

## Minutes

### City Council/Public Financing Authority and Special Meeting of the Housing Authority City of Huntington Beach

Tuesday, January 20, 2015  
4:00 PM - Room B-8  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audio recording of the 4:00 PM portion of this meeting  
and video recording of the 6:00 PM portion of this meeting  
is on file in the Office of the City Clerk and are archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

4:00 PM - Council Chambers - Closed Session

**CALL TO ORDER - 4:02 PM**

#### **ROLL CALL**

Present: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
Absent: None

#### **ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS FOR CLOSED SESSION** (Received After Agenda Distribution)

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

PowerPoint communication submitted for Study Session Item No. 1 by Teri Baker, Assistant to the City Manager, dated January 20, 2015, entitled *Overview of the Proposed Fireworks Ordinance*.

PowerPoint communication submitted for Study Session Item No. 2 by Scott Hess, Director of Planning and Building, dated January 20, 2015, entitled *Huntington Beach General Plan, The Next Wave*.

#### **PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS** (3 Minute Time Limit) - 2 Speakers

Craig Durfey spoke and distributed information regarding bicycles in relation to Study Session Item No. 2 - General Plan Update.

Shawn Land, Huntington Beach Community Forum, spoke in support of Study Session Item No. 1 – Proposed Ordinance Relating to Fireworks; and, Study Session Item No. 2 - General Plan Update.

#### **STUDY SESSION**

- 1. Overview of proposed language to Ordinance relating to Fireworks.**

City Manager Fred Wilson presented a PowerPoint entitled *Overview of the Proposed Fireworks Ordinance* that included the following titled slides: Background, Key Elements of Draft Ordinance, Qualified Applicant Requirements, Qualified Applicant Requirement Recommendations, Permit Options for Consideration, Regulatory Fee, Allowable Dates and Hours of Sale and Discharge, Discharge Location Restrictions, Safety, and Education Program.

Fire Chief McIntosh discussed how the regulatory fee is computed.

Councilmember Delgleize questioned, and Police Chief Handy explained new tactics for illegal fireworks enforcement (targeting activity early, storage facilities, black market sales, etc.).

Councilmember Delgleize, Councilmember Peterson, and staff discussed dividing regulatory fees based on number of booths and the 10% profit based on gross sales.

Councilmember Sullivan requested an informational safety announcement be broadcast on HBT Channel 3 at least two weeks before the holiday, and questioned street use for firework deployment. He discussed a public lottery and public impression that lottery winners are pre-determined, and voiced concerns about an organization no longer residing in the City intending to apply.

Mayor Hardy and staff discussed the category under which high school sports teams qualify.

Councilmember Posey and staff discussed the average sale of fireworks per booth, why permits should be divided into three categories, how \$56,000 appropriated for enforcement can be applied to holiday clean up, including street sweeping. It was mentioned that some data may be available that differentiates how the \$56,000 is spent.

Councilmember O'Connell questioned the percentage of \$56,000 devoted to confiscation of illegal fireworks, and Councilmember Posey recommended a more detailed accounting of funds in the future.

Discussion continued on whether or not people who sell safe and sane fireworks are being penalized through the regulatory fee for those individuals using illegal fireworks.

Mayor Hardy and Mayor Pro Tem Katapodis both spoke in support of improving the lottery system.

Councilmember Sullivan discussed the City's position to encourage fireworks companies to assign locations, and congratulated Fire Chief McIntosh and Police Chief Handy on their public safety efforts.

Councilmember Delgleize expressed concerns about the number of responses in relation to drawing permits from three selected groups.

