

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

**Monday, November 18, 2013
5:00 PM – Closed Session
6:00 PM – Regular Meeting
Civic Center Council Chambers
2000 Main Street
Huntington Beach, California 92648**

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

4:00 PM – B-8

Based on the lack of a Study Session and time needed to cover the Closed Session items, the meeting was called to order at 5:00 PM in the Council Chambers.

5:00 PM – Council Chambers – Closed Session

CALL TO ORDER – 5:00 PM

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution) – None.

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit) – None.

Mayor Boardman announced: Pursuant to Government Code §54957.6.a, the Council takes this opportunity to publicly introduce and identify designated labor negotiator Fred Wilson City Manager, who will be participating today in Closed Session discussions regarding labor negotiations with MEA, MEO, MSMA, SCLEA, POA and HBFA.

RECESS TO CLOSED SESSION – 5:02 PM

A motion was made by Mayor Boardman, second by Councilmember Katapodis, to recess to Closed Session on Item Nos. 1-3. The motion passed by the following roll call vote:

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

CLOSED SESSION

- 1. 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.**
- 2. Pursuant to Government Code § 54957, the City Council recessed to Closed Session to discuss the following personnel matter: City Manager's Evaluation.**
- 3. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Merrie Sager v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00498362. In this case, Plaintiff is a former Library employee who claims discrimination, failure to accommodate her disabilities of deafness and cerebral palsy, and retaliation.**

6:00 PM – COUNCIL CHAMBERS – REGULAR BUSINESS MEETING

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALL TO ORDER THE SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH – 6:00 PM

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported that in Closed Session, the City Council voted 7 – 0, to approve the settlement in the lawsuit entitled, "Merrie Sager v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00498362", wherein the City will pay the Plaintiff, \$70,000 and the Plaintiff will dismiss her lawsuit, with prejudice, and execute a release of all of her known and unknown claims.

ROLL CALL

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

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Cub Scout Pack 280.

INVOCATION – The invocation was led by Rev. Dr. Sarah Halverson from Fairview Community Church.

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

Announcement - Mayor Boardman announced November as National Native American Heritage Month as part of the City's Human Relations Task Force Federal Heritage Month program.

Mayor Boardman stated that in support of the Federal Heritage Month program, Council recognizes the contributions and accomplishments of the Native American community which continues to shape the nation and contributes to the rich diversity that is the country's strength.

Presentation - Mayor Boardman presented a proclamation for Small Business Saturday to the Huntington Beach Chamber of Commerce and the HB Downtown Business Improvement District.

Mayor Boardman called on a representative from the Huntington Beach Chamber of Commerce and the Downtown Business Improvement District and presented a proclamation in support of Small Business Saturday, November 30, 2013. She encouraged residents to shop locally, in small businesses.

It was noted that Santa Claus will be Downtown from 10:00 a.m. to 2:00 p.m., and also on Sunday, November 24, 2013 for the tree-lighting ceremony.

Presentation - Mayor Boardman called on Boeing Vice President Alejandro (Alex) Lopez to receive a commendation in honor of Boeing's 50th Anniversary.

Mayor Boardman reported that Boeing is celebrating its 50th Anniversary this year, presented Boeing Vice President Alejandro (Alex) Lopez with a commendation in honor of the milestone and addressed the company's contributions to the City and community.

A presentation was made by State Assemblyman Travis Allen. Assemblyman Allen presented a certificate of recognition to Mr. Lopez in acknowledgement of Boeing's 50th Anniversary.

Mr. Lopez expressed his appreciation for the recognitions.

Mayor Pro Tem Harper commented on the evolution of the company and acknowledged the company's partnership with the community.

Councilmember Shaw acknowledged the employees of Boeing and their involvement in the community and reported that the Bolsa Chica Land Trust has received numerous grants from the company.

Presentation - Mayor Boardman presented a commendation to longtime supporter of Gibbs Butterfly Park, Leslie Gilson.

Mayor Boardman presented a commendation to Leslie Gilson in acknowledgement of her efforts in support of Gibbs Butterfly Park.

Presentation - Mayor Boardman presented a commendation to local high school football player Jake Olson for his great accomplishments.

Mayor Boardman presented a commendation to local high school football player and golfer Jake Olson, who happens to be blind, for his many achievements and accomplishments. She noted that he is an inspiration to all.

Jake Olson shared some of the things he has learned throughout his experience and thanked the City for its support.

Mayor's Award - Mayor Boardman presented the Mayor's Award to a City staff member of her choice

Mayor Boardman presented the Mayor's Award to Police Chief Ken Small who has worked for the City for eleven years and will soon retire. She summarized his career accomplishments and wished him well in his retirement.

