

**Minutes
City Council/Public Financing Authority
and Special Meeting of the Successor Agency
City of Huntington Beach**

Monday, November 16, 2015
4 30 PM – Room B-8
6 00 PM – Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**Video recordings of the 4:30 PM and 6:00 PM portions of this meeting
are on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org/government/agendas/**

4:30 PM – COUNCIL CHAMBERS

CALLED TO ORDER – 4:32 PM

ROLL CALL

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

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

#1 A PowerPoint presentation submitted by Joan Flynn, City Clerk dated November 16, 2015, entitled *Request for Council Input to Strengthen the Intent of HBMC Chapter 5 90 – Fireworks and Resolution No 2015-04*

#1 Email communication submitted by Sue Welfringer

**PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS
(3 Minute Time Limit) – None**

STUDY SESSION

1. **The City Clerk presented suggestions to clarify and strengthen the Firework Resolution and Chapter 5.90 of the Municipal Code. Final revisions to the existing Firework Resolution and Ordinance will be brought to the Council for approval at a later date.**

City Clerk Joan Flynn presented a PowerPoint entitled *Request for Council input to strengthen the intent of HBMC Chapter 5 90 – Fireworks and Resolution No 2015-04* that included the following titled slides *Overview of the 2015 Fireworks Application/Lottery Process, Lesson Learned in the 2015 Fireworks Application/Lottery Process, Request Clarification, Suggested Change, HBMC Section 5 90 070 – Sale of Safe and Sane Fireworks, and Questions*

Discussion focused on defining membership, restricting high schools to submit one application per school, and the types of youth sports and civic organizations the City Council wishes to invite to participate in the fireworks stand permit application process

Councilmember Peterson discussed support for inviting nationally recognized sports organizations that accept all kids such as Little League, Pop Warner, AYSO, to apply for a fireworks stand permit. He also explained his thoughts on why public high schools should be considered for booths before privately funded schools with different fundraising opportunities

Councilmember Delgleize discussed placing focus on whether or not a sports organization has the resources to support a fireworks stand on their own. She also discussed options on partnering between more than one organization to support manning a fireworks stand

Councilmember Posey provided support for each high school submitting one application

Councilmember O'Connell voiced concerns about excluding small, community organizations

Councilmember Sullivan stated support for each high school submitting one application, and discussed educating applicants about what is involved to staff a booth. He recommended that applicants be required to attend a meeting held by the fireworks companies about how to submit a complete application, and the time and resources necessary to staff a booth

Mayor Hardy stated support for inviting participation by nationally recognized sports organizations that accept all kids such as Little League, Pop Warner, AYSO, etc. She questioned the value of requiring a membership list, and suggested that the application ask for a rough outline of an applicant's plan to manage a booth. She stated support for one application per public high school, and support for the 5th high school permit being awarded to a larger, more populated school, or perhaps to an elementary school to help fund education-based activities/programs

Mayor Pro Tem Katapodis questioned the value of a membership list, and whether or not organizations could use volunteers to staff a booth. He also stated support for high schools submitting one application per school

Councilmember Peterson suggested that applicants be required to substantiate what the funds they raise will support. Fire Chief McIntosh weighed in on how creative groups can be in appearing to function in/benefit Huntington Beach

City Attorney Gates discussed bona-fide memberships being able to provide insurance

Councilmembers Posey and O'Connell spoke in opposition to excluding private high schools

Mayor Hardy recommended and received consensus of Council that items presented by the Clerk for clarification be reviewed with her by Council liaisons to the 4th of July Board and then brought back to the full City Council

ITEM ADDED TO CLOSED SESSION AGENDA

A motion was made by O'Connell, second Sullivan to find that the following item came to light after the agenda deadline, and needs immediate attention and to add the item to the Closed Session agenda as #7 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 Ocean View School District v City of Huntington Beach, et al , Orange County Superior Court Case No 30-2012-00539563, Court of Appeal Case No G049545, which concerns a CEQA challenge to the City's final EIR on a mixed-use project on the southwest corner of Beach Boulevard/Warner Avenue

The motion carried by the following vote

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

Mayor Hardy Announced Pursuant to Government Code §54956 8, the City Council takes this opportunity to publicly introduce and identify designated property negotiator, Assistant City Manager Ken Domer, who will be participating in today's Closed Session discussions concerning price and terms of payment for the real property located at 21500 Pacific Coast Highway (the Hyatt Property) The negotiating parties are The real property owner, the Successor Agency to the former Redevelopment Agency of the City of Huntington Beach and the current lessee/purchaser, PCH Beach Resorts, LLC

Mayor Hardy Announced Pursuant to Government Code §54956 8, the City Council takes this opportunity to publicly introduce and identify designated property negotiator, Assistant City Manager Ken Domer, who will be participating in today's Closed Session discussions concerning price and terms of payment for the real property in located at 21100 Pacific Coast Highway (the Hilton Property) The negotiating parties are the real property owner, the Successor Agency to the former Redevelopment Agency of the City of Huntington Beach and the current lessee/purchaser, Mayer Financial LLP

Mayor Hardy Announced Pursuant to Government Code § 54957 6, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator, City Manager Fred Wilson, who will be participating in today's Closed Session discussions regarding labor negotiations with Fire Management Association (FMA), Huntington Beach Firefighters' Association (HBFA), Huntington Beach Municipal Employees' Association (MEA), Management Employees' Organization (MEO), Huntington Beach Police Officers' Association (POA), Police Management Association (PMA), Marine Safety Management Association (MSMA), and/or Surf City Lifeguard Employees' Association (SCLEA)

RECESS TO CLOSED SESSION – 5:12 PM

A motion was made by Katapodis, second O'Connell to recess to Closed Session on items 2–7

The motion carried by the following vote

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

CLOSED SESSION

- 2. 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: City of**

Huntington Beach v. Lee, et al., Orange County Superior Court Case No. 30-2009-00329477, regarding enforcement of the Affordable Housing Covenant at Unit B-13 of Brisas del Mar, located at 409 E. Utica.

