,000 signatures in a grassroots movement on a Coyote Hill issue and won. He summarized that of the speakers this evening, 19 commented on maintaining the ban and 24 supported repealing it with 343 communications in favor of keeping the bag ban and 47 opposed. He addressed the number of hearings held on this matter and reported that an EIR was not desired but that opponents forced it. He commented on the Fullerton initiative and related activities and stated that if this is placed on the ballot, it will invite a lot of outside money for the election, which is not needed. He added that there has been due diligence on this issue and that every single time, the number of people in support of the ban has been greater than those opposed. He stressed that the people have spoken.

Councilmember Carchio stated that the communications referred to were on Twitter and were mostly form letters. In response to his question, Planning Manager Broeren reported that the City used the Long Beach ordinance as the model, not the EIR. She added that the cost was a little under \$26,000 for the EIR and that the consultant was retained to prepare the EIR and the City Attorney's office prepared the ordinance. He referenced Mayor Pro Tem Shaw's comments regarding the City of Fullerton and indicated that Huntington Beach is unique and does things differently than other cities. He added that people do not forget and that people in the City should be given the opportunity to voice their opinion and vote on this matter.

Councilmember Sullivan challenged Mayor Pro Tem Shaw's figures regarding the number of people that spoke for and against the ban. He agreed with Councilmember Carchio's comments regarding the communications received. He added that a lot of the speakers in favor of the ban were not from the City.

Mayor Harper stated that the most accurate and direct poll is an election and stated that getting something on the ballot is a tradition for Californians. He commented on the 10 cents fee for paper bags and noted that the amount of money generated by same may never be known because that was not built into the ordinance. He stated that if the matter is put to a vote, residents will be able to make the determination with this is a law that solves the problem identified. He addressed the importance of having the freedom to choose what type of product to use or businesses to choose what type of product to sell or provide. He added he is not afraid of letting the voters make a decision and the City is built on the tradition of Measure C. He indicated this is an issue that everyone understands and that everyone can make a decision in terms of how to resolve the matter. He noted the number of hearings and indicated there will be many more discussions. He reported he will support the motion and commended Councilmember Sullivan, as a patriot, for bringing this forward.

A motion was made by Councilmember Sullivan, second by Mayor Harper to direct the City Attorney to bring back at the June 2 City Council meeting a resolution that includes all the necessary materials and language to place a measure on the November 4, 2014, General Municipal Election ballot which repeals Chapter 5.95 USE OF PLASTIC CARRYOUT BAGS AND RECYCLABLE PAPER of the Huntington Beach Municipal Code; and, direct the City Attorney to prepare the ballot initiative and impartial analysis; and, direct the City Attorney to return to Council at the June 2 meeting with a resolution for setting priorities for filing a written argument for the above-mentioned ballot measure.

Councilmember Sullivan expressed concerns regarding delays noting there is a tight window.

City Attorney McGrath stated staff will be able to have all appropriate documents completed by June 2, if the addendum is the appropriate package.

The motion failed with the following vote:

AYES: Harper, Sullivan, Carchio
NOES: Katapodis, Hardy, Shaw, Boardman

COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Councilmember Carchio reported attending the ACCOC Board of Directors installation and the

Orange County Board of Supervisors Crime Victims Monument Design and thanked Supervisor Spitzer and his staff. Additionally, he reported attending the League of Cities, Orange County Division, General Membership meeting.

Councilmember Sullivan reported attending the Senior Citizens Advisory Council of Orange County regular meeting, executive meeting and health and nutrition meeting.

Councilmember Boardman announced that the Huntington Beach City of Compassion Committee is meeting on April 23, 2014, in Room B of the Library at 7:00 PM. She added that the Day of Compassion Day of Service will be held on April 26, 2014, sponsored by the Interfaith Council and reported that additional information is available on the City's website under the residents tab.

CITY MANAGER'S REPORT - None

CONSENT CALENDAR

Councilmember Sullivan pulled Item No. 3 for separate discussion and consideration.

1. Received and Filed the City of Huntington Beach Strategic Plan Update

A motion was made by Councilmember Boardman, second by Councilmember Carchio to receive and file the Twelve-Month Strategic Objectives.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

2. Approved Budget Appropriation of \$250,000 from Community Development Block Grant (CDBG) Rehabilitation Revolving Loan Fund (Fund 215) to allow continuance of the CDBG Rehabilitation Loan Program for very-low and low income residents

A motion was made by Councilmember Boardman, second by Councilmember Carchio to approve an additional budget appropriation of \$250,000 for a total budget amount of \$300,000, to the Rehabilitation Loan Program (Fund 215) in account 21580301.89250 for FY 2013/14.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

3. Approved Final Tract Map No. 17239 for the Truewind Subdivision by TRI Pointe Homes at 9191 Pioneer Drive (former Wardlow School Site)

Councilmember Sullivan stated this matter would be like replacing the Coliseum with a tennis court, commented on the robbing of open space and indicated he will be opposing the item.