Former Mayor Debbie Cook acknowledged Chief Small's dedication to the community and presented him with a gift in appreciation for his efforts and support of the community.

Chief Small stated that many have commented on his contributions to the City but indicated that whatever he has given to the City, the City has given him ten-fold in return. He added that although he is leaving the Police Department, he will not be leaving the City.

Additionally, Mayor Boardman presented him with a key to the City.

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

Communication received for Agenda Item No. 7 from Californians Allied for Patient Protection (CAPP) entitled *Myths & Facts About MICRA*.

Communication received for Agenda Item No. 7 from Paul Woods, Grassroots Manager, Consumer Attorneys of California entitled *The Troy and Alana Pack Patient Safety Act*.

Administrative Items

PowerPoint Presentation for Agenda Item No. 14 submitted by Travis Hopkins, Director of Public Works, entitled *City of Huntington Beach Bicycle Master Plan*.

Ordinances for Introduction

Communication received for Agenda Item No. 15 dated October 21, 2013 submitted by Kara Bush, California Restaurant Association re: Opposing the Ordinance Restricting Use of Styrofoam Packaging.

Communication received for Agenda Item No. 15 submitted by Jerry L. Wheeler, Sr. IOM, President/CEO of the Huntington Beach Chamber of Commerce requesting Council delay any action on the polystyrene ordinance.

Communication received for Agenda Item No. 15 from Bill Hickman of the Surfrider Foundation entitled *Support - Polystyrene Ordinance*.

82 communications received for Agenda Item No. 15 from Huntington Beach restaurants 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 Boardman opened the Public Comments portion of the meeting.

State Assemblyman Travis Allen spoke in opposition to Item No. 15 (Styrofoam Ban) noting that it would limit consumer choice and increase product costs for businesses and consumers. He stated that Styrofoam does not cause a litter problem but that the litter problem is caused by human behavior. He added that the City currently recycles Styrofoam through Rainbow Disposal and that the focus should be on education. He commented on the use of alternative products adding that it is not environmentally superior and that banning the use of Styrofoam would hurt local businesses. He presented letters from local restaurants opposing the ban. (00:33:23)

Gloria Alvarez, Chair, Historic Resources Board, and Barbara Haynes, former Chair, Historic Resources Board, invited members of the community to join them on Saturday, November 23, 2013, at 10:00 a.m. for the unveiling of the bronze plaques commemorating the history of Triangle Park and the Main Street Library and their listing on the National Registry of Historical Places. (00:36:14)

Pamela Crouch, Orange County Coastkeeper, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban) adding that the organization hosts a monthly beach clean-up in the City and over the last two years has removed over 3,000 pounds of trash, most of which is Styrofoam/polystyrene. (00:38:09)

Tammy Smick spoke in opposition to Consent Item No. 7 (MICRA) and urged Council to remove it from the Consent Calendar and oppose Resolution No. 2013-60. She presented a picture of her twenty-year old son, Alexander Smick who died due to medical negligence. He was prescribed and administered a lethal combination of medications that caused his death within hours of admission. She added that doctors and hospitals are insulated from accountability and she learned that if the doctor and hospital were to be held accountable, she would have to seek legal action. She spoke of her son's plans to work in the medical industry and stated that because he was not a wage-earner, MICRA limits the value of his life to \$250,000 and access to the legal system because of the high cost of litigating a malpractice case. She urged Council to oppose the matter adding that MICRA is bad for California patients. (00:39:41)

Tim Smick spoke in opposition to Consent Item No. 7 (MICRA) and urged Council to remove it from the Consent Calendar and oppose Resolution No. 2013-60. He stated he grieves every day for the loss of his son, who died a preventable death at the hands of the medical profession from whom he sought help. He added that they not only lost their son, but have been victimized by MICRA, which has made their access to the legal system, difficult and expensive. He stressed the need to hold negligent providers accountable, and patients and their families should not have to fight against an archaic law such as MICRA, which protects doctors and not patients. He urged Council to protect patient rights and oppose the matter. (00:42:43)

Richard Kaiser spoke in favor of Administrative Item No. 14 (2013 Bicycle Master Plan) and urged Council to approve it. He addressed the benefits to residents, cyclists, local businesses and tourists. (00:44:03)

Jim Powers spoke in favor of Administrative Items No. 14 (2013 Bicycle Master Plan). He described actively participating in the development of the plan for the last year-and-a-half, and stated that it is the product of really good work by experienced people. He discussed how the plan received significant public input, and how it identifies areas of significant improvements that benefit the City in many ways. He concluded by recommending that Council approve the plan. (00:47:00)

Thomas Kockinis, M.D., President of the Orange County Medical Association spoke in favor of Consent Item No. 7 (MICRA). He expressed deep and profound sympathy for families who have experienced personal tragedies and stated that the physician community is always looking for ways to improve patient safety and care and avoid medical errors. He urged Council to support the matter stating that it will raise costs for millions of consumers and taxpayers, should the trial attorneys' referendum pass, next November. He added that more lawsuits mean higher costs for patients and providers. Raising MICRA's cap on non-economic damages will increase operating costs for providers and may force many to cut back services. He opined that the measure is about making more money for trial attorneys and will lead to reduced access to medical care. (00:49:28)

In response to Councilmember Shaw's inquiry, Dr. Kockinis stated there is no ballot measure yet but is planned by trial attorneys for next November.