- 3. Pursuant to Government Code § 54956.8, the City Council recessed into Closed Session to give instructions to the City's Negotiator, Ken Domer, Assistant City Manager, concerning price and terms of payment for the purchase of real property in located at 21500 Pacific Coast Highway (APN 024-251-01) the "Hyatt Property". The negotiating parties are: The real property owner, the Successor Agency to the former Redevelopment Agency of City of Huntington Beach and the current lessee/purchaser, PCH Beach Resorts, LLC.**
- 4. Pursuant to Government Code § 54956.8, the City Council recessed into Closed Session to give instructions to the City's Negotiator, Ken Domer, Assistant City Manager, concerning price and terms of payment for the real property in located at 21100 Pacific Coast Highway (APN 024-01 and 02) the Hilton Property. The negotiating parties are: the property owner, the Successor Agency to the former Redevelopment Agency of City of Huntington Beach and the current lessee/purchaser, Mayer Financial LLP.**
- 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: The Kennedy Commission, et al. v. City of Huntington Beach, Orange County Superior Court Case No. 30-2015-00801675, which concerns a challenge to the City Council action amending the Beach and Edinger Corridors Specific Plan.**
- 6. Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators and Fred Wilson, City Manager regarding the following: Fire Management Association (FMA), Huntington Beach Firefighters' Association (HBFA), Huntington Beach Municipal Employees' Association (MEA), Management Employees' Organization (MEO), Huntington Beach Police Officers' Association (POA), Police Management Association (PMA), Marine Safety Management Association (MSMA), Surf City Lifeguard Employees' Association (SCLEA).**
- 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: Ocean View School District v. City of Huntington Beach, et al., Orange County Superior Court Case No. 30-2012-00539563, Court of Appeal Case No. G049545, which concerns a CEQA challenge to the City's final EIR on a mixed-use project on the southwest corner of Beach Boulevard/Warner Avenue.**

6:00 PM – COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND THE SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH CALLED TO ORDER – 6:34 PM

CLOSED SESSION REPORT BY CITY ATTORNEY – None

ROLL CALL

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

PLEDGE OF ALLEGIANCE – Led by Mayor Pro Tem Katapodis

INVOCATION – Provided by President Greg Anderson from the Huntington Beach North Stake of the Church of Jesus Christ of Latter-day Saints and member of the Greater Huntington Beach Interfaith Council

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

AWARDS AND PRESENTATIONS

Mayor Hardy called on Pat Bril, Gisela Campagne and Gina to present a 9-month old male cat, Noland, as the Adoptable Pet of the Month. For more information, contact the Orange County Humane Society at www.ochumansociety.com

Mayor Hardy called on the Huntington Beach Firefighters' Association to present a check from the Great Balls of Fire Golf Tournament to the CHOC Small Baby Unit.

Mayor Hardy called on representatives of the Huntington Beach Council on Aging to announce their support of Huntington Beach Senior Services Care Management.

Mayor Hardy called on Deputy Director of Business Development Kellee Fritzel who presented a proclamation to representatives from the Downtown BID and the Huntington Beach Chamber of Commerce to promote Small Business Saturday, November 29.

Mayor Hardy presented commendations to the new Miss Huntington Beach Katie Rose Cason and her court, Princess Erikka Ross, and Princess Lauren Limbach.

Mayor Hardy called on special guests to present commendations to retiring Fire Chief Patrick McIntosh. Guests included former Mayor and current 74th District Assembly Member Matthew Harper, Constance Towers, representing Congressman Dana Rohrabacher's Office, and Mayor Jill Hardy, representing the Huntington Beach City Council.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Consent Calendar

#7 Email communications submitted by Charles Messenger, Anh and Rob Warren, and Patrick Tapley

#11 Email communication submitted by Brian Griley

#17 Draft Purchase and Sale Agreement with Southern California Edison for the acquisition of streetlights

#17 Communication submitted by Travis Hopkins, Director of Public Works, Bob Stachelski, Transportation Manager, and Antonia Graham, Energy and Sustainability Project Manager re Streetlight Color Temperature

Public Hearing

#18 PowerPoint presentation entitles *General Plan Amendment No 15-002, Zoning Text Amendment No 15-005, Local Coastal Program Amendment No 15-002 – Sunset Beach Local Coastal Program*

#18 Communications submitted by Mark Bixby, John Widera, Pamela Solig, and Donna Little

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](http://www.surfcity-hb.org/government/agendas)

Tiffany Johnson, Chair, Children's Needs Task Force, spoke to publicize the Barnes & Noble Holiday Book Drive at Bella Terra through December 31st This drive provides books for children in Huntington Beach elementary schools and local non-profits This is a great opportunity for customers to provide new books for children who really need them in Huntington Beach (01 16 32)

April Aloia, Volunteer Advocate for the Alzheimer's Association of Orange County, spoke to thank the community for their support in raising awareness of Alzheimer's Disease through participating in the recent Walk to End Alzheimer's Over \$200,000 was raised through this event More details on the services provided locally can be found at [www alz org/oc](http://www.alz.org/oc) (01 17 46)

Judy Graham, President, Huntington Beach Municipal Employees' Association (MEA), informed Council that a majority of MEA members are not opposed to Agenda Item No 21 – Public Transparency in Negotiations Ordinance She also explained MEA's decision to suspend talks with the City as the City's actions to create a new, high salary position, and offer various promotional opportunities that in her opinion contradict previous goals to balance unfunded liability She suggested that the City consider appointing "acting" titles versus granting promotions, explaining that acting pay is a temporary wage increase that is not PERSable (01 20 26)

Kara Rudin, Allied Arts Board, spoke to share with the Council and community about upcoming events Thursday, November 19, the Art Center is hosting the free Annual Art Walk – Artist Celebration to showcase the work of 40 artists Saturday, November 21, free Open Reception for the 2nd Annual Artist Council Exhibition, 6–9 p m , showcasing over 130 works of art (01 23 34)

Jim Knapp spoke in support of Consent Item No 7 – Permit Parking District "T " (01 24 44)

Tony Sellas spoke in opposition to Agenda Item No 18 – Sunset Beach Local Coastal Program Amendment (01 25 52)

Jerry Wheeler, President and CEO, Huntington Beach Chamber of Commerce, spoke in support of Item No 20 – to remove the Cap on the Five Percent Local Business Preference (01 27 40)

