

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

**Tuesday, January 21, 2014
4:00 PM – Study Session
6:00 PM – Regular Meeting
Civic Center Council Chambers,
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 is archived at
www.surfcity-hb.org/government/agenqas/**

4:00 PM - ROOM B-8

CALL TO ORDER – 4:06 PM

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown “Open Meetings” Act, City Clerk Joan Flynn announced receipt of one supplemental communication received by her office following distribution of the Council agenda packet:

PowerPoint communication submitted Teri Baker, Assistant to the City Manager for Study Session Item No. 1 entitled *Bolsa Chica Lowlands Annexation Update*.

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

Bradley Fernandez read a formally prepared statement apologizing for his participation in the civic disturbance that occurred during the US Open of Surfing event downtown in late July 2013.
(00:00:43)

Mayor Harper thanked Bradley for his courage to come before Council.

STUDY SESSION

1. Bolsa Chica Lowlands Annexation Update

City Manager Fred Wilson introduced Teri Baker, Assistant to the City Manager who provided a PowerPoint presentation dated January 21, 2014 and entitled *Bolsa Chica Lowlands Annexation Update* that included the following titled slides: Recap of Updated RSG Feasibility Study Dated

May 17, 2013 Presented to the City Council July 15, 2013, Study Purpose, Fiscal Impact, Annexation Alone, Benefits, Previously Identified Concerns, January 2014 Update, Key Issues - Harriett Wieder Regional Park, Other Issues, Revised Summary of Revenues and Expenditures, and Project Schedule.

In response to Council questions, Fire Division Chief William Reardon discussed oil well inspection fees and extraction taxes.

Mayor Harper and Councilmember Carchio discussed County water operations and actions that trigger a Measure C vote.

Councilmember Boardman, Councilmember Carchio and Assistant Baker discussed Measure C requirements, the Bolsa Chica Conservancy, and County Lease Agreement.

Councilmember Hardy and City Facilities Development and Concessions Manager Dave Dominguez discussed the Naylor Act and what it includes. Manager Dominguez provided information on adding park inventory within a school district involved in property negotiations, surplus sites, and factors that trigger a Measure C vote.

Mayor Harper discussed the history of Harriett Wieder Park becoming a regional park in the second Assembly district, district funds allocated to regional parks, and how interpretive centers often feed regional needs.

Councilmember Hardy stated her opinion that the City, should it decide to annex the property, receive financial compensation from the County for maintenance.

Councilmember Boardman questioned if staff would be comfortable discussing opportunities to enhance the park/area (trails, etc.). Manager Wilson explained the status of negotiations.

Councilmember Katapodis shared concerns about picking up maintenance fees, and Mayor Harper discussed how maintaining rights-of-way along the flood channel should remain the County's responsibility.

Councilmember Shaw voiced support for a connectivity trail from Central Park to the beach, and supported Councilmember Hardy's suggestion related to County compensation for maintenance. Mayor Harper added that trail efforts will involve the coordination of multiple jurisdictions.

Councilmember Boardman expressed support for local control based on her impression of the County's poor performance in past projects. Councilmember Sullivan concurred, stating his opinion that financial concessions received from the County would be inadequate.

Councilmember Carchio stated support for the lease option agreement remaining in place.

Discussion ensued on the time appropriate for Council to address the option of building an interpretive center at the park. Issues associated with negotiations, environmental review and the Conservancy's participation resulted in a wait-and-see approach.

Mayor Harper and Planning Manager Mary Beth Broeren discussed the 1997 negative declaration and coastal development permit that included plans for a 5,000 square foot interpretive center, trails, etc. - contained in the County's master plan of the regional park. Discussion also focused

on the Conservancy's knowledge of the area's environmental sensitivity.

RECESS TO CLOSED SESSION – 4:44 PM

Mayor Harper announced: Pursuant to Government Code §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 MEA, MEO, MSMA, SCLEA, POA, and HBFA.

A motion to recess to Council Session Item No. 2 (Item No. 3 Postponed to a later date) was approved by a consensus of Council.

CLOSED SESSION

2. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators and Fred Wilson, City Manager regarding the following: MEA, MEO, MSMA, SCLEA, POA, and HBFA.

~~3. Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Application of NextG Networks to Install a Telephone System with Mobile Phone Antennas in Huntington Beach, California Public Utilities Commission Application No. 09-03-007, consolidated with City of Huntington Beach v. NextG, CPCU Case No. 08-04-037, which involve NextG's project to locate its wireless telephone antennas in the public right-of-way, and related case, NextG Networks of California v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00119646.~~

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:14 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None

ROLL CALL

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

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Cub Scout Den 226

INVOCATION – The invocation was provided by 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

Presentation - Mayor Harper called on Victoria Alberty and Gisela Campagne to present the

Adoptable Pet of the Month.

Victoria Alberty thanked Council for continuing the program and introduced and deferred to Pat from the Orange County Humane Society.

Pat thanked Council for allowing the Humane Society to bring pets for the community to see and provide information regarding their adoption. She reported that all of the pets that have been presented so far have been adopted and introduced a Chihuahua/Fox Terrier mix, Ruby as the Adoptable Pet of the Month. She reported that brochures are available in the lobby for the public.

Presentation - Mayor Harper called on Captain Darrin Witt from the Huntington Beach Firefighters' Association to present a check from their annual Golf Tournament to the Huntington Beach Education Foundation.

Captain Witt reported that every year, the Huntington Beach Firefighters' Association holds a golf tournament to raise money for various charities throughout the City. He stated that over the last eight to ten years they have raised over \$300,000 for a number of charities. This year, the principal beneficiary was the Huntington Beach Education Foundation, and Captain Witt presented Charlotte Augenstein, President of the Foundation, with a check for \$35,000.

Ms. Augenstein thanked the Huntington Beach Firefighters' Association for the generous donation and reported that the money will be used towards the Teacher Grant Program.

Mayor Harper commended the Foundation for its work and thanked the Firefighters' Association and residents for their contributions and generosity.

Presentation - Mayor Harper called on Scott Rothert and special guests to present a proclamation for Red Shirt Fridays to support our troops.

Scott Rothert introduced attending Members of the U.S. Armed Forces and deferred to Navy Veteran Greg Gillespie.

Mr. Gillespie presented a brief history of RED (Remember Everyone Deployed) Shirt Fridays and explained its significance. He noted that there are people serving all over the world, not just Afghanistan, protecting our freedoms. He encouraged everyone to wear a red shirt in support of our troops and to ensure that those serving received the honor and care that they deserve.

Mayor Harper, on behalf of Council, presented them with a proclamation recognizing each Friday as RED Shirt Fridays, in support of our troops, and encouraged all residents, businesses and support organizations to wear red and show support of our American heroes. He especially thanked all veterans and active military personnel for their service.

Presentation - Mayor Harper called on the Huntington Beach High School Head Football Coach Eric Lo, coaching staff and the Oilers varsity football team to present a commendation to the CIF Champions.

Mayor Harper reported that Huntington Beach High School Oilers are CIF Champions and commented positively on the achievement. He called on Huntington Beach High School Principal Rocky Murray, Athletic Director Melissa Vandenbosch and Head Coach Eric Lo to the podium.

Coach Lo introduced the 2013, first ever in the history of the school, Huntington Beach High School Football CIF champions.

Mayor Harper congratulated the team and presented them with a commendation in recognition of their outstanding achievement.

Coach Lo commented on the teamwork involved in the team's success and thanked Principal Murray, Athletic Director Vandenbosch, coaches, the Booster Club and parents for their support. He commented on the resolve of the team and their hard work and accomplishments and congratulated them for their achievements.

Presentation - Visit Huntington Beach presented "100 Years of Surfing" Campaign.

Visit Huntington Beach representatives provided a presentation regarding their "100 Years of Surfing" campaign including a history of surfing in the City, significant milestones and anniversaries, and events and activities planned for 2014. It was noted that a website will be launched in March with information and a schedule of events and activities. Additionally, they noted the importance of education and promotion of the events through the media and addressed key, upcoming events.

Mayor's Award - Mayor Harper called on Human Resources Director Michele Warren to present the Mayor's Award to Jenny Jackson.