Councilmember Peterson voiced concerns related to application of a 10% regulatory fee,

**2. Staff and PMC, the City's General Plan Consultant, provided an overview of the General Plan Update project, presented a re-cap of the Community Vision and Guiding Principles, and discussed the next steps in the process.**

Planning Manager Jennifer Villasenor, and City Consultant Jeff Henderson with PMC provided a PowerPoint presentation entitled *General Plan Update*, that included the following titled slides: Agenda, General Plan Update Overview, What is the General Plan?, The General Plan Provides a

Long Term View to Support Shorter Term Decisions, Existing HBGP, Proposed GP Update, GP Review and Approval Process, Project Timeline Status, Community Engagement, Community Elongate Net Activities, Community Vision 2040 and Guiding Principles, Vision and Guiding Principles Prices, Technical Analysis, Technical Studies, Next steps, and Questions.

**RECESSED TO CLOSED SESSION - 5:02 PM**

**A motion was made by Katapodis, second Posey to recess to Closed Session Item Nos. 3-9. The motion carried by the following vote:**

**AYES:** Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
**NOES:** None

**CLOSED SESSION**

- 3. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Sunny Shin vs. City of Huntington Beach, WCAB Case Nos. ADJ784772, Claim No. COHB-11-0150.**
- 4. Pursuant to Government Code §54956.9(d)(1) the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: John Briscoe vs. City of Huntington Beach, Orange County Superior Court Case No. 30-2014-00744577-CU-JR-CJC relating to the right to display political signs on private property more than 50 days before or more than 10 days after an election.**
- 5. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Dean Dicarolo vs. City of Huntington Beach, Orange County Superior Court Case No. 30-2014-00754221-CU-WM-CJC relating to the City's residential permit parking ordinance.**
- 6. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund et al. v. The City of Huntington Beach et al., Orange County Superior Court Case No. 30-2008-00051261 and Court of Appeal Case No. G048620 and Parks Legal Defense Fund et al. v. City of Huntington Beach et al., Orange County Superior Court Case No. 30-2012-00570541. In these two lawsuits challenging the Senior Center, a public interest advocacy organization alleges that the City violated CEQA, City Charter Section 612 (Measure C), and the City's General Plan in approving the Senior Center.**
- 7. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Susan Goldsmith v. California Department of Transportation; City of Huntington Beach, et al., Orange County Superior Court Case No. 30-2014-00726042, a bicycle accident on the driveway at 19501 Beach Boulevard leading into the Walgreens Pharmacy parking lot.**
- 8. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Christina Zeltner v. Maria Miller/City of Huntington Beach, Orange County Superior Court Case No.**

**30-2014-00725033, an automobile accident involving Plaintiff and Huntington Beach employee Maria Miller on Garfield Avenue.**

- 9. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Ocean View School District v. City of Huntington Beach (Rainbow Disposal), Orange County Superior Court Case No. 30-2013-00692076, a CEQA challenge to the City's final EIR No. 07-001 on the rezoning of the Rainbow Disposal property at the southeast corner of Warner Avenue/Nichols Lane.**

**6:00 PM - COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING, AND CALLED TO ORDER A SPECIAL MEETING OF THE HUNTINGTON BEACH HOUSING AUTHORITY - 6:07 PM**

**CLOSED SESSION REPORT BY CITY ATTORNEY - None.**

**ROLL CALL**

Present: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
Absent: None

**PLEDGE OF ALLEGIANCE - Led by Councilmember Delgleize**

**INVOCATION - Led by Fr. Christian Mondor, Saints Simon and Jude Parish and a member of the 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 Hardy called on Victoria Alberty, Pat Brill and Gisela Campagne to present the Adoptable Pet of the Month.**

Victoria Alberty and Pat Brill introduced for adoption a 6-year old female mixed breed dog named Molly.

**Mayor Hardy presented commendations to Miss Huntington Beach Claire Epting and her court.**

Mayor Hardy introduced Miss Huntington Beach 2015 Claire Epting, 1st Runner-up Princess Jena Farris, 2nd Runner-up Princess Alexis Rodriguez, and Erin Burke, Miss Huntington Beach 2014. Miss Burke reintroduced Queen Claire Epting, who briefly shared her personal community outreach interests and recognized the efforts of organizations that support the Miss Huntington Beach Pageant. Miss Epting introduced Princess Jena Farris who shared a bit about herself and then read a letter written by Princess Rodriguez, who had to leave early to attend her English class.