Maureen voiced concerns about the length of time presentations took at tonight's meeting and requested a limit on the number of presentations allowed at a meeting (01 30 13)

Damian Seipel spoke in support of Consent Item No 7 – Permit Parking District "T " (01 31 37)

Brent Neben, YGreene Energy Fund, spoke in support of Councilmember Item No 23 – requesting a staff report regarding expanding the choice of Property Assessed Clean Energy (PACE) Financing Options (01 35 03)

Helene Rowlette, Co-Chair, Huntington Harbour Philharmonic Committee, spoke in support of Agenda Item No 11 – dredging of approximately 1 9 acres of City-owned Huntington Harbour Channel (01 37 40)

Debbie Edwards, Co-Chair, Huntington Harbour Philharmonic Committee, spoke in support of Agenda Item No 11 – dredging of approximately 1 9 acres of City-owned Huntington Harbour Channel (01 40 40)

John Beale spoke in opposition to Consent Item No 12 – License Agreement for use of former Pacific Electric Railroad Right-Of-Way (01 42 26)

Kristina Persaud, Solar City, spoke in support of Councilmember Item No 23 – requesting a staff report regarding expanding the choice of Property Assessed Clean Energy (PACE) Financing Options (01 44 14)

Dan Burt, California First, presented a letter on behalf of Mike Barr, CEO of Renewall and Joe Burney, President of Renewall in support of Councilmember Item No 23 – requesting a staff report regarding expanding the choice of Property Assessed Clean Energy (PACE) Financing Options (01 45 14)

Jeremy Hutman, Regional Director, California PACE Program, spoke in support of Councilmember Item No 23 – requesting a staff report regarding expanding the choice of Property Assessed Clean Energy (PACE) Financing Options In response to Councilmember Sullivan's question as to whether or not PACE stipulates that contractors can only use union members for PACE projects, Mr Hutman said that PACE does not make that requirement (01 48 58)

David Streitfield, California First, presented a letter on behalf of Remodel USA in support of Councilmember Item No 23 – requesting a staff report regarding expanding the choice of Property Assessed Clean Energy (PACE) Financing Options (01 52 11)

Robert Johnson voiced his concerns about the City's Affordable Housing Program (01 54 42)

John Briscoe voiced his concerns about Rainbow Environmental Services and requested that the City inspect, cite and enforce to create a better environment for Oak View School students and Oak View community (01 57 45)

John Shipman, Chairman, Community Home Energy Project (CHERP), spoke in support of Councilmember Item No 23 – requesting a staff report regarding expanding the choice of Property Assessed Clean Energy (PACE) Financing Options (02 00 54)

CITY MANAGER'S REPORT

- 1. The Director of Library Services provided an update on modernization efforts at the Huntington Beach Public Library, including an overview of the new Automated Book sorting system, new furniture at the Central Library and new digital resources available to the public.**

Stephanie Beverage, Director of Library Services, provided a PowerPoint presentation entitled *HB Public Library – What's New*, that included the following titled slides *Modernization at the Library, New Furniture, Updated Early Learning Zone, Expanded Teen Zone, and New Digital Services*

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

Mayor Pro Tem Katapodis reported attending OCTA Board and Transit Committee meetings, and OCSD Administrative meeting

Councilmember Peterson reported attending SCAG

CONSENT CALENDAR

Councilmember Delgleize pulled Agenda Item No 11, Councilmember Peterson pulled Agenda Item No 9 and No 12, and Councilmember Posey pulled Agenda Item No 7

- 2. Approved and adopted minutes**

A motion was made by Delgleize, second O'Connell to review and approve the City Council special meeting minutes dated November 9, 2015, as written and on file in the office of the City Clerk

The motion carried by the following vote

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

- 3. Received and filed the City of Huntington Beach Strategic Plan Update**

A motion was made by Delgleize, second O'Connell to receive and file the Six-Month Strategic Objectives

The motion carried by the following vote

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

- 4. Approved appointment and reappointments to the Allied Arts Board (AAB) as recommended by City Council liaisons Delgleize and Sullivan**

A motion was made by Delgleize, second O'Connell to approve the appointment of Julia Baker to a term expiring June 30, 2019, as recommended by City Council liaisons Delgleize and Sullivan, and, approve the reappointments of Celeste Hamil, Kara Rudin, Matt Rudin, and Catherine Stip to terms expiring June 30, 2019

The motion carried by the following vote

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

5. Approved appointment to the Children's Needs Task Force (CNTF) as recommended by City Council liaisons Delgleize and O'Connell

A motion was made by Delgleize, second O'Connell to accept the resignation of Ian Collins and approve the appointment of adult representative Dona Cardona to fill the partial term of September 1, 2013, to August 31, 2017, as recommended by City Council liaisons Delgleize and O'Connell

The motion carried by the following vote

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

6. Adopted Resolution No. 2015-65 establishing delegation of authority for the execution of contracts from department heads to department positions

A motion was made by Delgleize, second O'Connell to adopt Resolution No 2015-65, "A Resolution of the City Council of the City of Huntington Beach Establishing the Delegation of Authority for the Execution of Contracts from Department Heads to Department Positions "

The motion carried by the following vote

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

7. Adopted Resolution No. 2015-75 establishing Permit Parking District "T" affecting residents on Softwind Drive and Angler Lane in Huntington Beach

Councilmember Posey and Director Hopkins discussed legal challenges associated with parking permit districts Director Hopkins explained that staff and City Attorney followed the current ordinance in establishing this district Changes implemented included the use of mail-out ballots, increasing the numbers needed to approve to 75 percent (over 75 percent approved this parking district), and this permit district meets all other requirements

A motion was made by Katapodis, second Delgleize to adopt Resolution No 2015-75, "A Resolution of the City Council of the City of Huntington Beach Establishing Permit Parking District "T" on Softwind Drive and Angler Lane Within the City of Huntington Beach "

The motion carried by the following vote

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

8. Adopted seven Resolutions requesting authorization by the City and approval from California Department of Transportation (Caltrans) for temporary closure of streets for certain special events in 2016