Human Resources Director Warren provided information regarding Personnel Assistant Jenny Jackson and listed her accomplishments and responsibilities in her role. She presented the Mayor's Award to Ms. Jackson for her service and achievements.

Ms. Jackson thanked her colleagues, Council, the City and family for their support and expressed her appreciation for the recognition.

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:

Public Hearing

Communications received for Agenda Item No. 16 (Environmental Impact Report (EIR) No. 13-001) which she will announce at the time of the Public Hearing.

Ordinances for Introduction

Communications received from various individuals and businesses regarding Agenda Item No. 17 (prohibition of Polystyrene (EPS) "Styrofoam" Disposable Food Service Ware): Eighty-seven (87) letters and a petition with seventy-five (75) signatures received in SUPPORT of the polystyrene ban; and, six (6) communications received in OPPOSITION to the polystyrene ban.

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/>).

Mayor Harper opened the Public Comments portion of the meeting.

Stephanie Deagle, Chair of the Huntington Beach American Cancer Society Relay for Life, reported that this year's event will be held on June 7 and 8, 2014 at Central Park West and will start at 9:00 AM and go for twenty-four (24) hours until 9:00 AM on the 8th. She reported the need for committee members and fundraising and that additional information will be provided at a subsequent Council meeting. She addressed monthly meetings at Mario's on the third Tuesday of each month but noted that the next meeting will be on Wednesday, February 19, 2014. Additionally, she noted that one of the services provided (Road to Recovery) provides transportation for cancer patients to various appointments, and she reported that she is recruiting drivers and requested volunteers. (00:49:26)

Councilmember Carchio commented on Ms. Deagle's work and efforts and hoped that residents will step up to help. He thanked her for all of her hard work over the years.

Ms. Deagle reported that she lost her mother to cancer and that her efforts are to fight cancer in her memory.

Emanuel Patrascu, District Director for Assemblyman Travis Allen, reported that Assemblyman Allen was unable to attend the meeting due to his legislative work in Sacramento but asked him to come and express Assemblyman Allen's opposition to Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. He noted that while the ban has good intentions, there are unintended consequences to it and he listed same. (00:53:05)

Doug Beiswenger, LBG Real Estate Company, spoke regarding Public Hearing Item No. 16 - EIR No. 13-001 (Brookhurst and Adams Intersection Improvements). He spoke in support of the City's right-of-way widening plan at that location and stated that his company is interested in offering the City a clear and direct no-cost path to help the City acquire the land that it needs to widen the roads as long as the City cooperates and helps them to renovate the existing buildings. He addressed their plans renovation and relocation of the existing bank to another building within the property. (00:55:27)

Allison Murray, representing herself and Brian Denenberg, owner of Las Barcas Restaurant, spoke in opposition to Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She stated that Las Barcas depends on Styrofoam packaging for their "to go" orders because it is an excellent medium to maintain heat as well as Styrofoam cups because they maintain cold and withstand multiple refills and are reasonably priced. She noted that the material is recyclable and is actively recycled in the City and that no other option is currently viable. She requested that Council consider offering exceptions to small restaurants such as Las Barcas. (00:56:46)

Greg Goran spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. He read a commentary that he wrote recently noting there has been a lot of misinformation regarding the matter and presented related facts as well as myths. He discussed how the product cannot be recycled when it is soiled, and addressed the price of alternative products, listing the negative effects of the material on the environment. (00:59:26)

Jerry Wheeler, President/CEO Huntington Beach Chamber of Commerce, spoke in opposition to Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. He addressed the importance of environmentalism and sustainability but expressed concerns that instead of educating for change, the City will be regulating for change that will adversely affect businesses and raise costs without providing thoughtful solutions. He reported that this is a litter issue and commented on the importance of education and not more regulations. He urged Council to vote against the matter. (01:02:52)

Ralph Bauer, former Mayor, spoke regarding homelessness in the City and referenced a handout he submitted regarding the issue. He offered his services to help the City address the matter. (01:05:51)

Mayor Pro Tem Shaw commended Dr. Bauer on his compassionate take on solving the problem of homelessness in Huntington Beach. He stated that the City has been designated as a compassionate City, noted the establishment of a City of Compassion Committee and suggested that Mr. Bauer present his suggestions to the committee.

Councilmember Boardman added that the next committee meeting will be on February 19, 2014 at 7:00 PM. She added that homelessness is one of the needs identified by the Committee and encouraged Dr. Bauer to address the committee.

Dr. Bauer commented on the benefits of a coordinated effort and reported that he will be at the next meeting of the City of Compassion Committee.

Councilmember Carchio reported reading Dr. Bauer's handout and that he intends to initiate a Councilmember Item regarding the issue that will be presented at the next Council meeting.

Dr. Bauer commented on the resources available through the County and the importance of the City availing itself of those resources.

Councilmember Carchio reported that he has been working with several County Supervisors about the possibility of receiving County funds to address the issue.

Adrina spoke regarding rent control and distributed a folder of information created in Spanish. She expressed concerns regarding rising rents in the City noting that often tenants do not have the income to pay high rents. She stated she would like to meet with Council to personally discuss the issue and asked that it be placed on a future agenda. She commented on the issue of homelessness and reported that people can no longer apply for Orange County Housing funds. (01:09:10)

At the request of Mayor Harper regarding a ballot measure related to rent control, City Attorney McGrath reported that in 2002, a Charter amendment was adopted that prohibits the City from putting any type of taxation, limitations or regulations on the transfer of property; prohibiting rent control in the City of Huntington Beach. With respect to steps necessary to change the Charter so that the City can affect rent control, City Attorney McGrath reported that they would need to go through the initiative process if Council did not place it on the ballot and collect a specific number of signatures.

City Clerk Flynn stated that Adrina hopes that Council would place the matter on the ballot as she has been unable to collect signatures.

Fred Provencher, Chair, HB Reads, reported that the organization has selected Lessons from Little Rock as this year's book. He extended an invitation to Council to their first event on Thursday, January 23, 2014, at Barnes and Nobles at 7:00 PM. He added that the author will be present on March 20, 2014 a 7:00 PM at the Huntington Beach High School gym. (01:13:15)

Mayor Harper commented positively on the HB Reads program.

In response to Councilmember Hardy's question, Mr. Provencher stated that he will return to Council in February to talk about Black History Month.

Councilmember Hardy encouraged residents to visit HBReads.org for additional information related to their upcoming film series. She reported reading Lessons from Little Rock and encouraged parents to read it and share it with their children.

Joe Dagley, Director, HB Reads, announced an upcoming book fair in partnership with Barnes and Nobles from January 19, 2014 through January 26, 2014. He added that for any purchase at Barnes and Nobles, if you mention HB Reads, 15% of the purchase will go to HB Reads. Additionally, he provided information regarding their upcoming film series and encouraged residents and students to view them at the Library noting that admission is free. He referenced homelessness in the community and reported that he chairs the Human Relations Taskforce which is committed to work with Dr. Bauer and Council on the issue. (01:17:13)

In response to Mayor Harper's inquiry, Mr. Dagley reported that the book fair will be at Barnes and Nobles at Bella Terra.

Anushka Bhaskar, Pegasus School, spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She listed issues related to the proposed ban, addressed effects on the ecosystem and stressed the need for the ban. She rebutted comments from Assemblyman Travis Allen regarding the recyclability of polystyrene and urged Council to make the right decision and approve the ban. (01:19:55)

In response to Councilmember Carchio's inquiry regarding whether this was a school project, Ms. Bhaskar reported that it is an elective chosen by her and that the teacher has provided the opportunity for them to present to Council. She added that her teacher is in attendance at this time.

Amanda Miskell, Pegasus School, spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She urged Council to support the ban and rebutted comments from the opposition regarding recyclability of polystyrene products noting that 2/3 of the polystyrene recycled by Rainbow Environmental is comprised of packaging materials, not food ware. Ms. Miskell stressed the need to be proactive and stop the problem at the source. She addressed the toxic nature of polystyrene, available alternatives and the need for changes in behavior. Additionally, she stated that Huntington Beach is the only city in Orange County with "beach" in its name, which has not banned Styrofoam and stressed the need to recognize the negative impacts from the material on the environment. (01:23:08)

Jenna Dyer, Pegasus School, spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She addressed impacts to the environment and public health as well as impacts to employees of polystyrene manufacturers.