City Manager Wilson clarified that the project has been approved and that this is the approval of the final tract map.

A motion was made by Councilmember Boardman, second by Mayor Harper to approve Final Tract Map No. 17239 and accept the offer of easements pursuant to findings and requirements.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Harper, Boardman, Carchio
NOES: Shaw, Sullivan

4. Approved Fiscal Year 2012/13 Annual Compliance Reports for Public Library, Parkland Acquisition and Park, Law Enforcement, and Fire Suppression Facilities Development Impact Fees

A motion was made by Councilmember Boardman, second by Councilmember Carchio to approve the Annual Compliance Report, "Public Library Facilities Development Impact Fees Annual Report Fiscal Year 2012/13; approve the Annual Compliance Report, "Parkland Acquisition and Park Facilities Development Impact Fees Annual Report Fiscal Year 2012/13; approve the Annual Compliance Report, "Law Enforcement Facilities Development Impact Fees Annual Report Fiscal Year 2012/13; and, approve the Annual Compliance Report, "Fire Suppression Facilities Development Impact Fees Annual Report Fiscal Year 2012/13.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

5. Approved an agreement with Southern California Edison (SCE), granting an easement on City owned lots occupied by the Warner Avenue Fire Station and the adjacent parking lot.

A motion was made by Councilmember Boardman, second by Councilmember Carchio to approve and authorize the Mayor and the City Clerk to execute an easement agreement with Southern California Edison, located on the City owned lots APN 178-651-30 and APN 178-651-06.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

6. Approved and Authorized Execution of a Professional Services Contract Between the City of Huntington Beach and Gibbs Giden Locher Turner Senet and Wittbrodt LLP for As-Needed Legal Services

A motion was made by Councilmember Boardman, second by Councilmember Carchio to approve and authorize a Professional Services Contract between the City of Huntington Beach and Gibbs Giden Locher Turner Senet and Wittbrodt LLP to provide as-needed legal services; and, approve and authorize the appropriation of \$200,000 from the Sewer Service Fund undesignated fund balance to account 51185101.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

7. Approved First Amendment to Schedule of Leased Property for Fire Station No. 7 between the City of Huntington Beach and Verizon Wireless to allow the installation of a back-up generator for a communication facility at the Warner Fire Station

A motion was made by Councilmember Boardman, second by Councilmember Carchio to approve and authorize the Mayor and City Clerk to execute the First Amendment to Schedule of Leased Property for Fire Station No. 7 between the City of Huntington Beach and Los Angeles SMSA Limited Partnership; a California limited partnership, dba Verizon Wireless.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

8. Adopted Ordinance No. 4022 amending Chapter 14.18 of the Huntington Beach Municipal Code (HBMC) relating to the Water Management Program Approved for introduction April 7, 2014 (Vote: 7-0)

A motion was made by Councilmember Boardman, second by Councilmember Carchio to adopt Ordinance No. 4022, "An Ordinance of the City of Huntington Beach Amending Chapter 14.18 of the Huntington Beach Municipal Code Relating to the Water Management Program."

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

PUBLIC HEARING

9. Approved an Operating Covenant Agreement Between the City of Huntington Beach and Pinnacle Petroleum, Inc., at 7911 Professional Circle, Huntington Beach and Requested to increase the Business Development budget by \$330,000

City Manager Wilson introduced the item addressing the current agreement with Pinnacle Petroleum Inc., changes to the agreement and deferred to John Yonai, Tierra West Consultants, for a report.

Consultant Yonai presented details of the report addressing background, the City's strategy, the tax sharing agreement goals, reasons for the City to support the agreement, financial impact and recommendations.

In response to Councilmember Hardy's question regarding the term of the agreement, staff reported it is a ten (10) year agreement with two (2) five (5) –year options with the potential for it being a twenty (20) –year agreement.

Mayor Harper opened the Public Hearing.

With no one present to speak on the item, Mayor Harper closed the Public Hearing.

Councilmember Carchio called Liz McKinley, Owner, Pinnacle Petroleum, forward to the podium. He asked that Ms. McKinley provide a brief background on her company.