A motion was made by Delgleize, second O'Connell to adopt Resolution No 2015-68, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street and 5th Street to Vehicular Traffic for Certain Special Events," and, adopt Resolution No 2015-69, "A Resolution of the City Council of the City of Huntington Beach Approving the Temporary Closure of 12th Street in Sunset Beach for the Annual Sunset Beach Art Festival and Halloween Party," and, adopt Resolution No 2015-70, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway and Certain Ingress and Egress for the Surf City USA Marathon Run," and, adopt Resolution No 2015-71, "A Resolution of the City Council of the City of Huntington Beach Approving the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Huntington Street, Twin Dolphin Drive, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, Main Street, Walnut Avenue, and Central Park Drive for the Surf City USA Marathon Run," and, adopt Resolution No 2015-72, "A Resolution Of The City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway and Certain Ingress and Egress Within the City of Huntington Beach for the Annual Surf City 10 Run," and, adopt Resolution No 2015-73, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade and Fireworks," and, adopt Resolution No 2015-74, "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July "

The motion carried by the following vote

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

9. Adopted Resolution No. 2015-80 authorizing the City Manager and City Attorney, acting jointly, to terminate any Professional Services Contract previously approved by the City Council

Councilmember Peterson requested notification if City Manager and City Attorney cancel a contract based on criteria identified City Attorney Gates replied that it would be appropriate to amend the Resolution to include City Council notification and reason for the termination

Mayor Pro Tem Katapodis stated his agreement, but would add a timeframe such as "as soon as feasible via email "

A motion was made by Katapodis, second Peterson to adopt Resolution No 2015-80, "A Resolution of the City Council of the City of Huntington Beach Authorizing the City Manager and City Attorney, Acting Jointly, to Terminate any Professional Services Contract Previously Approved by the City Council," **as amended to notify City Council via email as soon as feasible with reason for cancellation.**

The motion carried by the following vote

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

10. Approved an additional appropriation in the amount of \$86,000 for the Northbound Beach Blvd. Improvements, CC-1454 to cover increased contractor costs related to Caltrans encroachment permit issues

A motion was made by Delgleize, second O'Connell to approve an appropriation of \$86,000 from the Traffic Impact Fee fund undesignated balance to account 20685201 82700 for the construction of the Northbound Beach Blvd Improvements, CC-1454

The motion carried by the following vote

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

11. Approved and authorized dredging of approximately 1.9 acres of City-owned Huntington Harbour Channel area adjacent to the Huntington Harbour Yacht Club near Warner Avenue and Pacific Coast Highway; approved and appropriated funds in the amount of \$250,000

Councilmember Delgleize pulled the item to acknowledge and thank Councilmember Sullivan as well as Ms Rowlette and Ms Edwards, Huntington Harbour residents who were instrumental in bringing the issue to the City's attention

A motion was made by Delgleize, second Posey to approve and authorize the Director of Public Works to direct staff to collaborate with the County of Orange to dredge approximately 1.9 acres of City owned Huntington Harbour Channel area, and, appropriate \$250,000 from the undesignated Infrastructure Fund (314) balance to account 31485201 82800, and, authorize the Director of Public Works to pay the County of Orange a deposit a not-to-exceed amount of \$250,000 from the Infrastructure Fund Account No 31485201 82800

The motion carried by the following vote

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

12. Directed to bring back to Council additional information and seek approval and authorization to execute a License Agreement for use of a portion of the former Pacific Electric Railroad Right-Of-Way for Eleven (11) Adjoining Property Owners

Councilmember Peterson pulled the item for clarification about why the City would propose charging residents \$500 per year to use the greenbelt when most are already helping to maintain it. The City's Real Estate and Project Manager Duran Villegas explained that in the past, residents had asked for clarification on what they could or could not do with the property, and that the fee schedule presented is

the result of various Economic Development Committee (EDC) meetings for this type of lease for vacant land. Business Development Deputy Director Kellee Fritzal explained that currently there is little residents can do with that area, and the proposed License Agreement will allow them to have more control. She also explained that the proposed fee for use of City-owned land was determined by other undeveloped City land that is leased, and that residents had asked for a lower fee but the EDC stipulated that the fee should not be changed.

Councilmember Peterson stated support for defining a fee associated with the agreement, and that \$100 or \$200 would be more appropriate.

Councilmember O'Connell voiced his support of Councilmember Peterson's concerns, and felt it more appropriate to waive the fee. He also shared concerns about the land not remaining open for all residents to use.

A motion was made by O'Connell, to approve and authorize the Director of Public Works to execute up to eleven (11) License Agreements with adjoining property owners for the use of a portion of the former Pacific Electric Railroad Right-Of-Way located on the west side of Alabama Street between Joliet and Indianapolis Avenues, as amended to charge a \$1.00 vs. \$500.00.

With no second, the motion failed.

Mayor Pro Tem Katapodis asked if the City ever considered selling the land. Deputy Director Fritzal confirmed that at one time, the City did consider selling it, but explained further that it is an easement with right-of-way for pipelines, and may also be expanded for bikeways in the future. Deputy Director Fritzal explained that a License Agreement would allow for fencing and planting, or use as a private back yard, and that the fee is for taking open space and allowing it to become closed space. Mayor Pro Tem Katapodis stated support for revisiting this issue with a reduced fee.

Councilmember Posey and Deputy Director Fritzal discussed how Public Works is maintaining lots not being cared for by residents, and how the License Agreement transfers liability to the landowner. Councilmember Posey opined that if an adjacent homeowner is going to have exclusive use of the land, then there should definitely be a fee.

Councilmember Sullivan called the proposed fee fair.

Councilmember Delgleize asked for clarification on the fact that the item states eleven (11) adjoining homeowners. Deputy Director Fritzal stated that this is considered a pilot project since this is a first time situation for the railroad right-of-way, and the fee would be either \$500 or \$700 — depending upon the lot size.

Mayor Hardy stated her conflict because open space would be taken and people would be allowed to fence it off for personal use. While she felt a fee would be appropriate, she stated opposition to the item because ultimately the land would be restricted from other general public uses in the future.

A motion was made by Delgleize, second Sullivan to approve and authorize the Director of Public Works to execute up to eleven (11) License Agreements with adjoining property owners for the use of a portion of the former Pacific Electric Railroad Right-Of-Way located on the west side of Alabama Street between Joliet and Indianapolis Avenues.