Ms. Dyer added that many restaurants support the ban and listed some of them. (01:26:24)

Wan Chen, small business owner, spoke in opposition to Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. He reported that 80% of materials used is paper and that 20% is Styrofoam. He stated that Styrofoam is cheaper and is a proper way to store food. He stated that he is concerned about the environment and that he tries as much as possible, to use paper rather than Styrofoam. (01:26:52)

Ray Hiemstra, Associate Director at Orange County Coastkeeper, spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. He reported that the organization runs a monthly beach cleanup, noted that Styrofoam is a huge problem in the City, stated support of the ban and urged Council to do so as well. (01:31:25)

Dan Kalmick, representing the Bolsa Chica Land Trust (BCLT), was joined by Marinka Horack, Michael McMahan and Glenna Touhey and presented a video, "Synthetic Sea, Plastic in the Open Ocean" in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. (01:33:00)

Mayor Harper apologized to the audience noting that he was not advised as to this utilization of public comment time. He explained that the Public Comment period is intended for the public to present verbal arguments on their own behalf, and not to show "movies." He asked that going forward; speakers use the time to address Council directly and that those wishing to present a video may email Members of Council prior to meetings.

Councilmember Sullivan stated he would not be opposed to having members of the public provide video presentations as long as they are limited to three (3) minutes.

Mayor Pro Tem Shaw stated he does not see a problem with someone showing a video as instructive as the one shown, which illustrates the extent of the problem. He understood that the speakers donated their time for the presentation. He added that if Council will ban videos from Public Comments, then all videos should be banned from Council meetings.

Mayor Harper stated he doesn't mind if a Council Member submits a video, but believed this was an abuse of other members of the public that have spoken during public comments.

Councilmember Boardman noted that there were four (4) public speakers who donated their time to allow for presentation of the video and coordinated their efforts accordingly. Rather than speaking, they chose to communicate their message by showing an appropriate audio/visual tool. She added that a video shown in classroom can sometimes communicate a message better than a teacher can and noted that the practice has been done before with PowerPoint presentations. She questioned whether Council has the right to determine what kind of speech people want to express and how they want to express it and stressed it is a First Amendment right.

Jethro Naudé, Founder and Economist of Slap Fish Restaurant, spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. He addressed the fundamental costs of using Styrofoam in the operation of a restaurant as well as sales noting that the incremental cost of using alternative materials is approximately ten (10) cents. He added that his restaurant has never used Styrofoam and offered his services to restaurants that are concerned with increased costs related to the ban. He reported that the quality of a dish is directly related to the type of vessel in which it is served. If a restaurant

chooses to use a lower-quality container, customers should question the venue's ethics and core understanding of what they are delivering to customers as well as question what other ingredients they are using to keep costs down. He stated that personally, he does not go to restaurants that use Styrofoam. Mr. Naudé reported that ten (10) cents is not a justified viable reason for using or not using Styrofoam, especially as it relates to the food industry. Styrofoam is an obsolete product and should not be used. (01:48:33)

Justin Richman spoke regarding Inclusionary Housing in Huntington Beach. He provided personal testimony on the matter noting that he applied and was denied under mistaken premises. He reported that his purchase of a home is pending the City's approval of his application and asked for Council's help with the matter. He added that the City has not approved the application and that it was not reviewed within the required ten (10) business days. (01:51:16)

Mayor Harper asked that Mr. Richman fill out a blue card so that he may follow up regarding an update for this item.

Paula Richman, Justin Richman's mother, spoke regarding Inclusionary Housing in Huntington Beach adding that she was denied an appointment to meet with Council. She added that her son will lose the opportunity to purchase the house if he does not get approval from the City and that he has a purchase agreement and loan approval and has provided all of the documents necessary for the City to do so. She asked for Council's help in resolving this matter. (01:54:08)

City Attorney McGrath reported receiving an email from Mr. Richman's representative and added that she responded immediately asking for a copy of the court order granting custody of his sister to him. She stated that she has not yet received that document.

Ms. Richman reported that it was faxed to City Attorney McGrath's office.

City Attorney McGrath stated that the policy and process have been followed.

Ms. Richman presented a copy of the court order awarding Mr. Richman with the guardianship of her daughter and listed various attempts at communicating with the City without a response.

City Attorney McGrath stated that Ms. Richman has been notified on several occasions regarding the court order noting that it has to be more than 50% of her daughter's custody.

Ms. Richman responded that the guardianship gives him full custody of the child.

City Attorney McGrath stated she will not debate the issue further and that Ms. Richman has not presented the documents necessary to establish full guardianship.

Mayor Harper encouraged Ms. Richman to fill out a blue card so that a resolution can be determined.

Christina Chang, Surfrider Foundation, spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She reported that Styrofoam is petroleum-based and has numerous carcinogens that seep into food and are ingested. She addressed harmful effects of the material to public health both short-term and long-term as well as available alternatives to Styrofoam. (01:59:27)

Justin Ratowsky spoke in support of Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. He asked whether he would be allowed to show a few slides and Mayor Harper agreed. He reported that the video previously presented was created by Dr. Charles Moore, the leading expert on this issue and stated that the information presented is accurate and pertinent and felt that more time was wasted with discussions regarding the process than was wasted watching the video. In addition, he believed that the problem is not littering and presented slides of Styrofoam debris on Sunset Beach, which, he stated, blows into the ocean. He wondered how the City can expect revenue from visitors when the beaches are unclean. He stressed the need for the City to lead by example. (02:03:46)

Lisa Chauv spoke in opposition to Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She reported that her parents have owned The Little Donut Shop for three decades and have not raised their prices in nearly three (3) years. She added that keeping prices low is what has kept their customers coming and felt that their business will suffer by restricting the use of Styrofoam. She commented on the harmful effects of using paper products noting that they use more raw materials and cause the elimination of trees. (02:06:25)

Chloe Yoo, Yamas Teriyaki Restaurant, spoke in opposition to Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She asked Council to deny the proposed ban and stated that alternative products cost substantially more than Styrofoam. (02:08:24)

Tiffanie Cheng, speaking on behalf of Golden Boy Donuts, spoke in opposition to Agenda Item No. 17 - Ordinance regarding Polystyrene (EPS) "Styrofoam" disposable food service ware. She congratulated Pegasus School students for their presentations and stated it is nice to see young people expressing their opinions. She commented on the amount of Styrofoam waste and stated that paper products are the number one source of waste in the United States according to the EPA. She reported that her customers are opposed to the ban and that she obtained signatures of those opposed. Additionally, she addressed the cost of Styrofoam versus paper (02:09:53)

Mayor Harper closed the public comments portion of the meeting.

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

Councilmember Boardman reported that the Compassionate Cities Committee met last week and invited groups interested in participating in the Compassion Games from September 11, 2014 to September 21, 2014 to participate in future meetings. She added that the next meeting will be on February 19, 2014.

Councilmember Sullivan reported chairing the January meeting of the Orange County Senior Citizens Advisory Council as well as the Executive Board and attended the Health and Nutrition Committee meeting of the same organization.

Councilmember Carchio reported attending the ACCOC reception and dinner program as a Board Member adding that it focused on retail revitalization and revenue.

CITY MANAGER'S REPORT

City Manager Fred Wilson deferred to Police Chief Handy for a report.

Police Chief Handy reported on a recent press conference announcing an arrest of a sexual predator in social media and seeking the public's help regarding additional victims. He reported that comments have been received with information regarding several more victims and that they continue to be received. He announced a public forum on January 29, 2014 at the Library at 6:00 PM to have a public discussion on internet safety and social media. There will be training provided and software will be distributed for parents who attend the training.

In response to Mayor Harper's inquiry, City Manager Wilson provided an update on the building plans and fundraising efforts of the Beach Cities Interfaith Services (BCIS) homeless feeding facility, indicating it should be operational by early March.