Liz McKinley, Owner, Pinnacle Petroleum, provided background on the company and noted that Huntington Beach is her home. She added that they have outgrown their office and that other cities have been offering them incentives. Ms. McKinley stressed that they must have incentives in order to remain competitive and that the City of Seal Beach has offered them 75% but that she prefers to stay in Huntington Beach.

Councilmember Carchio stated he will support the item.

Mayor Pro Tem Shaw thanked Ms. McKinley for returning her business to the City and indicated he will support the item.

In response to Mayor Harper's question regarding the criteria for choosing this industry for similar deals and not others, City Manager Wilson reported that the City has taken a position against these types of agreements but in this case, the business could easily move outside the City. This would be one of the few sales tax sharing agreements for City Council's consideration.

A motion was made by Councilmember Carchio, second by Mayor Pro Tem Shaw to approve the Operating Covenant Agreement between the City of Huntington Beach and Pinnacle Petroleum, Inc., authorize the Mayor and City Clerk to sign; and, approve an increase of \$330,000 to Business Development account 10080101.79350.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Boardman, Sullivan, Carchio
NOES: Harper

ORDINANCES FOR INTRODUCTION

10. Approved for Introduction Ordinance No. 4025 Amending the Huntington Beach Municipal Code by Adding Chapter 9.70 Relating to Fireworks

City Attorney McGrath reported this matter was brought forward from the Strategic Retreat and stated people feel there is an opportunity to hold property owners responsible for permitting fireworks on their own property.

Councilmember Boardman noted that not only does the agreement allow the City to hold property owners responsible for illegal activity on their property, but also residents, and indicated her support.

In response to Mayor Harper's question as to who would be responsible if an adult child were to light fireworks on their parents' property, City Attorney McGrath stated the adult child would be cited as well as the property owner or parent. She added that in terms of a renter and owner being cited, the renter would be cited and there is discretion regarding the type of ticket issued and whether the property owner would be cited as well. She reported that in the case of an

absentee owner, the citation would probably be issued to the renter as an absentee property owner has no control.

Councilmember Hardy equated this with the social host ordinance and expressed concerns with holding someone responsible who has no control over what is occurring.

City Attorney McGrath noted that the ordinance can be modified so that only the tenant or resident of the property would be held liable.

In response to Councilmember Sullivan, City Attorney McGrath addressed the amounts of the various civil citations.

Councilmember Sullivan expressed concerns that parents could be off the property, mistakenly trusting their teenagers and becoming "innocent victims".

In response to Mayor Harper's question regarding a situation where a property owner is using fireworks in the street, the property owner (the City) in that case, would not be cited.

In reply to Councilmember Carchio's question regarding the possibility of litigation, City McGrath stated that the issue has been vetted and that she is comfortable defending the arguments. She added that the ordinance could be modified limiting only to occupants or residents.

Discussion followed regarding the use of suppression teams and funding for same.

Councilmember Carchio indicated he cannot support the item.

Councilmember Boardman stated she would be comfortable with striking absentee landlords from the ordinance.

In response to Mayor Harper's inquiry, City Attorney McGrath reported the need to add language to the ordinance to prohibit fireworks.

Ensuing discussion pertained to identifying property owners versus residents and the process for issuing citations in various circumstances.

In response to Councilmember Hardy's question regarding who is cited if there is a loud party in a residence, City Attorney McGrath reported it would be the occupant or resident of the property.

A motion was made by Councilmember Boardman, second by Councilmember Hardy to after the City Clerk reads by title, approve for introduction Ordinance No. 4025, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 9.70 Relating to Fireworks," **as amended to modify the title so that it reflects resident or occupant and deleting the words "owner" and "owns" from Section 9.70.020.**

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Boardman
NOES: Harper, Sullivan, Carchio

11. Approved for Introduction Ordinance No. 4023 amending Huntington Beach Municipal Code Chapter 13.50 relating to regulation of trees

City Attorney McGrath provided details of the report noting inconsistencies between the various related City codes. The matter is to allow for the removal of these inconsistencies while maintaining the discretion of the Public Works Director.

A motion was made by Councilmember Carchio, second by Councilmember Boardman to after the City Clerk reads by title, approve for introduction Ordinance No. 4023, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Chapter 13.50 Relating to Regulation of Trees."

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None

12. Approved for Introduction Ordinance No. 4024 Amending Chapter 2.28 of the Huntington Beach Municipal Code (HBMC) Relating to City Council Compensation

City Attorney McGrath provided details of the report.

In response to Mayor Harper's question, City Attorney McGrath stated that the ordinance would apply to future Councilmembers and those who would be reelected to another term. She added that a reelection would be considered another term.