The motion did not go to vote, as a substitute motion was made and voted upon

A substitute motion was made by Katapodis, second Peterson to direct staff to return to Council at a date uncertain with the associated fees broken down and City Attorney to weigh in if there are legal issues

The motion carried by the following vote

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

13. Continued from 10/19/2015 – Approved Request to Continue to Date Uncertain the Purchase and Sale Agreements for the Hilton/Parcel C Property, 21100 Pacific Coast Highway (APN 024–252–01 and 02) and the Hyatt Property, 21500 Pacific Coast Highway (APN 024–251–01)

A motion was made by Delgleize, second O'Connell to continue to a date uncertain the Purchase and Sale Agreements for the Hilton/Parcel C Property, 21100 Pacific Coast Highway (APN 024–252–01 and 02) and the Hyatt Property, 21500 Pacific Coast Highway (APN 024–251–01)

The motion carried by the following vote

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

14. Approved and authorized execution of an Agreement between Orange County Water District (OCWD) and the City regarding sale of Green Acres Project (GAP) Water at Orange County Water District (OCWD) facilities

A motion was made by Delgleize, second O'Connell to approve the Mayor and City Clerk to execute "Agreement Between Orange County Water District and City of Huntington Beach Regarding Sale of Green Acres Project Water at OCWD Facilities "

The motion carried by the following vote

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

15. Approved and authorized execution of a Memorandum of Understanding (MOU) between the City of Huntington Beach and Surfside Villas for Delaware Street Entry Gate Improvements, adjacent to 21071 and 21085 Delaware Street, Huntington Beach

A motion was made by Delgleize, second O'Connell to approve and authorize the Mayor and City Clerk to execute the "Memorandum of Understanding By Between the City of Huntington Beach and Surfside Villas for Delaware Street Entry Gate Improvements "

The motion carried by the following vote

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

16. Approved and authorized execution of a five-year License Agreement for use of 2.48 acres of land southeast of Atlanta Avenue and Brookhurst Street owned by Southern California Edison (SCE) to be used as a community garden

A motion was made by Delgleize, second O'Connell to approve the "License Agreement" with Southern California Edison for the use of the 2 48 acre parcel for the HB Community Garden and authorize the Mayor and City Clerk to execute all documents necessary to conclude this transaction

The motion carried by the following vote

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

17. Huntington Beach Streetlight System Financing and Acquisition Assessment – received and filed Huntington Beach Utility Owned Streetlight Investment Grade Audit Report Phase 2 and authorized negotiation and execution of Purchase and Sale Agreement with Southern California Edison (SCE) in an amount not to exceed \$4,345,594

A motion was made by Delgleize, second O'Connell to receive and file – Huntington Beach Utility Owned Streetlight Investment Grade Audit Report – Phase 2, and, authorize the City Manager and City Attorney to negotiate the final terms of the Purchase and Sale Agreement with Southern California Edison (SCE) for the acquisition of the City of Huntington Beach's 11,045 LS-1 streetlights for an amount not to exceed \$4,345,594 (acquisition and transaction costs), execute and all required documents and make any non-substantive changes necessary to complete the transaction

The motion carried by the following vote

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

PUBLIC HEARING

18. Adopted Resolution No. 2015-76 approving General Plan Amendment No. 15-002, Adopted Resolution No. 2015-77 approving Zoning Text Amendment No. 15-005, and Adopted Resolution No. 2015-78 approving Local Coastal Program Amendment No. 15-002 (Sunset Beach Local Coastal Program Amendment addressing beach encroachments, sea level rise, building height, sign standards, and misc.)

Senior Planner Ricky Ramos provided a PowerPoint dated November 16, 2015, entitled *General Plan Amendment No 15-002 – Zoning Text Amendment 15-005 – Local Coastal Program Amendment 15-002 (Sunset Beach Local Coastal Program)* that included the following titled slides *Background, Request, Analysis, and Staff Recommendation*

Councilmember Peterson and Planner Ramos discussed processes relating to Specific Plan Section 2.2.10 – "Ensure that lower cost hotels and motels are maintained for short-term visitor occupancy – Establish a method to define whether a facility providing overnight accommodation is low, moderate, or high cost." Planner Ramos indicated that the California Coastal Commission (CCC) requires this language, however, there is also verbiage in the Specific Plan that prohibits the conversion of hotels and motels to other uses like time share. Director Hess added that these are guidelines, or a general statement.

Councilmember Peterson and Planner Ramos discussed sea level rise referenced on page 32, and how the CCC wants to ensure that sea level rise is factored in for any new development in Seal Beach, in the future. Planner Ramos indicated that the language is silent as to what document will be referred to when looking at sea level rise.

Councilmember Peterson and Director Hess discussed sustainable or "Green" building practices referenced on page 34.3.2.17. Councilmember Peterson had concerns that the City does not have a definition for such practices, and also felt meeting LEED standards would make the program too expensive. He asked if the language could be changed to clarify that LEED could be an option, not a requirement. Director Hess stated that there are examples and guidelines provided from which developers can select for integration into their projects. So this is not totally subjective, and it does say "shall include but not limited to." Councilmember Peterson stated that the word "shall" appears to him to be forcing projects into "green" or "LEED" programs.

Councilmember Peterson and Planner Ramos discussed how supplemental parking for bicycles identified in the Sunset Beach Parking Facility (SBPF) is not meant to replace vehicle parking spaces.

Councilmember Peterson inquired, and Planner Ramos confirmed that the CCC requires language provided on page 21, C2.3.4 of the Coastal Element Update: "Employers shall be encouraged to provide incentives for transit relationships."

Councilmember Posey and Planner Ramos discussed Section 2.2.16 indicating vacation rentals are allowable in Sunset Beach, but not in the rest of Huntington Beach. Planner Ramos explained that there is an MOU with the Sunset Beach Community Association where Huntington Beach agreed to copy the County plan.

Councilmember Posey and Planner Ramos discussed oceanfront high density, and if it was possible to allow 30 units per acre to be built on the oceanfront in Sunset Beach. Planner Ramos explained that when two units per lot are allowed, it actually could exceed 30 units per acre, and that the residential height designation is a carry-over from the County Specific Plan.