Dr. Michael Simons spoke in favor of Consent Item No. 7 (MICRA). He urged Council to support the resolution and approve the matter. He indicated that MICRA does not take away benefits and reported the supporters include more than 700 groups. He added that MICRA has helped stabilize medical liability rates so the providers can remain in practice, treating patients and insures that injured patients receive fair compensation while preserving access to important healthcare services. He addressed provisions of MICRA and stated that changes are being proposed so that there will be more money in the pool for trial attorneys. (00:52:52)

Alan Dauger spoke in favor of Administrative Items No. 14 (2013 Bicycle Master Plan). He commended the City for considering the item and commented positively on the plan, adding that he hoped Council will approve it. He listed recommendations and benefits of the plan. He commented on a newly-constructed Class 1 multi-use path parallel to Edinger Avenue, which was rightly omitted from the plan and felt that it was a waste of Federal funds adding that it leads nowhere, is not accessible, is dangerous and should be reviewed. (00:55:53)

Tiffany Johnson, Secretary, Children's Needs Task Force, announced the *Barnes and Nobles at Bella Terra Holiday Book Drive*, currently taking place through December 31, 2013. She addressed prior efforts of the company to distribute books to the community's schools and organizations. (00:58:34)

Jules Luna spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban) and commended Council for its work in support of sustainability. He believed that alternatives for Styrofoam can be found, could potentially create jobs and move the industry in a better direction. He encouraged Council to approve the ban. (00:59:50)

Brandon Alvarado, Certified Cycling Instructor from League of American Bicyclists, spoke in favor of Administrative Items No. 14 (2013 Bicycle Master Plan). He commented on the importance of promoting cycling for health, fitness and fun and addressed iconic City events that rely on bicycle transportation. He commented on the lack of quality bicycle parking, not enough City-wide bicycle-safety education, poor signage, lean markings and an overall lack of awareness of bicycle riders and noted that the Bicycle Master Plan addresses those issues and outlines ways to combat those issues in the City. He urged Council to approve the plan and try to achieve the highest level of bicycle friendliness. (01:01:20)

Jake Kruska spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). He attested that Styrofoam is present and damages the environment and urged Council to approve it in consideration of future generations. (01:04:10)

Elizabeth Hernandez spoke in favor of Ordinance for Introduction No. 15 (Styrofoam Ban). She addressed the dangers of the material to public health and the environment and urged Council to approve the ban. (01:05:03)

Diana Mai, on behalf of Richard Freeland, owner of Caffé Caldo, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). She addressed the negative impacts of the material on the environment and asked Council to approve the ban. (01:06:09)

Robert Rossato, owner of a new restaurant in the City, spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban). He stated that the ban will cause him to have to raise his prices which will affect his ability to remain competitive. While he indicated support for the environment, he stated that the key issue is about education and that the energy should be spent on educating the public about recycling those products rather than banning them altogether. (01:06:57)

Kyle Murphy, on behalf of Gyro King, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). He shared his experience with Styrofoam noting that he found the banning of the material at other locations served to have a positive impact on his business. He believed that the City should ban all polystyrene products and commented on costs of paper versus Styrofoam products noting that the price difference is very small while it protects the environment. (01:08:16)

Susan Welfringer, Downtown BID Manager, on behalf of downtown restaurants, requested that Council delay its decision regarding Item No. 15 (Styrofoam Ban) until downtown restaurants can provide input to Council. Additionally, she invited Council and the community to join her on Sunday, November 24, 2013 for the tree-lighting ceremony at 6:00 p.m. She reported that on Thursday, November 21, 2013, at the Shore Break Hotel, there will be an art walk where local artists will be displaying their work and invited residents to Small Business Saturday, November 30, 2013. She encouraged residents to shop locally, in small businesses. Additionally the Annual Light of Love Parade will be celebrated in downtown on December 1, 2013. Santa will be downtown during the entire month of December and Surf City Nights will be held the first three Tuesdays in December. (01:12:15)