CITY CLERK'S REPORT

- 1. The City Clerk presented a brief demonstration of a newly developed City website application which provides the ability to research one hundred and four years of Huntington Beach Mayors**

City Clerk Flynn highlighted a new feature on the City's website that includes photos of previous City Mayors. She explained the process involved in acquiring photos and developing the feature. She demonstrated how to access and search the feature on the City's website, and encouraged anyone that may have access to a few missing photos of past Mayors to contact the City Clerk's office. She invited the public to visit the page and offer suggestions. She addressed Mayors that have served multiple terms as well as the first female Mayor. She thanked individuals who helped develop the page, and hopes that it will be a helpful and enjoyable resource for the community.

CONSENT CALENDAR

Councilmember Boardman pulled Consent Calendar Item No. 5 for separate discussion and consideration.

- 2. Approved and adopted minutes dated December 16, 2013 and January 6, 2014**

A motion was made by Councilmember Carchio, second by Councilmember Boardman to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting of December 16, 2013, and the City Council Special Meeting of January 6, 2014, as written and on file in the Office of the City Clerk.

The motion carried with the following vote:

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

- 3. Accepted Grant award from the State of California in the amount of \$208,575 and appropriated funds for new playground equipment at Harbour View and Newland Parks**

A motion was made by Councilmember Carchio, second by Councilmember Boardman to accept the Grant award and approve the appropriation of \$208,575 from the 2002 State Park Bond Per Capita and Roberti Z'Berg Grant award to the 2002 Park Bond Fund Account 95945102 for the purchase and installation of new playground equipment at Harbour View Park and Newland Park.

The motion carried with the following vote:

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

4. Authorized the Director of Community Services to sign as City Representative the Trust Distribution Agreement accepting \$10,000 as a gift from the Norman L. Mayer Revocable Trust; and, authorized appropriation and expenditure of funds for a park bench

A motion was made by Councilmember Carchio, second by Councilmember Boardman to authorize the Director of Community Services, Janeen Laudenback to sign the "Trust Distribution Agreement Norman L. Mayer Revocable Trust Originally Established January 22, 1985, As Amended" on behalf of the City of Huntington Beach; and, accept the bequest of \$10,000 from the Norman L. Mayer Revocable Trust Distribution Agreement and authorize the appropriation of \$10,000 to Community Services Beach Maintenance Donation Account, Other Maintenance Account 10345206.67400. Upon receipt of the funds, authorize expenditure of the funds for a park bench in the name of Norman L. Mayer. Any excess funds will be used for installation of additional park equipment as needed.

The motion carried with the following vote:

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

5. Adopted Resolution No. 2014-01 approving Local Coastal Program Amendment (LCPA) No. 13-001 and forwarding Zoning Text Amendment (ZTA) No. 13-001 previously approved by the City Council to the California Coastal Commission requesting certification

Councilmember Boardman indicated that she supports this item and pulled it in order to highlight it. She explained that the amendments prohibit the sale of alcohol for off-site consumption in District 1 (downtown). She noted that there will be no more liquor stores in the downtown area. She added that Council is not opposed to restaurants or food-serving establishments downtown but that the issue is alcohol.

A motion was made by Councilmember Boardman, second by Mayor Pro Tem Shaw to approve Local Coastal Program Amendment No. 13-001 by adopting Resolution No. 2014-01, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 13-001 and Requesting its Certification by the California Coastal Commission."

The motion carried with the following vote:

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

6. Released Bonds related to former Developer of Pacific City Development

A motion was made by Councilmember Carchio, second by Councilmember Boardman to release the Faithful Performance No. SU5005652, Labor and Material Bond No. SU5005652 and Monument Bond No. SU5005651 pursuant to California Government Code Section No. 66499.7(a); and, instruct the City Clerk to notify the former developer, Makallon Atlanta Huntington Beach, LLC, of this action and the City Treasurer to notify the surety, Arch Insurance Company, of this action.

The motion carried with the following vote:

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

7. Awarded and authorized execution of a Construction Contract in the amount of \$2,024,024.00 to Mamco Inc. dba Alabbasi, for the Beach Boulevard Sewer Improvement Project, CC-1443, and approved appropriation of funds

A motion was made by Councilmember Carchio, second by Councilmember Boardman to appropriate \$1,050,000.00 from the undesignated Sewer Fund (511) balance to Sewer Replacement Account No. 51189014.82600; accept the lowest responsive and responsible bid submitted by Mamco Inc. dba Alabbasi, in the amount of \$2,024,024.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried with the following vote:

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

8. Approved and authorized execution of Lease Agreement between the City and Dwight's and Jack's, Inc. for Dwight's Beach Concession located at 201 Pacific Coast Highway

A motion was made by Councilmember Carchio, second by Councilmember Boardman to approve and authorize the Mayor and City Clerk to execute the "Lease Between the City of Huntington Beach and Dwight's and Jack's, Inc. for Dwight's Beach Concession at 201 Pacific Coast Highway."

The motion carried with the following vote:

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

9. Approved and authorized execution of Amendment No. 2 to extend Professional Service Contract with Harris & Associates to complete design services for a Public Works project

A motion was made by Councilmember Carchio, second by Councilmember Boardman to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Agreement

Between the City of Huntington Beach and Harris & Associates," to extend the existing professional service contract for two additional years.

The motion carried with the following vote:

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

10. Approved and authorized execution of amendments to extend Professional Services Contracts with Black O'Dowd and Associates, dba BOA Architecture, and M. Arthur Gensler, Jr. and Associates, Inc. to continue providing as-needed Architectural Services until February 22, 2015

A motion was made by Councilmember Carchio, second by Councilmember Boardman to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 To Professional Services Contract Between The City of Huntington Beach And Black O'Dowd & Associates, Inc., dba BOA Architecture, for As-Needed Architectural Services," extending the existing agreement for one additional year; and, approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 To Professional Services Contract Between The City of Huntington Beach And M. Arthur Gensler Jr. & Associates, Inc. for As-Needed Architectural Services," extending the existing agreement for one additional year.

The motion carried with the following vote:

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

11. Approved and authorized execution of Amendment No. 2 to Professional Services Contract with Biggs Cardosa Associates, Inc. for Bridge Design Services

A motion was made by Councilmember Carchio, second by Councilmember Boardman to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Agreement Between the City of Huntington Beach and Biggs Cardosa Associates, Inc. for Bridge Design Services."

The motion carried with the following vote:

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

12. Approved and authorized the execution of Amendment No. 1 to the Cooperative Agreement with the Orange County Transportation Authority (OCTA) for the Traffic Signal Synchronization Project along Talbert Avenue

A motion was made by Councilmember Carchio, second by Councilmember Boardman to authorize the Mayor and City Clerk to execute Amendment No. 1 to "Cooperative Agreement No. C-1-3022 By and Between Orange County Transportation Authority and the Cities of Fountain Valley, Huntington Beach and Santa Ana and the State of California for Implementation of the MacArthur Boulevard/Talbert Avenue Project Funded as Part of the Measure M2 Regional Traffic Signal Synchronization Program (Project P)."

The motion carried with the following vote:

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

13. Approved and authorized execution of the Fourth Amendment to the Purchase and Sale Agreement and Joint Escrow Instructions with KPHL, LLC for the construction of a 120 to 140-room Hotel to be located 7872 Edinger Avenue

A motion was made by Councilmember Carchio, second by Councilmember Boardman to approve the "Fourth Amendment to Purchase and Sale Agreement and Joint Escrow Instructions (7872 Edinger Avenue)" with KPHL, LLC Inc.; authorize the Mayor and City Clerk to execute the Amendment; and, authorize the City Manager to sign all necessary documents to effectuate this Agreement, including any future amendments or assignments.

The motion carried with the following vote:

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

14. Adopted Resolution 2014-03 approving a promotional program providing two hours free parking at the Main Promenade Parking Structure on Valentine's Day

A motion was made by Councilmember Carchio, second by Councilmember Boardman to adopt Resolution No. 2014-03, "A Resolution of the City Council of the City of Huntington Beach Authorizing a Promotional Program of Two Hours Free Parking in the Main Promenade Parking Structure with Merchant Coupons on February 14, 2014."