**Mayor Hardy called on and congratulated the City of Huntington Beach employees for their 30 years of service.**

A brief video presentation was provided to acknowledge the following employees honored for 30 years of public service:

Marlon Blodgett, Public Works  
Edward Clair, Police  
Anthony Rizco, Public Works  
Bob Guzman, Public Works  
David Humphreys, Police  
Scott Hess, Planning and Building

Thomas Faye, Fire  
Gregory Crow, Marine Safety  
William Stuart, Police  
Robert Civitano, Public Works  
Marilyn Goldstein, Finance  
John Griffin, Public Works

**Mayor Hardy called on Director of Finance Lori Ann Farrell to present the Mayor's Award to Accounting Technician II Karen Leuer.**

Finance Director Lori Ann Farrell called on Karen Leuer as the January 2015 Mayor's Award recipient. She acknowledged Karen's over seven years of total service to the City and expressed appreciation for Karen's dedication to going above and beyond as Accounting Technician II for the last three years.

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

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

For Public Hearing Agenda Item #7, two items were submitted:

- 1) Communication dated 11/25/14, originally submitted to the Planning Commission by Mary Adams Urashima is being resubmitted to this Council.
- 2) 122 Main Supplemental Research History submitted by Kay H. Shay, Vice Chair, Historical Resources Board.

For Agenda Item #10, Repeal of the Single-Use Carryout Bag Ordinance, correspondence was received from 93 in support and 175 in opposition.

Also, two pieces of communication from City Manager Wilson:

"Single-Use Carryout Bag Ordinance Chronology for Adopting of the Ordinance with the EIR"  
and "Single-Use Carryout Bag Ordinance Repeal Timeline"

All referenced documents are available for review in the City Clerk's Office and on-line.

**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, Huntington Beach *Relay for Life*, announced a kick-off party at Fusion on Edinger at 6:30 PM on Thursday, January 22. She also announced the *Relay for Life* event date of April 25 in Central Park West from 9 AM to 9 PM. (00:38:32)

Cari Swan spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. She also distributed a communication entitled "The Story of Stuff Project," including signed statements from individuals in favor of the repeal of the bag ban in Huntington Beach. (00:41:22)

Tiffany Johnson, Children's Needs Task Force, presented a commendation to Barnes and Noble and the Bella Terra for their generous contributions to the community through the Barnes & Noble Holiday Book Drive. (00:44:28)

Karen Chepeka voiced concerns about comments made by Councilmember Posey regarding local pet businesses. (00:46:56)

Dr. Jeffrey Ostriker provided information and spoke in support of medical marijuana dispensaries. (00:49:28)

Merle Moshiri spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (00:52:21)

Andrissa Dominguez spoke about Agenda Item No. 10 - repeal of the plastic bag ordinance; and, stated support for Agenda Item No. 8 - Valentine's Day Parking - Option B. (00:55:09)

Don MacAllister, speaking on behalf of the Sister City Organization, informed Council of an upcoming visit from our Manley, Australia Sister-City Representatives during the July 4th week. (00:58:37)

Chris Kunze spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:00:17)

Gino Bruno spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:02:18)

Donna Dyer spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:04:28)

Karen Cho, Pegasus School, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:07:06)

Sierra Green, Pegasus School, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:10:25)

Conan Lam, Pegasus School, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:13:37)

Jenna Dyer, Pegasus School, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:16:15)

Travis Allen, State Assemblymember, Seventy-Second District, spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:19:33)

Denise Easterby spoke in support of medical marijuana dispensaries. (01:23:06)

Zoe Florence spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:25:06)

Manuel Florence spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:26:04)

Linda Moon, Orange County League of Conservation Voters, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:29:21)

Kenny Roy spoke in support of medical marijuana dispensaries. (01:32:00)

Ralph Bauer provided an update on the ongoing problem of homeless in Huntington Beach. (01:34:36)

Peter Townend spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:36:44)