Richard Kushnir, Rancho Huntington Beach Senior Mobile Home Park resident, commented on watching his neighbors leave the park in fear of abuses, misinformation, bad leases and

intimidation. He reported that abuses continue relative to Constitutional rights and commented on previous actions by Council that abridge equal rights protections under the law. He suggested that homeowners contact that U.S. Attorney General to voice their concerns. (01:14:41)

Anushka Bhaskar, Pegasus School student, spoke in favor of Ordinance for Introduction No. 15 (Styrofoam Ban). She listed examples of other cities that have implemented the ban and encouraged Council to approve the ban. She listed supporters of the ban, including Duke's Restaurant which has already implemented a ban and addressed available alternatives. (01:17:24)

Amanda Miskell, Pegasus School student, spoke in favor of Ordinance for Introduction No. 15 (Styrofoam Ban) and encouraged Council to approve the ban. She addressed impacts to local restaurants, commented on the results of an informal survey of downtown restaurants regarding the matter and addressed the costs of using alternatives, noting that the cost difference between Styrofoam products and paper alternatives is insignificant. (01:20:44)

Jenna Dyer, Pegasus School student, spoke in favor of Ordinance for Introduction No. 15 (Styrofoam Ban). She presented examples of how polystyrene containers are affecting City beaches and encouraged Council to approve the ban. (01:23:46)

Christina Funck, speaking on behalf of Slapfish Restaurant, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). She addressed the goals of the restaurant in responsibly promoting the ban of polystyrene and the effects of the material on the environment and public health. (01:27:10)

Steve Olim expressed concerns related to the ban on plastic bags. He opined that Council overstepped its authority to demand a charge for paper bags at a fixed price, set by Council. He added that this is a slap in the face to private free enterprise and extortion of store patrons. He addressed enforcement and felt that the ordinance is intrusive and unnecessary. (01:30:21)

Cody Riechers spoke regarding Ordinance for Introduction Item No. 15 (Styrofoam Ban). He continued reading a letter on behalf of Slapfish Restaurant in support of the ban. Additionally, he shared his experience with Styrofoam while cleaning up beaches and its effects on the environment. He urged Council to approve the ban and invited Council and the public to attend a sustainability celebration at Golden West Community College on Friday, November 22, 2013. (01:33:08)

Susan Chang, business owner, spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban). She felt that Styrofoam is not that big of a problem and stated that everyone should be responsible for picking up their own trash and commented on the costs of Styrofoam versus paper. (01:36:33)

Jean Nagy, Huntington Beach Tree Society, commented positively on a recent tree-planting at Gisler Park and thanked the City for its support. She reported receiving a grant from California Relief for the trees and thanked the City, the community and Boeing for the curb-appeal project. (01:39:15)

Councilmember Carchio thanked Ms. Nagy for her efforts in support of the City.

Dan Hazard spoke in support of Administrative Item No. 14 (2013 Bicycle Master Plan). He urged Council to pass the 2013 Bicycle Master Plan and noted that it recognizes the responsibility of stakeholders and provides for grant opportunities. (01:42:14)

Peggy Price, Huntington Beach Interfaith Council, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). She thanked Mayor Boardman for bringing forth the Charter for Compassion and thanked Chief Small for his dedication to the community. Additionally, she urged Council to listen to its young people in their request to ban Styrofoam and stressed the importance of the people and planet before profits. (01:43:35)

Sue Gordon, Rainbow Environmental Services, spoke in favor of forming a stakeholders group to study the proposed ban on Styrofoam products. She noted that we all need to be more mindful in terms of reducing, reusing and recycling and asked that Council slow down in its consideration of banning Styrofoam. She stated her opinion that education is key, indicating that additional time is needed to develop a plan. She added that Rainbow Environmental Services recycles the material, which does not generate a lot of revenue, but is the right thing to do. (01:45:58)

Councilmember Carchio stated that Council should not be leading a public speaker into a direction that she does not feel comfortable addressing.

Jerry Wheeler, President and CEO of the Huntington Beach Chamber of Commerce, spoke regarding Ordinance for Introduction Item No. 15 (Styrofoam Ban) and requested that Council delay its action regarding the matter until everyone has an opportunity to study it thoroughly. He added that failure to delay it will send the wrong message to already-struggling small businesses. He agreed with the suggestions of Ms. Gordon relative to delaying the matter and forming a stakeholders group to study the matter. (01:48:50)

Dianne Thompson, Chairman of the Huntington Beach Chamber of Commerce, spoke regarding Ordinance for Introduction Item No. 15 (Styrofoam Ban). She concurred with Mr. Wheeler's comments and asked Council to slow down the process, incorporate the various people that will be impacted and allow them the opportunity to carefully study the matter. (01:51:30)