Mayor Hardy and Planner Ramos discussed mixed-use issues brought forth from public speakers. Planner Ramos explained how the Visitor-Serving Commercial (CV) land use designation in Sunset Beach allows for residential, but the General Plan CV does not. He explained that a mixed use overlay was created to allow Sunset Beach to have Residential in their commercial zones to accommodate the fact that the County Specific Plan allows tourist destinations to have residential above it. Mayor Hardy voiced concerns about the proposed change allowing for multiple property owners to get together and become one property where a giant building could be approved. Planner Ramos stated that the current height limit in Sunset Beach is 35 feet or three stories, and that nothing being done at this meeting would precipitate such a scenario.

Councilmember Sullivan and Planner Ramos discussed the sunset clause related to encroachment of houses onto the beach. Planner Ramos explained that over a period of time, encroaching improvements will have to be removed. Further, initially 100 years of time was proposed to be consistent with what the CCC recommends, however, the Local Coastal Plan Review Board and beachfront owners are opposed, so a specific time was left out. Planner Ramos also indicated that the language is consistent with the County Specific Plan, and that the CCC could adopt these changes.

Mayor Hardy opened the public hearing.

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

A PowerPoint presentation entitled *General Plan Amendment No. 15-002, Zoning Text Amendment No. 15-005, Local Coastal Program Amendment No. 15-002 – Sunset Beach Local Coastal Program*

Communications submitted by Mark Bixby, John Widera, Pamela Solig, and Donna Little.

Steven M. Hanna spoke in opposition to Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment, particularly as related to the building height requirement. The recent changes in the text, which he believes was directed by a very small group of people, will unfortunately have a dramatic impact on property values. (03 01 16)

John Cahoon spoke in opposition to Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment, Part B, as related to the building height requirement. The recent changes need more time for proper review to better understand the real consequences. (03 04 42)

Tony Sellas spoke in opposition to Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment, particularly the mixed use in the Visitor-Serving Commercial zone. Huntington Beach currently has a commercial zone with no residential at Peter's Landing all the way from Don the Beachcomber to Simple Green. (03 06 45)

Susan Taylor, Sunset Beach Citizens' Association, spoke in opposition to Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment. She described her issues with building height allowed by the County and the building discrepancies (over allowed height) that were approved and signed off. This has resulted in the loss of half of the ocean view from her residence. (03 09 59)

John Erskin, Nossaman LLP, representing the Sunset Beach beach-front property owners, spoke in support of Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment. Nossaman deals with Coastal Commission issues regularly and specifically beachfront encroachment. The conclusion is that the beachfront lots own the simple interest in that 35 foot strip along Ocean Avenue. There is no public beach. There will be some tussles with the Coastal Commission, but Nossaman is supportive of the staff recommendations. One recommendation would be to change "encroachment" to "improvements". (03 12 13)

Lloyd W. Pellman, Nossaman LLP, spoke in favor of recognizing owners' rights to their properties and accessory structures on "Ocean Avenue" regarding Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment. He further stated that the reality is that through the annexation Huntington Beach

has the exact same property rights that the County had. There was never an "easement" along Ocean Avenue to the County. When the property was subdivided in 1904, Ocean Avenue was shown as being on the seaward side of the development. What is being called existing "encroachments" do not impede anyone's view, or access to the public beach. John Erskin closed by stating that Nossaman LLP is asserting the right to the 35 foot Ocean Avenue, not just the 20 foot strip. (03 15 28)

Frank Caliri spoke in opposition to Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment. He stated that in his opinion the issue is not political, a public vote issue nor is it community public interest. The issue is individual, private property ownership rights of the Sunset Beach beachfront homeowners. Ocean Avenue has never been identified as a City or County street. The City needs to look at the historical files and surveys. (03 17 48)

Monica Caliri spoke in opposition to Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment by stating that the Nossaman organization has already obtained historical records, County files, and an independent study survey by Dr. Craig Everts. The beachfront homeowners are only asking that Huntington Beach perform the due diligence this matter requires. The Assistant City Attorney has acknowledged his analysis was not comprehensive. This analysis should not be used for a presentation to the Coastal Commission, Council or residents. This LCP is not ready to be voted on today. In Mrs. Caliri's opinion, it would be gross negligence for the City to proceed without a complete legal analysis of historical records and survey. The Coastal Commission should compare Sunset Beach with "next door" Surfside Beach, not "down the road" Newport Beach. Surfside already has a Coastal Commission-approved LCP, as do the Seal Beach homes north of the pier. (03 21 11)

Graham Hoad spoke in support of Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment. In his opinion, there is not an encroachment issue, but just redefining normal property lines. As a member of the Community Association's Transition Committee for the City of Huntington Beach annexation, he is aware that part of the MOU with the City was that the City would defend the residents of Sunset Beach with any LCP issues that might develop. This is an opportunity for the City Council to step up. (03 24 31)

Scot Dodson spoke in regards to Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment. As a long-time resident of Sunset Beach, and as a member of the Community Association's Transition Committee for the City of Huntington Beach annexation, he asks that the Council honor their MOU and continue the County position which never charged any beachfront owner for the area under discussion. (03 27 03)

Jay Feinberg spoke in support of Agenda Item No. 18 – Sunset Beach Local Coastal Program Amendment. In his opinion there are three undisputed facts: 1) The 35 feet that is designated "Ocean Avenue" belongs to the adjacent property owners. 2) The law is that the State of California owns the tidelands up to the main high-tide line. The property from the main high-tide line landward belongs to the adjacent property owners. 3) The supposed dedication of the easement never in fact occurred. The City, nor the County, ever tried to build a road through there, nor have there ever been any improvements. Mr. Feinberg suggests that the beachfront homeowners offer Quitclaim Deeds to the City for the land from the main high-tide line to the seaward side of "Ocean Avenue" and the City reciprocates by offering Quitclaim Deeds to the beachfront properties for the 35 feet which they do legally own. The Coastal Commission does have the authority to set development standards for the decks, but they should not have any right to assess fees for land that is privately owned. (03 28 02)