The motion carried with the following vote:

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

**15. Adopted Ordinance No. 3983 amending Chapter 2.64 of the Huntington Beach Municipal Code changing the composition of the Community Services Commission to include seven (7) at-large individually appointed members and six (6) school district appointees
Approved for introduction July 15, 2013 (Vote: 6-0-1, Hardy absent)
Adoption continued from August 5, 2013 meeting.**

A motion was made by Councilmember Carchio, second by Councilmember Boardman to adopt Ordinance No. 3983, "An Ordinance of the City of Huntington Beach Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission."

The motion carried with the following vote:

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

PUBLIC HEARING

16. **Certified Environmental Impact Report (EIR) No. 13-001 (Brookhurst and Adams Intersection Improvements) by adopting Resolution No. 2014-02**

City Manager Wilson introduced the item and deferred to staff for a report.

Planning Manager Mary Beth Broeren provided a PowerPoint presentation addressing the EIR request, the project site, background, EIR analysis, EIR comments, Planning Commission actions and appeal by Mayor Pro Tem Shaw and EIR recommendations.

In response to Mayor Harper's request, Manager Broeren presented details of the EIR process. She added that Council is not being asked to approve the project but rather to certify the EIR. She added that minor changes to the project can still be made and that in order to move forward with the project, the City must enter into negotiation regarding rights-of-way and would need to acquire the property. The project may require variances and that there are numerous steps to be taken before implementing the project.

Mayor Harper opened the Public Hearing.

City Clerk Joan Flynn announced receipt of the following supplemental communications:

Communication received from Karen Copeland, dated January 17, 2014 in opposition of the widening project.

Communication received from Maria Mazzenga, dated January 20, 2014 in opposition of the widening project.

Erik Peterson, Vice Chair of the Planning Commission, explained the Commission's reasons for denying certification of the EIR. He reported that during review of the matter, the Commission found that there was insufficient data to justify the expansion of the intersection, stating it can adequately handle current and future traffic needs and that expanding it would probably bring more traffic to the intersection to and from Costa Mesa. He reported that during public comments, many residents indicated there were no traffic problems at the intersection and had concerns regarding extra lanes they would have to cross to leave their neighborhoods. The Commission also felt that there would be many negative impacts to private property and parking would be diminished. He added that the EIR did not take into consideration the loss of landscaping. (02:36:54)

Paul Haussler, Huntington Bay homeowners, spoke in opposition of the project noting that it is a solution to non-existent problems. He stated that traffic patterns on Adams Avenue have not changed significantly through the years and disagreed with a statement that traffic will increase as projected in the EIR. He added that residents of Huntington Bay need both sides of the existing frontage road for parking. He expressed concerns regarding vibrations from large vehicles, buses and trucks; decreased home values and problems with the new lanes. (02:38:58)

Mark Sork, Towne House Plaza, owner of the properties northwest of Brookhurst and Adams, stated that the Planning Commission made the right decision noting that there is no demonstrated need for the project at this time and that there is no document that demonstrates the necessity for the project. Regarding the EIR, he stated that the document is faulty noting that there was no

traffic study on the individual properties, there was no parking study and that the same weight was given to parking behind the existing structures as to parking in front. Additionally, the EIR did not study the landscape and Mr. Sork questioned the purpose of the EIR. He stated that there are no new facts to justify opposition to the Planning Commission's decision. He encouraged Council to not override the wisdom of the Planning Commission. (02:41:57)

Michael Nguyen, Meredith Gardens, spoke in opposition to the proposed project, commented on traffic at the subject intersection during peak hours and listed existing options for drivers. He expressed concerns with the proposed expansion noting that the lanes will be closer to his house which will have a negative impact in terms of noise, vibration, dirt and decreased property values. (02:42:19)

Katherine Leebrick, Huntington Bay, spoke in opposition to the proposed project and expressed concerns regarding negative impacts from the widening of the intersection and variances for decreased landscaping and parking. She noted that there are no existing traffic problems, that she only has one way in and out of her complex and that the project is not necessary. Ms. Leebrick thanked Commissioner Peterson for his comments to Council and noted that the Commission's concerns are the same as those of nearby residents. (02:48:07)

Diana Elder, Huntington Bay, spoke in opposition to the proposed project noting that she has not observed major changes in terms of traffic in the subject intersection. (02:50:34)

Sheila Ivins, Huntington Bay, spoke in opposition to the proposed project noting that it will have a significant impact on residents of Huntington Bay. She expressed concerns with decreased property values and stated that the costs associated with the project do not justify the limited benefits it may have. She listed areas in which the EIR is deficient and referenced the MOU and CEQA. She expressed concerns with increased construction traffic, and that the EIR considers no alternatives to the project. (02:50:50)

Keith Griffin spoke in opposition to the proposed project noting that the project is not needed and will be very costly. He stated that the project will increase noise as well as carbon monoxide exposure and that it may be politically costly to those who vote to move forward with the project. (02:56:21)

Kathryn Wood, Huntington Bay, spoke in opposition to the proposed project and noted that the Planning Commission denied certification of the EIR. She reported that no traffic study was conducted and expressed concerns regarding increased traffic hazards, traffic congestion, noise and pollution. She indicated that residents as well as businesses will be negatively impacted and thanked Commissioner Peterson for addressing Council. Additionally she urged Council to not waste tax-payer money. (02:57:23)

In response to Councilmember Hardy's inquiry, Ms. Wood explained her route exiting her complex in the morning and stated that she doesn't use Ranger because the traffic light takes a long time to change. She suggested the possibility of synchronizing the traffic light.

Connie Martin, Park Huntington, spoke in opposition to the proposed project and complained about noise from drag racers and increased traffic caused by widening the intersection. (03:00:39)

In response to Councilmember Hardy's inquiry, Ms. Martin clarified that traffic has not gotten

worse during the years.

Bonnie Meakin, Huntington Bay, spoke in opposition to the proposed project and noted that the expanded lanes will be only half a mile long. She questioned the need for the project and noted that merging traffic slows traffic down which is what will happen if the project is approved.

(03:03:15)

Leslie Riasanovsky, Huntington Bay, spoke in opposition to the proposed project. She added that she agrees with the Planning Commission's decision not to certify the EIR and hoped that Council will do the same. She referenced CEQA in terms of requiring the need for a project and stated that there is an implied requirement for necessity particularly when the City is contemplating spending millions of dollars of taxpayer money. She reported that the current level of service in the subject intersection is acceptable and addressed the need for the project in 2030 noting that it is sixteen (16) years from now and noted that projections are only as good as the assumptions that underlie them. (03:03:38)

John Riasanovsky, Huntington Bay, spoke in opposition to the proposed project, stated that the traffic report has no interim between the current traffic and the projected traffic in 2030 and that it states that the existing conditions are acceptable for 2014, 2015 and the foreseeable future. He questioned spending the money before the City purchases the land. He agreed with Commissioner Peterson that this is an ill-conceived project and that the EIR needs to be redone to show why the project is needed. He provided support for the alternative plan and opined that the EIR did not adequately address the project access lane on Piccadilly, and inclusion of a stop light near the Market Broiler adjacent to the Stater Bros. Center. (03:06:41)

Mayor Harper closed the Public Hearing.

In response to Councilmember Hardy's inquiry regarding the "taking of a back yard and destruction of a building", Manager Broeren reported that the reduced right-of-way alternative avoids affecting the back yard of the residential property and does not require that the building be removed and would be the project that staff would recommend if it goes forward. She reiterated that Council's action tonight is not approval of the project but rather certification of the EIR.

In reply to Councilmember Hardy's inquiry regarding the traffic light trigger related to making a left turn onto Adams from Ranger, Transportation Manager Bob Stachelski reported that the left turn light has its own sensor but that it has a relatively long cycle to go through. Manager Stachelski added that it is set up for 140 seconds per cycle. Regarding the letter rating for that intersection, Manager Stachelski reported that the current level of service is D and that it was worse before the most recent improvements. He pointed out other intersections that are presently at level of service D.

Discussion followed regarding an approximate timeline in which the City would have the funds and implement the project. It was noted that there is no timeline at this point because the City has not applied for funds beyond the engineering stage. The next opportunity to apply for funds for right-of-way acquisition would be towards the end of this year. Those funds would not be available until 2015/2016.