Maureen Lawson spoke regarding Ordinance for Introduction Item No. 15 (Styrofoam Ban) and stated agreement with the prior speaker's comments. She indicated frustration with the plastic ban ordinance noting that she now has to pay for paper bags and felt that the ban reflects, "Taxation without Representation" and that the ordinance needs to be recalled. She suggested putting the matter to a vote by the people. (01:53:26)

Arturo Esquirel, Hank's West Pizza, spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban). He added that banning the material will not resolve the issue and encouraged recycling instead. (01:56:29)

Diane Atkins, resident of Pacific Mobile Home Park, thanked Council for its involvement regarding the plight of mobile home owners and for appointing Tim Geddes to the Mobile Home Advisory Committee and expressed hope that solutions will be developed. (01:57:12)

T. Gabe Houston, Medical Malpractice and Personal Injury Attorney, spoke in opposition to Consent Item No. 7 (MICRA). He reported that many of his clients are under-capitalized in comparison to adversities they face. He referenced Mayor Pro Tem Harper's comments at a

previous Council meeting regarding the issue and reported that it was originally brought up by CAPP, none of which are Council's constituents. He could not understand why Council is considering a resolution that is out of its purview and does not involve the City's constituents in any way. He noted that MICRA is a cost-of-living adjustment and addressed how the City has dealt with such adjustments in the past. (01:58:30)

Councilmember Sullivan referenced Mr. Houston's comments regarding constituents and noted that the Orange County Medical and Dental Associations support this item and as such the doctors and dentists that are part of the Associations and residents of the City are constituents.

Mr. Houston added that as individuals, they have not indicated support for MICRA and as entities; they are not Council's constituents.

Councilmember Sullivan noted that he respectfully disagrees.

Kevin Liebeck, Trial Attorney, spoke in opposition to Consent Item No. 7 (MICRA) commented on the terms of the resolution and reported that attorney fees in medical malpractice cases are capped and the proposed adjustment to MICRA does not seek to increase attorney fees in any capacity. He added that fees are set on a sliding scale where the larger the recovery, the lower the fee. He noted that trial lawyers are not seeking the adjustments and asked whether Council has inquired of the citizens of Huntington Beach how they feel about MICRA. Mr. Liebeck added that it is a give-away for a niche insurance market. (02:02:50)

Lisa Chau, Sweet O' Donuts, spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban). She noted that the material is recyclable and commented on the high cost of alternative materials. She urged Council to promote recycling, enforce litter laws and keep the community shopping in the City. (02:06:01)

Chloe Yoo, YAMAS Teriyaki, spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban). She reported on her efforts to recycle and asked Council to oppose the ban. (02:06:57)

Tim Hendrix, UCI/Surfrider Foundation, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). He referenced a preliminary research article that he submitted earlier today and stated this is not about hurting small businesses and reported cases in which small businesses have contacted each other in an effort to intimidate the process. He noted that the pricing of items is subjective and reported going to Restaurant Depot and pricing Styrofoam products versus paper products. He stated that in many cases, costs for the latter are less than the prior or the same. He addressed the costs of cleanup activities and addressed reports in his research regarding challenges with polystyrene materials. He addressed the importance of education but stated that it, alone, is not a replacement for the ordinance. (02:09:36)

Becky Warren, California Restaurant Association, spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban) and addressed affordability, recyclability and effectiveness. She spoke in opposition to bans and addressed other issues that may be brought up to be banned, if Council should approve this matter. (02:12:52)

Solanje E. Ritchie, spoke in opposition to Consent Item No. 7 (MICRA). She clarified that she is addressing Council as a victim of medical negligence and not as an attorney. She referenced

prior comments from doctors and noted abuse of victims by a system that does not cover costs. She added that the bill will hold doctors accountable for medical negligence and will promote patient safety. She presented testimony regarding her deceased husband and presented statistical facts regarding medical negligence. (02:15:40)

Christa Rainey, Attorney, spoke in opposition to Consent Item No. 7 (MICRA). She reported that in most medical malpractice cases, it is a losing endeavor for her as she does not make money on them. She reported that they are very expensive to try, that plaintiff attorney fees are capped, but defense attorney fees are not. Ms. Rainey addressed the importance of holding doctors accountable, stating that the \$250,000 cap put into law in 1975 had not been adjusted for inflation since, and reported that there is a planned initiative, and that signatures are being gathered. She urged Council to remove the item from the Consent Calendar and vote in opposition to same. (02:19:00)

Araceli Santos spoke in opposition to Consent Item No. 7 (MICRA). She reported that she is a victim of medical malpractice and presented her personal testimony. She urged Council to remove the matter from the Consent Calendar and vote in its opposition. (02:21:52)