Debbie Killey spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:38:45)

Maureen L voiced concerns about the Fire Chief's annual salary, and about health benefits for City Councilmembers. (01:42:17)

Peggy Price speaking on behalf of herself and the Compassionate Cities Committee, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:44:49)

Don Shear spoke in support of medical marijuana dispensaries. (01:48:11)

Frank Lo Grasso spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:51:07)

Michael Friedman spoke in support of medical marijuana dispensaries. (01:53:12)

Jennifer Paulin spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (01:57:34)

Ray Raines spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:00:17)

Tony Soriano spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:04:01)

Dan Kalmick, Algalita Marine Research and Education, and Bolsa Chica Land Trust, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:06:53)

Judith Marquez spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:10:44)

Mary Jo Baretich spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:14:06)

Todd May, Whole Foods Market Huntington Beach, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:16:02)

Shane Coons spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:18:35)

James Torres spoke regarding Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:21:30)

Duke Aipa spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:25:31)

Denise Erkeneff, Orange County League of Conservation Voters Board Member, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:27:56)

Rob Pool spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:30:43)

Teri Pool spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:32:24)

Lori Ann Robeson spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:34:56)

Ralph Becker spoke in support of medical marijuana dispensaries. (02:37:36)

Cheryl Gowdy spoke in support of medical marijuana dispensaries. (02:40:08)

James Gowdy spoke in support of medical marijuana dispensaries. (02:42:50)

Brenda Calvillo spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance, and voiced concerns about local pet businesses selling puppy-mill dogs. (02:44:41)

Keith Schnekenburger spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:48:01)

Gene Haberl spoke in support of Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:49:59)

Mark Dixon spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:53:02)

Vern Pat Nelson, Huntington Beach No-Styrofoam Challenge, voiced concerns about use of Styrofoam products. (02:55:18)

Nancy Hastings, Surfrider Foundation, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (02:57:26)

Bill Hickman spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (03:00:49)

Dean Piercy spoke in support of medical marijuana dispensaries. (03:04:06)

Jeff Coffman spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance. (03:04:44)

Robert Nigro, CBD/Simpson Oil, spoke in support of medical marijuana dispensaries. (03:08:15)

Connie Boardman spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance.  
(03:10:30)

Steve Budica spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance.  
(03:13:52)

Jessica Bechtold spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance.  
(03:16:55)

Craig Cadwallader, Surfrider Southbay Chapter, spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance.

Councilmember Delgleize questioned if the ordinance referred to for the City of Manhattan Beach included a \$.10 grocers bag fee, and Mr. Cadwallader replied, "No." (03:19:56)

Bruce Wareh spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance.  
(03:22:50)

Mark Sheldon spoke in opposition to Agenda Item No. 10 - repeal of the plastic bag ordinance.  
(03:26:23)

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

Mayor Pro Tem Katapodis announced his appointment of Roger Forest to the Community Services Commission, and that he attended the Public Safety Committee in Sacramento.

Councilmember Sullivan reported attending meetings of the Orange County Senior Citizens' Advisory Council General meeting, two Executive Board meetings and a meeting of the Health and Nutrition Committee.

Councilmember O'Connell announced his appointment of Tim Mulrenan to the General Plan Advisory Committee, Lydia DuPont to the Investment Advisory Board, and Nicolina Cuzzacrea to the Community Services Commission. He also reported attending the League of Cities meeting in Sacramento, as well as a visit to the Huntington Beach Police Department Academy. He commended Police Chief Hardy for sending officers to NYC to attend the services for the two slain NYC officers.

Councilmember Posey announced his appointment of Steve Capps to the Public Works Commission, Jerry Moffett to the Community Services Commission, John Piekarski to the Investment Advisory Board, and Bob Wentzel to the General Plan Advisory Committee. He also attended the League of Cities meeting in Sacramento and completed the AB1234 training.

Councilmember Delgleize reported attending the League of Cities meeting in Sacramento, as well as a Homeless Issues planning meeting locally.