Manager Stachelski clarified that while 2030 was used in the projections, there will be a gradual growth in traffic. There are unknown factors that may influence that growth. Predictions are difficult in the short term. Between now and 2030, it is expected that traffic will increase between

18% and 19%.

Councilmember Hardy stated that the subject intersection has been listed as one of the worst intersections in the country and asked how long it has been since such a list was updated.

Manager Stachelski stated that the report was issued by State Farm Insurance in 2000 and that he hasn't seen any list publicized since then. The subject intersection did not have the highest number of accidents in the City and that the State Farm report was based on the number of claims they had.

Mayor Pro Tem Shaw indicated the need to mitigate some of the problems that residents have expressed. He asked if the EIR took into account the problems experienced by Huntington Bay residents.

Manager Broeren responded in the affirmative and deferred to Manager Stachelski.

Manager Stachelski reported that the analysis looks at conditions in the area but did not look into any specific related to Huntington Bay. He stated that the project does not affect movements from that area and that the widening and improvements will be implemented west of Piccadilly. He reported that projections indicate that the traffic will be worse if the improvements are not made and that traffic for residents of Huntington Bay will also get worse. Traffic growth is expected and staff is attempting to address the issue for the long run. He addressed conditions under which a new EIR would be necessary.

Mayor Pro Tem Shaw stated that the matter of Huntington Bay ingress and egress should be considered in the future. He commented on acceptable levels of service and asked whether D would be acceptable.

Manager Stachelski stated that the level of service D is barely acceptable adding that some intersections will be worse and some better and that compromises are necessary. He reported that the intersection of Edinger and Beach are at level of service E.

Mayor Pro Tem Shaw asked Commissioner Peterson to the podium and asked him to explain the evidence provided for the Commission reaching the conclusion that traffic will increase because of the project.

Commissioner Peterson stated that more lanes will attract more traffic.

In response to Mayor Pro Tem Shaw's inquiry regarding the average speed on that intersection, Manager Stachelski indicated that he would expect it to be 45 miles per hour. He stated that average speed would vary significantly depending on which direction drivers are going as well as the time of day.

Mayor Harper agreed with the assessment in terms of the difficulty of that intersection particularly since there are few alternatives to take. He discussed some urgency in moving the project forward, and his objection to moving forward without improvements to the area.

Councilmember Boardman stated that level D is acceptable but is problematic. She added that she has seen an increase in traffic in that area and wondered why there is such a different impression regarding the traffic load. She reported that it is no different than Beach and Edinger.

and that her experience has been very different than what residents have claimed. She added that Costa Mesa, Fountain Valley and Huntington Beach agreed to a number of traffic improvements so that the Geisler Bridge would be removed from the Master Plan of Arterial Highways. She reported that some of those improvements have already been implemented on the subject intersection and stated that she sees this project as continuing that commitment.

Councilmember Boardman reiterated that certifying the EIR does not mean that the project will happen right away. She asked regarding the need for additional funding.

Manager Stachelski stated that the size of the project will limit staff's ability to get funding for the entire project; that applications for funding will probably have to be done in phases and that the process of acquiring the rights-of-way and the negotiation process will require a considerable amount of time. He added that it is likely that the project will not begin until 2017 and that construction will take approximately six (6) months.

Councilmember Boardman commented on the need to address access to Adams from the Huntington Bay neighborhood and suggested a stop sign on the frontage road to facilitate access to the traffic light on Ranger. She expressed interest in ways to mitigate the problem. She believed that the Kohl's parking lot is over parked and asked if parking will be adequate with the loss of parking spaces discussed.

Manager Broeren stated that there would still be a surplus of twelve parking spaces, overall, in the entire center.

In response to Councilmember Carchio's inquiry regarding the estimated project cost, Manager Stachelski stated that the range would be between \$6 and \$10 million. He added that it will be difficult to obtain funding for the entire project and commented on funding sources. He added that there is a good chance that the City could get at least 50% of the funding required. He reported that staff does its best to estimate what the costs will be, over time and if costs change significantly, it is possible to discuss possible amendments with the funding sources if there is sufficient justification.

Councilmember Carchio asked if there is another plan to consider if the funding is not acquired and commented on impacts to small businesses through construction. Manager Stachelski stated that it is possible that the City could get enough money to pay for the westbound through lane and the southbound lane down to Adams. He noted sections that could be broken out as a separate project.

Councilmember Carchio acknowledged that there are problems at that intersection and suggested looking at something that will be more realistic so that businesses are not impacted with construction. He stated that he cannot support the project as presented but that he could support a portion of the project.

Manager Broeren reported that CEQA requires a comprehensive analysis and that the General Plan Circulation Element calls for the intersection to be improved. She stated that by portioning out the project the City could be accused of project-splitting because staff would not be addressing the project, comprehensively.

Councilmember Katapodis thanked staff for their work and stated that Beach and Edinger needs more work than Brookhurst and Adams. He noted that business owners, residents and the

Planning Commission indicated that the proposed project is not necessary and felt that other intersections should be assessed. He agreed with the Planning Commission that there is no urgency regarding that intersection at this time. He indicated he will not support the matter.

A motion was made by Mayor Pro Tem Shaw, second by Mayor Harper to certify Environmental Impact Report No. 13-001 as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by adopting Resolution No. 2014-02, "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report (SCH#2013011057) for the Brookhurst Street and Adams Avenue Intersection Improvements Project" as amended directing staff to return to Council with a proposal for improving egress/ingress of Huntington Bay.

Mayor Harper stated that getting too far ahead on this project is a disservice noting that this is a transportation project and that such projects take a significant amount of time. He added that if the project is stopped at this time, it would limit the ability of future Council's to address the issue and would add to the time for processing it. He stated that it should not be difficult to obtain regional funds because of the connection of two other cities but that no one will approve funding until the City can demonstrate a need. Additionally, he stated it would be a disservice to the City to stop the process altogether and that in reality, there really is a problem with the subject intersection. He stressed the need to allow for progress to be able to move forward and figure out the priorities.

City Clerk Flynn restated the motion as follows:

A motion was made by Mayor Pro Tem Shaw, second by Mayor Harper to certify Environmental Impact Report No. 13-001 as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by adopting Resolution No. 2014-02, "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report (SCH#2013011057) for the Brookhurst Street and Adams Avenue Intersection Improvements Project" as amended directing staff to return to Council with a proposal for improving egress/ingress of Huntington Bay.

The motion carried with the following vote:

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

ORDINANCES FOR INTRODUCTION

- 17. Denied the introduction of Ordinance No. 4007 establishing Chapter 5.100 of the Huntington Beach Municipal Code relating to expanded Polystyrene (EPS) "Styrofoam" Disposable Food Service Ware
Continued from November 18, 2013**

Mayor Harper called forward members of the public wishing to speak on Agenda Item No. 17 that did not speak during the Public Comments portion of the meeting.

Dianne Thompson, Chair of the Huntington Beach Chamber of Commerce, spoke in opposition to the proposed ban. She stated that the Chamber believes that regulating Styrofoam is one more burden that would negatively affect the City's small businesses. She reported that visitors to the

City are using their wallets to indicate that the use of Styrofoam is unacceptable. She commented on the availability of alternatives and stated that once a solution is found, many small businesses will accept them and asked that Council let the market place drive the elimination of polystyrene. Ms. Thompson urged Council to reject the ban. (03:55:18)

Patrick Brenden, Chair Elect Huntington Beach Chamber of Commerce, stated he admires the efforts of Slap Fish in creating sustainability for their business without any government regulations. He reported that sustainability is happening and does not need to be forced. He reported that the Chamber promotes sustainability as it is seen as a strategic advantage the community has. He added that new businesses are encouraged to come to Huntington Beach with incentives that create a business environment with proactive and positive actions not restrictive overregulation. (03:56:13)

Susan Bresnan, Surfrider Foundation, spoke in support of the ban and presented examples of food ware that are recyclable, biodegradable and do not cost much. She presented a list of Styrofoam and alternative items and their corresponding price. She noted that eco-friendly packaging has bloomed throughout the country and read comments from food-serving businesses throughout the City. She added that even the smallest business is able to find alternatives that are eco-friendly and reasonably priced. (04:03:54)

Norma Sellers, Huntington Beach Surfrider Foundation, spoke in support of the proposed ban. She reported that she has participated in many beach clean-ups and the majority of items found were made of Styrofoam. She presented an example of Styrofoam debris that was collected in a recent clean-up and addressed the effects of the material on wildlife and stated observing birds pecking on Styrofoam as well as five dead birds within a mile stretch of beach. She listed statistics on reduced waste by cities that have banned the material. (04:04:23)

In response to Councilmember Boardman's inquiry, Ms. Sellers identified the area of the beach where the Styrofoam was collected.