Kevin Smith, Sunset Beach Front Homeowner's Association, spoke in opposition to Agenda Item No 18 – Sunset Beach Local Coastal Program Amendment and suggests further review by Council before a decision is made. He concurs with the Nossaman LLP team and asks that the Council take the time to review their materials on this issue to ultimately save money and time down the road. (03 31 41)

Mike Van Voorhis, President, Sunset Beach Community Association (SBCA), spoke in support of Agenda Item No 18 – Sunset Beach Local Coastal Program Amendment. The LCP is a terrific document in the opinion of the SBCA Board. Sunset Beach developed one of the first LCPs in Southern California, and the current document is as close to the original as possible. For clarification, the 35 foot height limit for commercial with overhead residential has always been allowed in Sunset Beach. There are existing businesses that are commercial under residential accommodations. (03 33 25)

Jimmy Yanez spoke in opposition to Agenda Item No 18 – Sunset Beach Local Coastal Program Amendment. Mr. Yanez shared his experience of building a beachfront home in Sunset Beach which required approvals by both the County and Coastal Commission. He had to ask permission for an easement for a patio, which was approved. The home later burned down and the lot was sold. The new owner submitted the same plans and they were again approved and permitted. These experiences should address the concerns of some in the audience. Mr. Yanez bought another property in Sunset Beach, and received tentative approval from the County and Coastal Commission for his building plans. However, now the parking requirements of Huntington Beach don't allow for any building space on his lot. He was told that any existing Huntington Beach businesses with no parking spaces were grandfathered in. Mr. Yanez is trying to build for a tourist business that will serve the tourists who have been parking at the greenbelt. Seventy-five percent of existing businesses in Sunset Beach do not have parking on their premises. Please revisit the parking rules and allow new businesses to use existing available parking. (03 37 03)

There being no further speakers, Mayor Hardy closed the Public Hearing.

Mayor Hardy and Planner Ramos discussed the building height difference of approximately one foot between what is proposed by staff, and the Community Association, the County Specific Plan having two different heights (for beach front and non beach front), how it should be standardized (measured from the street), and how a landowner could apply for a height variance. It was determined that changing the word "encroachment" to "improvement" would not create a problem, and how staff is not proposing to impose and new parking requirement changes on the area.

Councilmember Peterson, Mayor Hardy and Planner Ramos discussed the issue of slab above grade requirements which are different for beach front versus non-beach front properties. Discussion ensued on additional costs for waiver of development standards, variances, and the administrative review process with limited notification.

A motion was made by Katapodis, second Posey to amend language in 3 2 17, "shall be encouraged to be incorporated," and "may include (but are not limited to) " The motion carried by the following vote:

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

A motion was made by Hardy, second Delgleize to approve General Plan Amendment No 15-002 by adopting City Council Resolution No 2015-76, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No 15-002," and, approve Zoning Text Amendment No 15-005 by adopting City Council Resolution No 2015-77, "A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Sunset Beach Specific Plan (SP 17) (Zoning Text Amendment No 15-005)," and, approve Local Coastal Program Amendment No 15-002 by adopting City Council Resolution No 2015-78, "A Resolution of the City Council of the City of Huntington Beach, Adopting Local Coastal Program Amendment No 15-002 and Requesting Certification by the California Coastal Commission," ***as amended — on Attachment #5, Sunset Beach Specific Plan Legislative Draft – October 2015, page 34 section 3.2.17 amended to read "sustainable" or "green" building practices shall be encouraged to be incorporated into all projects proposing new structures and/or site improvements. Sustainable building practices shall may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification, Building it Green's Green Building Guidelines and Rating Systems, or the National Green Building Standard," and to have the City Attorney review for legal issues and if okay, change "encroachment" to "improvement" in the documents.***

The motion carried by the following vote

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

ORDINANCES FOR INTRODUCTION

19. **Approved for introduction, Ordinance No. 4075 providing consent to the assignment of the Paramount Petroleum Franchise Agreement to Cardinal Pipeline, L.P. for the installation, operation, and maintenance of a pipeline system for the transportation of oil, gas, and other hydrocarbon substances**

A motion was made by Sullivan, second O'Connell to after the City Clerk reads by title, approve for introduction Ordinance No 4075, "An Ordinance of the City of Huntington Beach Providing Consent to the Assignment of the Paramount Petroleum Corporation Franchise to Cardinal Pipeline L P " to construct, operate and maintain a Pipeline System for the transportation of oil

The motion carried by the following vote

AYES	Posey, O'Connell, Katapodis, Hardy, Sullivan, and Peterson
NOES	None
OUT OF ROOM	Delgleize

20. **Approved for Introduction Ordinance No. 4076 amending the Huntington Beach Municipal Code (HBMC) to remove the Cap on the Five Percent Local Business Preference**

A motion was made by Posey, second Delgleize to after the City Clerk reads by title, approve for introduction Ordinance 4076, "An Ordinance of the City of Huntington Beach Amending Chapter 3 02 of the Huntington Beach Municipal Code Relating to Purchases of Goods and Services," removing the

cap on the five percent local vendor preference in the evaluation of bids or proposals for the procurement of goods and services

The motion carried by the following vote

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

21. Approved for introduction Ordinance No. 4078 amending the Huntington Beach Municipal Code (HBMC) by adding a new Chapter 2.70 relating to transparency in labor negotiations

A motion was made by Peterson, second Delgleize to after the City Clerk reads by title, approve for introduction Ordinance No 4078, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding a New Chapter 2 70 Relating to Openness in Labor Negotiations "

The motion carried by the following vote

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

COUNCILMEMBER ITEMS

22. Approved request submitted by Councilmembers Peterson and Delgleize – Direct the City Manager to have the Finance Department create an account for all the proceeds from the sale of Michael E. Rodgers Seniors' Center and all future property tax revenue from the site to be used to improve Huntington Beach's parks

Councilmember Delgleize explained the intent of allocating revenue to a specific fund separate from the General Fund in that those monies can only be used for park improvements, similar to an endowment

Councilmember Peterson suggested changing the term "revenue" to proceeds, directed only to making the parks better

Councilmember O'Connell inquired, and City Manager Wilson replied that at no time during the conversations/action related to construction of the new Senior Center in Central Park did Council discuss keeping the Rodgers Seniors' Center property as open space