Councilmember Peterson reported attending the League of Cities meeting in Sacramento, as well as the 4th of July Board.

## **CITY MANAGER'S REPORT**

City Manager Fred Wilson reminded Council and the public of a City Council special strategic planning workshop to be held at the Huntington Central Library on Friday, January 23, at 8:30 a.m.

**A motion was made by O'Connell, second Delgleize to move Councilmember Item No. 10 forward for consideration. The motion carried by the following vote:**

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

Minutes reflect Action in original Agenda order.

## **CONSENT CALENDAR**

### **1. Approved and adopted minutes**

A motion was made by Sullivan, second Katapodis to approve the City Council/Public Financing Authority regular meeting and special meetings of the Huntington Beach Housing Authority, Parking Authority, Civic Improvement Corporation and the Successor Agency to the Former Redevelopment Agency of the City of Huntington Beach dated December 15, 2014, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Delgleize, Sullivan, and Peterson  
NOES: None  
ABSTAIN: Posey

### **2. Approved Fiscal Year 2013/14 General Fund Year-End Budget Adjustments for Infrastructure**

A motion was made by Sullivan, second Katapodis to approve the appropriation and transfer of \$2,000,000 in the Fiscal Year 2013/14 Revised Budget from the General Fund (Fund 100) to the Infrastructure Fund (Fund 314) as indicated in Attachment 1; and, approve the expenditure of \$2,000,000 in the Infrastructure Fund (Fund 314) in the Fiscal Year 2014/15 Revised Budget as indicated in Attachment 1.

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

### **3. Approve additional appropriation for As-Needed General Environmental Engineering and Plan Check /Fire Inspection Services**

A motion was made by Sullivan, second Katapodis to approve an appropriation of \$275,000 to the Fire Prevention business unit (10065201.69365) for professional Environmental Engineering and Plan

Check/Fire Inspection services. Funding will be allocated on an incremental basis as needed, based on development project demands.

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

**4. Accepted bid and authorized execution of a construction contract with CHI Construction, Inc. in the amount of \$20,808 for the Lake Street Bicycle Treatments and Downtown Bicycle Parking Project, CC-1468**

This item was pulled by Councilmember Delgleize to confirm inclusion of Sunset Beach. Staff responded that in this particular grant funds were not specifically identified for Sunset Beach, but there will be an effort to secure funds for Sunset Beach in a future grant.

A motion was made by Delgleize, second Katapodis to accept the lowest responsive and responsible bid submitted by CHI Construction, Inc. in the amount of \$20,808; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

**5. Approved and authorized execution of an Affordable Housing Agreement with Olson Urban - Huntington Beach 2, LLC for the Coastal Walk Development located at 16911 Airport Circle (Airport Circle Residential - Tract 17716)**

This item pulled by Councilmember Delgleize to publically applaud the Olson Company for how conscientious they have been at the work site, keeping the dust down and cleaning the road.

A motion was made by Delgleize, second Katapodis to approve "Agreement Declaring Conditions, Covenants, and Restrictions for Property (Resale Restrictions)" by and between Olson Urban - Huntington Beach 2, LLC and the City of Huntington Beach and the Housing Authority of the City of Huntington Beach; and, authorize the Mayor/Chair and City Clerk/Authority Clerk to execute the Agreement.

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

**6. Approved Fiscal Year 2013/14 Year-End Budget Adjustments for the Workers' Compensation Internal Services Fund**

A motion was made by Sullivan, second Kadapodis, to approve the appropriation and transfer of \$1,306,675 in the Fiscal Year 2013/14 Revised Budget in the Funds and amounts contained in Attachment 1 to the Self Insurance Workers' Compensation Internal Services Fund (551).