Bill Hickman, Surfrider Foundation, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). He noted the harmful environmental effects of the material and reported on other cities that have established such ordinances to help tackle the problem. He added that many include a hardship clause for those who cannot comply, just as the bag ordinance provided by the City and reported that most of the polystyrene recycled by Rainbow is from product packaging, not food containers and that paper products are recyclable, even if they have a wax lining. He urged Council to support the ban. (02:23:35)

Robert Johnson spoke regarding "unaffordable" housing in Huntington Beach. He referenced a prior lawsuit with the City and commented on challenges with the calculation of affordable housing in the City. (02:26:23)

Joanne Milichick spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban). She reported that she owns a small business in the City and commented on challenges experienced by her business because of the economy and the various bans. She urged simple responsibility and stewardship and encouraged Council to oppose the ban. (02:29:41)

Veronica with the California Restaurant Association spoke on behalf of Antonio Hernandez, Cancun Tacos Al Carbon and Nick Guerrero, Chile Frito, to oppose Ordinance for Introduction Item No. 15 (Styrofoam Ban) and urged that Council deny the ban. (02:33:05)

In response to Councilmember Shaw's inquiry, it was noted that closing of a business cannot be attributed to one cause, but it is a result of more mandates and increased operating costs.

Mahealani Wu, Huntington Beach High School, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban) on behalf of Avocado Cafe. She commented on the restaurant's efforts to use only quality ingredients and products, on the importance of taking care of the environment, and urged Council to vote in support of the ban. (02:35:07)

John Adams spoke in opposition to Consent Item No. 7 (MICRA). He wondered why CAPP approached the City in support of the matter and opined that it is not within the purview of Council

and that CAPP is trying to use the matter as a political agenda. He urged Council to reject the matter and commented on the \$250,000 cap that was established in 1975 with no adjustments made relative to cost-of-living. He added that CAPP has produced no evidence that doctors in California are paying less in premiums or that they are leaving the State because of increased costs. (02:37:31)

John Briscoe, Huntington Beach Public School Trustee, reported that the City has eliminated parks and has given them to the school districts. He added that the Board has not voted to accept the City's contract and felt that the matter is in violation of State General Planning Acts. He urged that the City consider the Oak View neighborhood and the possibility of turning the Rainbow property into a park. (02:40:32)

Councilmember Shaw requested a clarification regarding the recent letter sent by the City to the citizens of Oak View.

Community Services Director Janeen Laudenback reported that the letter was sent to clarify there was a sixty (60) day cancellation of the settlement agreement and that the City's intention is to renegotiate the agreement so that the makeup of the Community Services Commission changes, but not the responsibility to parks and the maintenance of the parks. Staff will continue to work with the Ocean View School District so that they understand the City's intentions to continue maintaining the parks.

In response to Councilmember Shaw's inquiry regarding a recent lawsuit by the Ocean View District, City Attorney Jennifer McGrath reported that the Ocean View School District asked for over \$143,000 in lawyer fees for that case.

Darrel Ferguson spoke in support of Ordinance for Introduction Item No. 15 (Styrofoam Ban). He addressed cleanups and reported that the City gets a lot more trash than Newport Beach because of the northern current. He noted environmental impacts of using polystyrene and noted there are many options available to using Styrofoam containers. He urged Council to support the ban and commented positively on the recycling efforts of Rainbow. (02:45:10)

In response to Councilmember Carchio's inquiry, Mr. Ferguson reported that a lot of the polystyrene materials are found at the Santa Ana River bed.

Tiffanie Cheng, speaking on behalf of her family's donut shop, spoke in opposition to Ordinance for Introduction Item No. 15 (Styrofoam Ban) adding that the ban will increase costs and have a negative effect on small businesses. (02:48:45)

Connor Chilcott, Goldenwest College and Surfrider Foundation, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). He expressed concerns with the environmental impacts to the beaches and urged Council to approve the ban. (02:51:00)

Jessica Bechtold, Teacher, spoke in favor of Ordinance for Introduction Item No. 15 (Styrofoam Ban). She commented on the City being Surf City USA and the importance of taking the initiative to preserve it. She addressed the costs of polystyrene materials versus paper noting that the latter are 100% recyclable. She commented on hardship on businesses and reported that out of the seven cities that have instituted the ban, not one has come forward indicating they have experienced financial hardships and needed to be excluded from the ban. She urged Council to

approve the ban. (02:51:54)

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

Mayor Pro Tem Harper reported attending the ACCOC meeting and the City Selection Committee meeting run by ACCOC. Five of the seventeen voting directors for the Orange County Transportation Authority (OCTA) were chosen and he noted that each of the Supervisory Districts has an election and Mayors or their appointed representatives were eligible to vote and that the process is governed by the Public Utilities Commission (PUC). He added that he was able to win re-election for his seat on the Orange County Transportation Authority Board of Directors with the support of Mayors from various surrounding cities. He expressed his appreciation for their support and stated he will continue to represent each of the cities on the Board.