Councilmember Sullivan voiced concerns about devoting future property taxes that normally help fund infrastructure needs or public safety positions Mayor Hardy and Councilmember Peterson explained how the tax collected is approximately \$3,500/year — not significant enough to be cause for concern

A motion was made by Peterson, second Posey to direct the City Manager to have the Finance Department create an account for said revenue ***proceeds from sale of Michael E. Rodgers Seniors' Center and all ongoing property taxes from homes built on the site***, and supply an annual audit of the account to City Council

The motion carried by the following vote

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

23. Approved request submitted by Councilmember Delgleize – Direct the City Manager to prepare a staff report expanding the choice of Property Assessed Clean Energy (PACE) Financing Options

Councilmember Delgleize provided background of AB 32 for better use of electricity, energy and water Rebate programs were developed by the State initially As an example, Mission Viejo has an Improve, Don't Move Program that waives permit fees for home energy improvements The municipality has to approve putting home energy improvements on the homeowner's tax bill PACE helps property owners control their energy bills, creates jobs, and creates local economic activity There is no cost to municipalities and no public funds are used PACE provides the tools to allow homeowners and business owners to participate voluntarily to improve power and water efficiency

Councilmember Posey stated that to him, one of the benefits is to provide off-sheet financing options for businesses

Jeremy Hutman, California First PACE Program, explained that homeowners need to be aware that the PACE lien will be subordinated, if necessary, for refinancing or sale

Councilmember O'Connell stated his support for the program to allow choices for homeowners and business owners

Mayor Pro Tem Katapodis and Director Farrell discussed how the program does not come with a cost to the City Mr Hutman stated that California First PACE Program works directly with the County's Special Tax Administrator in setting up any taxes related to the program

Councilmember Peterson voiced his concern that the Veterans Administration does not accept second title, therefore the program excludes veterans Also, he does not support a program where private organizations are increasing taxes, and therefore he will not support this item

A motion was made by Delgleize, second Hardy to direct the City Manager to bring back a Request for Council Action to expand the choice of PACE program options to include California First, YGreene, and Figtree

The motion carried by the following vote

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Posey reported attending the Chamber of Commerce – First Bank (105 Year Anniversary) event, Chamber of Commerce Ribbon Cutting for the Pacific City (New Development),

DJM Capital Partners, the Exclusive Sneak Peek of Pacific City, and Chamber of Commerce AM Connect with guest speaker City Attorney Michael Gates

Councilmember O'Connell reported attending the County of Orange, City Selection Committee, and as an appointee, the Commission to End Homelessness and Housing/Community Development Commission. He also reported attending DJM Capital Partners Exclusive Sneak Peek of Pacific City, Veterans' Day Ceremony at Pier Plaza and car presentation to Mrs. Candida Torre at Gothard Fire Station, the ACC-OC Program, War Stories and Tough Choices, the legislative meeting of the South Coast Air Quality Management District (AQMD), and a Veterans event in Long Beach.

Councilmember Peterson reported attending the Chamber of Commerce Ribbon Cutting for Pacific City, and Veterans Day Ceremony at Pier Plaza.

Councilmember Delgleize reported attending the Veterans Day Ceremony at Pier Plaza and the NOAA and the Aquarium of the Pacific – "Our Dynamic Oceans in the 21st Century," and gave thanks to the City for supporting our Veterans.

Councilmember Sullivan reported attending the Veterans Day Ceremony at Pier Plaza, and the monthly meeting of the County Senior Citizens' Advisory Council.

Mayor Pro Tem Katapodis reported attending the County of Orange City Selection Committee and being reelected to the Orange County Transportation Authority (OCTA). He also reported attending the Chamber of Commerce Ribbon Cutting for Pacific City, the Veterans Day Ceremony at Pier Plaza, and presentation of vehicle to Mrs. Candida Torre at the Gothard Fire Station. He described the events that led to the presentation of Mrs. Torre's deceased son's vehicle, originally purchased through her son's military earnings.

Mayor Hardy reported attending both the Pier Plaza Veterans Day event as well as presentation of vehicle to Mrs. Candida Torre at the Gothard Fire Station. She also reported attending the Chamber of Commerce Ribbon Cutting for Pacific City, and The Business Roundtable.

RECESS TO CLOSED SESSION – 10:43 PM

A motion was made by O'Connell, second Delgleize to recess back into to Closed Session to discuss Items #2 and #7. The motion carried by the following vote:

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

- 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: City of Huntington Beach v. Lee, et al., Orange County Superior Court Case No. 30-2009-00329477, regarding enforcement of the Affordable Housing Covenant at Unit B-13 of Brisas del Mar, located at 409 E. Utica.**
- 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, et al., Orange County Superior Court Case**

No. 30-2012-00539563, Court of Appeal Case No. G049545, which concerns a CEQA challenge to the City's final EIR on a mixed-use project on the southwest corner of Beach Boulevard/Warner Avenue.

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND THE SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH CALLED TO ORDER – 11:05 PM

ROLL CALL

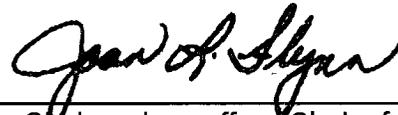
Present Posey, O'Connell, Katapodis, Hardy, Sullivan, Delgleize, and Peterson
Absent None

CLOSED SESSION REPORT BY CITY ATTORNEY –

For Closed Session Item #2, the City Council authorized filing an appeal

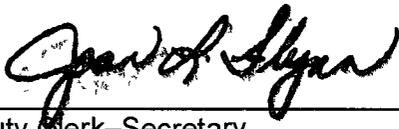
For Closed Session Item #7 the City Council authorized to withdraw/dismiss the Appeal and settle the CEQA case, and directed the City Attorney to discuss withdrawing/dismissing with Republic's legal counsel

ADJOURNMENT at 11:07 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Monday, December 7, 2015, at 4 00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California

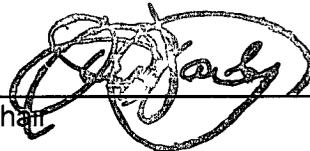


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Secretary of the Public Financing Authority of the City of Huntington Beach, California

ATTEST:



City Clerk-Secretary



Mayor-Chair