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

## **PUBLIC HEARING**

**7. Approved Mitigated Negative Declaration No. 14-004/ Conditional Use Permit No. 12-011/ Coastal Development Permit No. 12-007 - Oceanside Properties Mixed Use Building at 122-124 Main Street (east side of Main Street, between Pacific Coast Highway and Walnut Avenue) - Referred by the Planning Commission**

Associate Planner Jill Arabe presented a PowerPoint presentation entitled, *Mitigated Negative Declaration No. 14-004/ Conditional Use Permit No. 12-011/ Coastal Development Permit No. 12-007 - Oceanside Properties Mixed Use Building – forwarded by Planning Commission to City Council for Action*, that included the following titled slides: Project Location, Project Description, Background and Analysis, Existing Main Street, Existing with Proposed Project, Analysis, PC Public Hearing, and Staff Recommendation.

Councilmember Peterson and Planning and Building Director Hess discussed staff's estimate of time to update the Downtown Specific Plan, should the proposal be approved.

Councilmember O'Connell and staff discussed the project timeline for building permits should it be approved.

### **Mayor Hardy opened the public hearing.**

City Clerk Joan Flynn announced supplemental communications on Item #7:

Communication dated 11/25/2014, submitted to the Planning Commission by Mary Adams Urashima, which is re-submitted for Council's review.

Communication entitled *122 Main - Supplemental Research: History*, submitted by K. A. Schey, Vice-Chair, Historic Resources Board.

Duane Wentworth, Historic Resources Board (HRB), discussed the HRB's research on the property in question, and how 122 Main Street was the original Pacific City Town Hall. He discussed the HRB's opposition to moving building facades back 6 feet.

Kathie Schey, Historic Resources Board (HRB), discussed the historic significance of 122 Main Street and the renaming of Huntington Beach (formerly known as Pacific City). She urged Council not to allow the developer to move the building facades as is currently proposed.

Joseph Santiago, Historic Resources Board (HRB), voiced opposition to moving building facades and harming the property's cultural heritage. He opined that the value of the building provides a tax break to its owner in its current form, and also provides the most historical value for the citizens and their children.

Barbara Haynes, Historic Resources Board (HRB), spoke regarding the importance of maintaining historic properties on Main Street in Huntington Beach.

Gloria Alvarez, former Historic Resources Board member and current member of Huntington Beach - Preserve Our Past, discussed the importance of retaining the City's historic identity and creating a historic district in the downtown.

Dan Kalmick, Huntington Beach Planning Commission member, discussed actions taken by the Commission that were incorporated into today's proposal.

Mary Urashima provided a brief PowerPoint that provided information to support historic significance for 122 Main Street.

Guy Guzzardo, founding member of the Historic Resources Board, and governing board member of the Historical Society, spoke of 122 Main Street's historic significance and voiced concerns that its historic properties have not been adequately studied. He distributed photographs of historic homes in Huntington Beach, including 122 Main Street.

Susan Welfringer, Huntington Beach Downtown Business Improvement District (HBDBID), thanked the developer for a quality proposal, and announced a list of upcoming events in the downtown.

Jerry Wheeler, Huntington Beach Chamber of Commerce, spoke in support of the proposed project, and described benefits he expects will be realized should the Council approve the project as proposed.

Joe Daichendt, Pierside Properties, spoke in support of the project and his trust in what the developer and City Planning staff have proposed for a successful development while maintaining the property's historic significance.

Dianne Thompson, Huntington Beach Chamber of Commerce, spoke in support of the project and hopes there will be no further delays.

Jeff Bergsma, Project Applicant and Architect, explained how the developer is confident that the building facade for 122 Main Street can be preserved and moved without compromising the property's historic significance.

With no one else present to speak on the item, Mayor Hardy closed the public hearing.

Mayor Hardy asked if the City Council had made an exception for historic setbacks, would it have changed the proposal for this project. Mr. Bergsma responded that it possibly would.

Councilmember Delgleize asked Mr. Bergsma how the historic significance of the property could be preserved or acknowledged with a plaque or marker. Mr. Bergsma replied that current state-of-the-art commemorations are similar to the plaque created for The Golden Bear -- a picture of the original structure engraved on a bronze plaque with text description of dates and facts.