In answer to Councilmember Sullivan's inquiry, City Attorney McGrath clarified that the ordinance would apply to candidates elected in 2014. Councilmember Sullivan noted that currently, there is inequity in the compensation of Councilmembers.

Councilmember Boardman stated she would like to equalize all City Council pay but that Conflict of Interest laws prevent councilmembers from voting directly on their own compensation. The three (3) who are not being paid equally, would not be able to vote but at least this fixes it for future Councilmembers.

In response to Councilmember Carchio's question regarding reimbursement of expenses, City Attorney McGrath reported that currently Councilmembers under the old ordinance are not able to have their expenses reimbursed.

Councilmember Hardy encouraged Councilmember Sullivan to support the matter noting that it is about people getting paid for the work they do.

A motion was made by Councilmember Hardy, second by Councilmember Boardman to after the City Clerk reads by title, approve for introduction Ordinance No. 4024, "An Ordinance of the City of Huntington Beach Amending Chapter 2.28 of the Huntington Beach Municipal Code Relating to the City Council Compensation."

Mayor Pro Tem Shaw stated the present situation is a gross injustice established by previous Council. He stated he will support the matter.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Boardman, Sullivan
NOES: Harper, Carchio

COUNCILMEMBER ITEMS

13. Submitted by Councilmember Sullivan Failed: City Council-Placed Ballot Initiative to Repeal the Plastic Bag Ban

The aforementioned item was moved to the beginning of the agenda, by consensus.

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Katapodis reported attending Shipley Nature Center for their Hike through Nature, and announced that another one will take place on April 26, 2014. He reported attending the Chamber of Commerce Ribbon Cutting for Eureka, a new business in Bella Terra, the Chamber of Commerce Economic Development Conference, Miss Huntington Beach Queen, Erin Burke, Rose Garden Ceremony and the Easter Egg Hunt.

Councilmember Hardy reported attending the Easter Egg Hunt and the Miss Huntington Beach Queen, Erin Burke, Rose Garden Ceremony.

Mayor Pro Tem Shaw reported attending the Student Day of Dialogue at the Human Relations Task Force, the League of California Cities, Orange County Division meeting and the Golden West Peace Conference.

Councilmember Boardman reported attending the Huntington Beach Council on Aging and City of Huntington Beach Senior Services Volunteer Appreciation Luncheon and thanked all senior volunteers. Additionally, she attended the Golden West Peace Conference and the Bolsa Chica Land Trust Steward's Day on the Mesa adding that it is held the third Saturday of every month at 9:00 AM at the parking lot on Warner.

Councilmember Sullivan reported attending the Huntington Beach Council on Aging and City of Huntington Beach Senior Services Volunteer Appreciation Luncheon and commented positively on the event. Additionally, he attended the Chamber of Commerce Economic Development Conference and the Miss Huntington Beach Queen, Erin Burke, Rose Garden Ceremony.

Councilmember Carchio reported attending the Huntington Beach Council on Aging and City of Huntington Beach Senior Services Volunteer Appreciation Luncheon and thanked Senior Center volunteers. Additionally, he attended the Opening Day Ceremonies at Huntington Harbor Yacht Club, the Chamber of Commerce Economic Development Conference, the Miss Huntington Beach Queen, Erin Burke, Rose Garden Ceremony and the Huntington Beach Kiwanis Easter Egg Hunt.

Mayor Harper reported attending Human Relations Task Force Student Day of Dialogue, the Orange County District Attorney's 6th Annual Victims' Rights March and Rally, the OC Board of Supervisors, Orange County Crime Victims' Monument Design Unveiling, the Opening Day Ceremonies at Huntington Harbor Yacht Club, the Chamber of Commerce Ribbon Cutting for Eureka, the Chamber of Commerce Economic Development Conference and reported speaking

to the Patrons of Golden West College. In addition, Mayor Harper announced upcoming events including a combination function on April 26th including an opening of the expansion at Hoag Hospital and another installment of Surfboards on Parade. Additionally, on April 27th, the OCTA Bike Fest will be held as well as the Taste of Huntington Beach.

Mayor Harper noted this year will be the 110th anniversary of the Red Car in the City of Huntington Beach and asked for a future agenda item acknowledging the historical artifact as well as an update on the Senior Center.

City Manager Wilson noted that the latter is scheduled for the next Study Session.

ADJOURNMENT

There being no further business to come before Council, Mayor Harper adjourned the meeting at 11:02 PM.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, May 05, 2014, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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