Councilmember Carchio reported attending the ACCOC meeting and congratulated Mayor Pro Tem Harper for his re-election. Additionally, he reported attending the City of Seal Beach State of the City luncheon.

Councilmember Sullivan reported chairing the November meeting of the Orange County Senior Citizens Advisory Council.

Councilmember Shaw reported attending the Orange County Sanitation District Public Affairs Legislative meeting and congratulated Mayor Pro Tem Harper on his re-election to the OCTA Board of Directors.

CITY MANAGER'S REPORT

City Manager Fred Wilson announced that, as part of a nation-wide program, American Express will be providing complimentary parking on Main Street during the entire day for the upcoming Small Business Saturday, November 30, 2013.

CONSENT CALENDAR

1. Approved and adopted minutes of October 21, 2013

A motion was made by Councilmember Carchio, second by Mayor Boardman to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting of October 21, 2013, as written and on file in the office of the City Clerk.

The motion carried with the following roll call vote:

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

2. Received and filed the City of Huntington Beach Strategic Plan Update

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

The motion carried with the following roll call vote:

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

3. Approved the Atlanta Avenue Widening Project Relocation Plan Update

A motion was made by Councilmember Carchio, second by Mayor Boardman to approve the Atlanta Avenue Widening Project Relocation Plan Update.

The motion carried with the following roll call vote:

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

4. Adopted Resolutions Nos. 2013-64 through 2013-70 requesting authorization by the City and approval from Caltrans for temporary closure of streets for certain special events in 2014

Councilmember Carchio pulled the aforementioned item for separate discussion and consideration. Regarding the temporary closure on 12th Street in Sunset Beach for the Annual Sunset Beach Art Festival, he asked whether they requested closing the street for Halloween and whether that was included in the resolution.

Staff reported that it was not included but that another resolution could be developed to address the matter upon clarification with the Sunset Beach Community Association.

A motion was made by Councilmember Carchio, second by Mayor Pro Tem Harper to adopt Resolution No. 2013-64, "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;" adopt Resolution No. 2013-65, "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;" adopt Resolution No. 2013-66, "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;" adopt Resolution No. 2013-67, "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;" adopt Resolution No. 2013-68, "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;" adopt Resolution No. 2013-69, "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. 2013-70, "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July."

The motion carried with the following roll call vote:

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

5. Adopted Resolution No. 2013-71 certifying that the City has the resources to implement the projects to be included in the 2015 Federal Transportation Improvement Program (FTIP) as required by the Orange County Transportation Authority (OCTA)

A motion was made by Councilmember Carchio, second by Mayor Boardman to adopt Resolution No. 2013-71, "A Resolution of the City Council of the City of Huntington Beach, California Certifying that the City has the Resources to Fund the Projects Submitted for Inclusion in the 2015 Federal Transportation Improvement Program and has the Resources to Fund the Projects in the FFY 2014/15 – 2019/20 Transportation Improvement Program and Affirms its Commitment to Implement all of its Projects Submitted to the Program."

The motion carried with the following roll call vote:

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

6. Adopted Resolution Nos. 2013-72 and 2013-73 approving the submittal of Grant Applications to the Orange County Transportation Authority (OCTA) under the Comprehensive Transportation Funding Programs (CTFP) for the Adams Ave./Bushard St. Bioswale Project, the Banning Ave. Bioswale Project, and intersection capacity enhancement at Beach Blvd. and Warner Ave.

A motion was made by Councilmember Carchio, second by Mayor Boardman to adopt Resolution No. 2013-72, "A Resolution of the City Council of the City of Huntington Beach Approving the Submittal of an Improvement Project to the Orange County Transportation Authority for Funding Under the Comprehensive Transportation Funding Program," Intersection capacity Enhancement, for the intersection of Beach Boulevard and Warner Avenue; and, adopt Resolution No. 2013-73, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Funds for the Environmental Cleanup, Tier 2 Grant Program, Under Orange County Local Transportation Ordinance No. 3 for Adams Avenue and Bushard Street Bioswale Project and Banning Avenue Bioswale Project."