Councilmember Sullivan asked staff to display photographs depicting the front and back sides of the Main Street building, and conveyed his opinion that both facades and buildings are in fact original. He supports preserving the structure as a whole on that site to do justice to the heritage of Huntington

Beach. Councilmember O'Connell voiced support for staff's recommendation to approve the project as presented.

A motion was made by O'Connell, second Delgleize to approve Mitigated Negative Declaration No. 14-004 with findings and mitigation measures; and, approve Conditional Use Permit No. 12-011 and Coastal Development Permit No. 12-007 with findings and suggested conditions of approval.

Councilmember Peterson shared that most of the Historic Resources Board agrees that it could be a win-win if the current location for the front of the building is maintained. Realizing that there are other historical building projects that will be addressed down the road, Councilmember Peterson opined that the City Council should proceed, if not for this project then for future projects, to get Coastal Commission amendment approval. This would then place jurisdiction for each project fully with the City.

Councilmember Posey expressed support for staff's recommendation to approve as presented.

Councilmember Delgleize and Director Hess discussed bringing a Councilmember Item forward to direct staff action requesting Coastal Commission participation, when the Downtown Specific Plan is amended, to exempt historic structures from the dedication and set-back requirements.

A substitute motion was made by Peterson, second Sullivan to deny MND 14-004, CUP 12-011, CDP 12-007 with the following findings for denial: a) MND 14-004 is inadequate because the incorporation of mitigation measures will not avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. The historical buildings are significant to the City's history and the demolition of the structures cannot be mitigated; and, b) The granting of CUP 12-011 and CDP 12-007 will adversely affect the General Plan. The proposed project is inconsistent with Policy HCR 3.2.1 to preserve and reuse historically significant structures, where feasible. The historically significant structure at 122 Main Street is over 100 years old, important to the City's history, and shall be completely preserved.

Mayor Hardy shared her opinion that previous Council decisions regarding Main Street development unfortunately did not do enough to preserve the Surf City culture and history. And when the historical buildings are gone, they are gone.

Councilmember Sullivan and Joseph Santiago discussed the HRB's opinion that the project could be improved by not requiring the setback and also discussed retrofitting standards for historic structures.

Mayor Pro Tem Katapodis and staff discussed that the current proposal involves change to what exists behind the building's front facade - the back of the building, while original, will be replaced by a three-story structure.

Councilmember O'Connell and Mr. Bergsma discussed the financial impact of Peterson's revision to process a ZTA and LCPA to exempt historic properties from property dedication requirements. Mr. Bergsma opined that relocation of the building facade will not degrade its historic significance.

Councilmember Sullivan voiced opposition to destroying the back of the building.

Councilmember Peterson and Director Hess discussed that after the Coastal Commission acts, then the Applicant reapplies at the local level. At the Planning Commission meeting it was not anticipated

the number of buildings and how much CEQA would be involved in the review process, whether a mitigated negative declaration is needed, or EIR required to modify the Downtown Specific Plan -- all unknowns at the present time.

Mayor Hardy clarified the amended motion.

The substitute motion failed by the following vote:

AYES: Hardy, Sullivan, and Peterson  
NOES: Katapodis, O'Connell, Posey, and Delgleize

The original motion was restated by O'Connell, second Delgleize to approve Mitigated Negative Declaration No. 14-004 with findings and mitigation measures; and, approve Conditional Use Permit No. 12-011 and Coastal Development Permit No. 12-007 with findings and suggested conditions of approval.

The motion carried by the following vote:

AYES: Katapodis, O'Connell, Posey, and Delgleize  
NOES: Hardy, Sullivan, and Peterson

A motion was made by Hardy, second Peterson to direct staff to process a zoning text amendment and local coastal program amendment to exempt historic structures from dedication and improvement requirements in the Downtown Specific Plan District 1.