In response to Councilmember Carchio's inquiry regarding whether Ms. Sellers assumes that the debris came from restaurants in the City, Ms. Sellers responded in the affirmative.

Mark Aguilar, Owner of Super Mex Restaurant, spoke in opposition to the proposed ban and commented on recycling efforts in the City. He stated that he believes the problem to be human behavior and commented positively on Pegasus students who commented earlier this evening. He stressed the importance of education in the matter. Additionally, he reported that approximately 25% of his restaurants' sales are take-out and that banning Styrofoam would create an increase of about three (3) times their current costs. He addressed the cities that have already banned the material stating that they have variations. He expressed concerns that the ban targets restaurants but not retail shops and that passage of the ban would create a hardship for his business. In response to Mayor Pro Tem Shaw's inquiry, Mr. Aguilar stated that he does not recommend to his customers, microwaving Styrofoam containers. (04:07:34)

Max Craft, Don Jose Restaurant, spoke in opposition to the proposed ban noting that the ban would not eliminate the use of Styrofoam in the City and would severely impact his business. He expressed concerns that the ban only targets restaurants and small food chains and commented on the use of Styrofoam for take-out food. He added that he would not advise anyone to reheat their food in the Styrofoam container and presented an example of some of the costs his business would incur if the ban is passed. (04:12:37)

Christina Funch spoke in support of the item and distributed a communication entitled "The Economics of Styrofoam vs. Eco-Focused Packaging in a Menu Model". She noted that Mr. Jethro Naudé, Founder and Economist of Slap Fish Restaurant, offered free services to help small businesses understand the economics of this matter. Additionally, she presented letters from restaurants in the City that support the ban. She read some of the letters into the record and urged Council to support the ban. (04:16:23)

Tawny Valentine, California Restaurant Association (CRA) Representative, spoke in opposition to the proposed ban. She addressed impacts to small restaurants, increased costs for alternative products and promoting and challenges with the hardship clause. She urged Council to oppose the ban and encourage programs that reduce littering. (04:19:28)

In response to Mayor Harper's inquiry regarding the ban targeting food vendors that are more affordable and are price-sensitive, Ms. Valentine stated that people like to use products that fit their needs the most, and that many use Styrofoam containers because they are effective, reliable and cost-efficient.

Glenn Cajar, Orange County Coastkeeper Volunteer, spoke in support of the ban and commented on the amount of Styrofoam found on City beaches. He added that if the ban is passed, littering may not decrease but it will be replaced with a product that is biodegradable and recyclable. He addressed impacts of the material on wildlife and noted that the cost difference between it and biodegradable material is not much. (04:23:47)

Julio C. Barrios, Owner of Pacific Grove Sandwich Shop, spoke in opposition to the ban and addressed increased costs of Styrofoam alternatives. He urged Council to oppose the ban. (04:25:36)

Craig Cadwallader, Surfrider Foundation, addressed comments relative to the ban targeting small businesses and noted that the City of Manhattan Beach recently passed one of the strongest bans in the country including straws, lids, utensils, foam coolers and Styrofoam retail sales. He acknowledged that foam products are good insulators and have some good properties but mostly negatively impactful properties. He reported that there is a wide range of alternative products at reasonable prices and noted that as people shift to alternative materials the prices will likely decrease. Additionally, he stated that increased trash brings down property values, commented on cleanup expenses and spoke in support of a cleaner, healthier environment. (04:26:17)

In reply to Mayor Harper's question, Mr. Cadwallader presented information regarding the ban in the City of Manhattan Beach. Mayor Harper expressed concerns with the non-stop of potential bans. He asked if Surfrider has other bans that it would request from the City. Mr. Cadwallader stated that they just want a cleaner and healthier environment without toxics. He added that he is not anti-business and that many of his friends own restaurants. The concept of negative impacts to businesses by the high-costs alternatives is an urban myth.

Councilmember Carchio asked whether there is any indication of cities that have experienced decreased home values as the result of not banning Styrofoam.

Mr. Cadwallader offered to send Council the information.

Jessica Bechtold, Surfrider Foundation, spoke in support of the proposed ban. She stated there

has been good education as a result of considering this matter and that people are ready for the ban. She referenced the City of San Jose which is the largest city in California that has approved a ban. She added that the ban could be reversed with a petition from citizens and presented related statistics. She referenced a flyer being distributed by the CRA noting that it is very misleading and read a letter from The Loving Hut in response to the flyer. Additionally, she reported on the attendance of the owner of Saffron Grill who was going to speak to Council in opposition to the ban but changed her mind in support of the ban when she heard what previous speakers had to say regarding the harmful effects of Styrofoam and the misleading comments in the CRA flyer. Ms. Bechtold reported getting signatures from residents in support of the ban and noted that the CRA does not live in Huntington Beach. (04:26:56)

In response to Councilmember Carchio's inquiry, Ms. Bechtold stated she will be present in the meeting until the matter has been approved.

Bill Hickman, Surfrider Foundation, spoke in support of the item and distributed a communication from Boardwalk Fresh Burgers & Fries. He commented on enforcing the ban and stated he is not aware of problems with enforcement, anywhere. Additionally, he quoted Councilmember Nancy Gardner from the City of Newport Beach and Steve Rosansky from the Newport Beach Chamber of Commerce, indicating there have been no problems with restaurants in relation to the ban. He also spoke with their Code Enforcement staff who reported no citations issues to restaurants for non-compliance with the ordinance. He added that the hardship clause included in the Huntington Beach ordinance is sufficient and commented on the CRA theories regarding problems with compliance. He reported that the ban has been successful in other cities, addressed the price of alternative products and noted staff's recommendation adding that there has been due diligence on the matter. In addition he commented on recycling efforts and challenges related to recycling food-contaminated Styrofoam materials. He asked that Council support the polystyrene ordinance. (04:33:31)

Councilmember Sullivan and Mr. Hickman discussed Mr. Hickman's impression that City staff supports the recommendation.

In response to Mayor Harper's question regarding the recommended action being at the suggestion of the ordinance sponsor, City Attorney McGrath reported that the recommendation is in response to direction by Council to draft an ordinance banning Styrofoam. She added that this is not staff's position but rather reflects the author's intentions.

Mayor Harper commented on a previous statement regarding adoption of the ordinance in Huntington Beach and asked why the State has not adopted such an ordinance.

Mayor Harper closed public comments.

Mayor Harper commented on the number of hand-written comments received from restaurants in Huntington Beach in opposition to the ban compared with the number of form letters ("slacktivism") received from residents in support noting that there seems to be a big difference in the sincerity of the comments between both groups. He addressed the identification of a problem or harm but stated that what has not been demonstrated is a solution of the problem. He expressed concerns that the ordinance does not demonstrate how the problem will be solved and that this will lead to more and more restrictions in the City. He reiterated his statement that the State legislation has not dealt with the issue in over twenty (20) years.

Councilmember Hardy responded to comments received from businesses noting that they may be handwritten, but they were copied from an original and were not unique. She referenced a letter from Slap Fish in support of the ban and an email from the owner of a restaurant stating that the written comment was submitted by someone who does not have authority to comment. It also then indicated Slap Fish support of the ban. She addressed comments from those expressing concern for the environment and noted they should learn to make double-sided copies noting they could have cut the cost of copying if they were concerned about cutting costs. She added that it is difficult to measure the effects from one single city and that the effort is to be part of a larger effect; commented on the smoking ban and people's acceptance of same and wondered regarding the ban in the City of Newport Beach. Additionally, she addressed education on the matter and stated that teaching people not to litter is not the solution and commented on the amount of material that is not recycled by Rainbow Environmental Services. She commented on the costs of alternative products and stated she does not know how to address economies of scale for smaller businesses but stressed the need to stop using Styrofoam products. She stated she will support the ordinance.

Councilmember Boardman commented on Mayor Harper's term, "slacktivism," stating that she sees no problem with members of an organization who agree with the organization's position to send an email stating so. She added that to say that form letters do not have the same weight as handwritten comments is wrong. She stated that the handwritten letters are all the same and that the delay has allowed the CRA to develop such letters. She addressed the recyclability of the material and noted that the issue relates to the amount of the material that is not recycled because it is contaminated with food residue. She added that coated paper can be recycled and noted that although there is paper litter, the material is biodegradable, breaks down and does not exist forever but rather breaks down. She commented on the ability of small businesses applying for an exemption and noted that the City is a City of Compassion which includes compassion for the environment. Although much of the debris comes from other cities, Huntington Beach must do what it can to reduce Styrofoam waste. She reported the results of her research regarding the costs of Styrofoam and alternative products and wondered why the Chamber does not organize small businesses into cooperative buying. In addition, she addressed cities in Orange County that have implemented the ban and related exemption requests; requested that the ordinance take effect 120 days after adoption to allow businesses to deplete their existing inventory and read a letter from the California Restaurant Association. As far as the State not having approved a ban, she stated that is completely irrelevant and that what matters is what the City is doing to improve the environment adding that one reason may be that the CRA has a big lobbying group that contributes significantly to many campaigns.

Mayor Harper indicated he is still waiting on information regarding how the ordinance will resolve the issue as well as performance measures on whether it works or not. He asked whether Newport Beach is completely free of Styrofoam materials and commented on the smoking ban and the plastic bag ban noting it has not resolved the issue of related litter. He wondered what other bans will be proposed in the City and whether the increased cost related to this regulation merits the taking away of the freedoms of restaurant owners as well as the residents whose ability to choose is removed. He noted legislators who have voted against the ban including Democrats.

Councilmember Boardman stated that what the State does is irrelevant to her. She added that she is representing her constituents and stated she does not understand why Mayor Harper is trying to make this into a partisan issue. She addressed how the proposed ban will reduce the amount of Styrofoam litter on the beaches and commented on the efforts of Surfrider in this regard. She proposed the Surfrider continue its cleanup efforts and monitor the level of

Styrofoam found and suggested that the more cities get on board with the ban, the more they will see a reduction in Styrofoam debris.

Mayor Pro Tem Shaw stated he believed this is an issue that most of the citizens of Huntington Beach support and commented on the number of communications received in support of the ban. He addressed working closely with Surfrider and Coastkeepers in support of the ban and expressed concerns regarding the health effects of Styrofoam including cancer-causing elements. He reported that Styrofoam is killing the oceans and that their livelihoods depend on having a clean ocean. He noted dead zones in the ocean and referenced a recent article in the "L.A. Times" regarding the problem of plastic-sphere and noted the importance of setting an example for other cities. He acknowledged the importance of keeping costs down particularly in the restaurant industry and stated that restaurant owners will continue to search for the best prices they can find using alternative materials. He read letters from various restaurants and the Restaurant Association in Newport Beach stating not having experienced any negative impacts because of the Styrofoam ban but rather positive impacts and in support of the ban. In addition, he read letters from Huntington Beach restaurants and the Huntington Beach Restaurant Association in support of the ban.

Councilmember Sullivan acknowledged that restaurants are hurting and felt that the City should hold off on the ban until conditions improve. He commented on letters received in opposition to the ban and commented on the number of minority-owned businesses in opposition to the ban. He added that the time is not yet right for the ordinance and noted his opposition.

Mayor Harper commented on the changes and challenges being faced by small restaurant owners in the City.

Councilmember Katapodis commended Surfrider and Coastkeeper for the beach clean-up efforts and commented on the low profit margins of small restaurant owners. He believed that the focus should be stopping people from littering on the beach and does not want Huntington Beach restaurants to suffer. He indicated that the ordinance does not solve the problem, addressed the importance of education and stated he will not support the ban at this time.

Councilmember Carchio noted that letters on both side of the argument were duplicated. He commented on the Newport Beach ban, that the Newport Beach Restaurant Association is not a political organization and that they didn't express concerns regarding the ban because they thought it was a "done deal". He felt that Newport Beach is not a good example to use. Many restaurants are choosing to not use Styrofoam because it is in their business plan. He stated that it is difficult to believe that the FDA would approve a product that creates the problems listed as caused by Styrofoam.

Councilmember Hardy commented on banning things nationwide noting there would not be several states back east with no water to drink. She noted that not all opposition to the ban was expressed through letters. She added that the same businesses have submitted multiple letters and noted that the list is not accurate. She stated she would like to see what cities were eliminated from the CRA form letter.

A motion was made by Councilmember Boardman, second by Mayor Pro Tem Shaw to approve for Introduction Ordinance No. 4007, "An Ordinance of the City of Huntington Beach Establishing Chapter 5.100 of the Huntington Beach Municipal Code Relating to Expanded Polystyrene Disposable Food Service Ware" as amended to take effect 120 days after its adoption.

The motion failed with the following vote:

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

18. Approved for introduction Ordinance No. 4008 and authorized execution of a Pipeline Franchise Agreement with Paramount Petroleum Corporation for the operation and maintenance of a pipeline system for the transportation of oil, gas, and other hydrocarbon substances in an existing pipeline system previously owned by Cenco Refining

City Manager Wilson stated that the deal points are listed in the staff report and offered to respond to questions from Council.

A motion was made by Councilmember Hardy, second by Councilmember Katapodis to after the City Clerk reads by title, approve for introduction Ordinance No. 4008, "An Ordinance of the City of Huntington Beach Amending Ordinance No. 2615 Which Granted An Oil Pipeline Franchise," and, approve and authorize the Mayor and City Clerk to execute the "Franchise Agreement Between the City of Huntington Beach and Paramount Petroleum Corporation."

The motion carried with the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Hardy announced an upcoming event, a program that uses the arts to bring attention to human trafficking which will be held on Friday, January 24, 2014 at 7:00 PM at Cottonwood Church in Los Alamitos. She added that all ages are welcomed and there is no cost.

Mayor Pro Tem Shaw reported representing the City at the Surfboards on Parade and commented positively on the event. In addition, he reported attending a recent Coastal Commission meeting where they pulled the Rich project.

Councilmember Boardman reported attending the memorial service for Larry Gallup as well as the recent Coastal Commission meeting. She attended the Eagle Court of Honor honoring Nikolai Tahmin and Tim Hayes and acknowledged that the reason Council is meeting on Tuesday rather than Monday is in honor of Dr. Martin Luther King, Jr.

Councilmember Sullivan reminded the community regarding the Annual 5K Walk/Run in support of the 3-1 Marine Battalion of Camp Pendleton will be held on March 15, 2014 at 8:00 AM at the beach. He provided registration information and thanked the Municipal Employees' Association for their work on behalf of the 3/1.

Councilmember Carchio reported attending the recent Rotary Club meeting with Mayor Pro Tem Shaw and congratulated them for their work and efforts. In addition, he asked the Police Chief to congratulate Joe Kirby for being the City's newest Police Officer.

Mayor Harper reported attending the park's bench dedication for Thomas J. Cooper, a long-term Parks Commissioner. Additionally, he attended the ribbon cutting for the Nectar Juice Bar as well as observing the floats in preparation for the Rose Parade and placing a dedication rose onto the Donate Life float. He explained the work of Donate Life in relation to organ donation. He stated that the professional photographer who took pictures at the event was the same photographer he used for his wedding. He announced his wedding on January 11, 2014 and presented a photograph of the event. He thanked Mayor Pro Tem Shaw and Councilmember Boardman for standing in for him during several functions, while he was away on his honeymoon.

ADJOURNMENT

Mayor Harper announced there will be a Special Meeting (Semi-Annual Strategic Planning Session) held on Friday, January 31, 2014, at 8:30 AM at the Huntington Beach Central Library, Rooms C and D, 7111 Talbert Ave., Huntington Beach, California.

There being no other business to come before Council, Mayor Harper adjourned the meeting at 11:59 PM.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, February 03, 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