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

**A motion was made by Sullivan, second O'Connell to continue with the City Council agenda after 11:00 PM**

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

#### **ADMINISTRATIVE ITEMS**

**8. Adopted Resolution No. 2015-01 approving a promotional program providing two hours of free parking at The Strand and Main Promenade parking garages for Valentine's Day**

A motion was made by O'Connell, second Katapodis to approve Resolution No. 2015-01, "A Resolution of the City Council of the City of Huntington Beach Authorizing a Promotional Program of Two Hours Free Parking on February 13, 2015 Through February 16, 2015 at the Main-Promenade Parking Structure and The Strand Parking Garage" with same day purchase of \$10 and Merchant Validation at Main Promenade Parking Structure and same day \$20 purchase and Merchant Validation at The Strand Parking Garage.

The motion carried by the following vote:

AYES: Katapodis, Hardy, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: None

#### **ORDINANCES FOR INTRODUCTION**

**9. Approved for Introduction Ordinance No. 4044 amending Chapter 2.28 of the Huntington Beach Municipal Code (HBMC) relating to City Council Compensation**

Mayor Hardy, Mayor Pro Tem Katapodis, and Councilmember Sullivan recused themselves from participating in the discussion, and left the room due to a potential conflict of interest.

A motion was made by O'Connell, second Posey to after the City Clerk reads by title, approve for introduction Ordinance No. 4044, "An Ordinance of the City of Huntington Beach Amending Chapter 2.28 of the Huntington Beach Municipal Code Relating to City Council" relating to City Council Compensation by providing salary/benefits at the same level for all City Council Members.

The motion carried by the following vote:

AYES: O'Connell, Posey, Delgleize, and Peterson  
NOES: None

**10. Approved Item submitted by Councilmember Posey: Single-Use Carryout Bag Ordinance**

Councilmember Posey explained reasons behind his request to propose an appeal of the plastic bag ordinance.

Councilmember O'Connell expressed support for the public's right to vote on the matter.

Councilmember Peterson expressed support for personal freedom and the Constitution, and thanked Vern Pat Nelson who was working to challenge people to discontinue the use of Styrofoam products.

Councilmember Sullivan voiced concerns about the \$.10 bag charge, and the possible presence of bacteria in unwashed bags.

Councilmember Delgleize recognized students who attended the meeting from Pegasus School, and she voiced concerns about the construction of the current ordinance, and the importance of personal responsibility to maintain the environment.

Mayor Pro Tem Katapodis expressed support for repealing the ordinance and allowing voters in the state of California to make the call on banning plastic bags on the November 2016 ballot.

Mayor Hardy voiced support for the construction of the current ordinance, and expressed her support for the ordinance to remain in place.

A motion was made by Posey, second O'Connell to direct the City Manager and the City Attorney to take the necessary steps to repeal Huntington Beach Municipal Code Chapter 5.95 "Single-Use Carryout Bag Ordinance" with the understanding that repealing the ordinance may require additional environmental analysis, which could cost approximately \$5,000 and take three to four months to complete.

The motion carried by the following vote:

AYES: Katapodis, O'Connell, Posey, Delgleize, Sullivan, and Peterson  
NOES: Hardy

**COUNCILMEMBER COMMENTS** (Not Agendized) – None.

ADJOURNMENT of the regular meeting of the City Council/Public Financing Authority and the special meeting of the Housing Authority at 12:16 a.m. on January 21, 2015.

There will be a City Council Special Meeting (Semi-Annual Strategic Planning Session) held on Friday, January 23, 2015, at 8:30 AM at the Huntington Beach Central Library, Talbert Room, 7111 Talbert Ave., Huntington Beach, California.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, February 02, 2015, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Mayor Hardy adjourned the meeting in honor of Bill Hyink, President, Friends of the Junior Lifeguards, who passed on December 27, 2014, while vacationing with family in Hawaii. The City Council honors his dedication to both fire service and Junior Lifeguard program by closing the meeting in his memory.



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Secretary of the Public Financing Authority and Housing Authority of the City of Huntington Beach, California

ATTEST:

  
City Clerk-Clerk - Secretary  
Mayor - Chair