The motion carried with the following roll call vote:

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

7. Failed to Adopt Resolution No. 2013-60 opposing any bills or ballot measures that would weaken the Medical Injury Compensation Reform Act (MICRA), increase health care costs for state and local governments, and limit patient access to health care services
Continued from November 4, 2013 meeting

Councilmember Hardy pulled the aforementioned item for separate discussion and consideration. She reported serving on the Intergovernmental Relations Committee (IRC) for several years and

took responsibility for placing the item on the agenda. She reported that typically, it has been the practice of the IRC not to recommend an opinion on anything that does not directly affect the City. Because of her lack of knowledge on this issue, she was part of the vote to recommend bringing the matter before Council. However, she stated that she has learned a lot; especially in terms of this matter not directly affecting the City and that the IRC should not have brought the issue forward to Council.

In response to her inquiry, City Attorney McGrath stated that a motion can be made to remove it from the agenda with a second and a vote and not take a position, either way.

A motion was made by Councilmember Hardy, second by Councilmember Shaw to remove the aforementioned item from the agenda because the IRC typically does not forward items to Council that don't directly affect the City. Discussion ensued.

Mayor Pro Tem Harper reported submitting the matter to the IRC and asked for the opportunity to discuss the matter.

Discussion followed regarding the appropriateness of discussing the item subsequent to the motion.

Councilmember Sullivan encouraged Mayor Pro Tem Harper to comment on the matter. He added that he is in favor of Council dealing with the matter because it has an economic effect on the City in cases where City employees have been hurt on the job or by medical malpractice and there are large attorney fees involved. He pointed out the matter provides for unlimited economic damages for any and all past and future medical costs and for lost wages and lifetime earning potential and unlimited punitive damages. Additionally, he pointed out the list of supporters of the measure. He commented on the opinions people have of doctors versus the opinions people have of trial lawyers.

Mayor Pro Tem Harper reported that the proposed measure would increase healthcare costs by State and Local governments thereby jeopardizing funding for vital services. He added that it could force new cuts to education, public safety and healthcare for seniors, children and low-income families. He stated that it affects cities, schools and local agencies because the burden is the increasing cost of medical care as a portion of providing public services. He reported that Jerry Brown signed it into law and that one of the critics of it is Ralph Nader and that the issue is how to fund public services in California because of increased health costs. He commented on Dr. Michael Simons' work with medical professionals throughout the City. He commented on the extremes of going to a ballot measure and noted there is still support among Democrats in the legislature, to keep MICRA and stated that \$250,000 is enough noting the need to take a stand because the matter is relevant to the City.

A substitute motion was made by Mayor Pro Tem Harper, second by Councilmember Sullivan to adopt Resolution No. 2013-60, "A Resolution of the City Council of the City of Huntington Beach Opposing Any Bills or Ballot Measures That Would Weaken the Medical Injury Compensation Reform Act (MICRA), Increase Health Care Costs for State and Local Governments, and Limit Patient Access to Health Care Services."

The substitute motion failed with the following roll call vote:

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

Councilmember Hardy's original motion (seconded by Councilmember Shaw) to remove the aforementioned item from the agenda failed with the following roll call vote:

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

8. Adopted Resolution No. 2013-63 establishing salary range, CalPERS retirement contribution, and correcting the effective date to December 7, 2013 for the position of Police Chief

A motion was made by Councilmember Carchio, second by Mayor Boardman to adopt Resolution No. 2013-63, "A Resolution of the City Council of the City of Huntington Beach Establishing the Salary Range and Employee-Paid Portion of Cal-PERS Contribution for Police Chief"

The motion carried with the following roll call vote:

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

9. Adopted Successor Agency Resolution 2013-05 – A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Regarding Rules and Regulations for the Operations of the Successor Agency and taking certain action in connection therewith

A motion was made by Boardmember Carchio, second by Chair Boardman to adopt Resolution No. 2013-05, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Regarding Rules and Regulations for the Operations of the Successor Agency and Taking Certain Action in Connection Therewith."

The motion carried with the following roll call vote:

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

10. Approved and authorized execution of an Agreement for Acquisition and Escrow Instructions for the purchase of two encyclopedia parcels (APNs 110-153-04 and 110-164-21) in the vicinity of Goldenwest St. and Ellis Ave.

A motion was made by Councilmember Carchio, second by Mayor Boardman to authorize the Mayor and City Clerk to execute the "Agreement for Acquisition and Escrow Instructions," and, authorize the City Manager to execute any other related escrow documents.

The motion carried with the following roll call vote:

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

11. Approved and authorized execution of a License Agreement between the City and VF Outdoor, Inc. for use of the Central Park Sports Complex parking lot for temporary parking for skate park events

Councilmember Carchio pulled the aforementioned item for separate discussion and consideration. He asked if there are any conflicts with other events.

Staff reported that it should not conflict with other events and that the agreement clearly states that the events scheduled at the Sports Complex have priority over any other events.

A motion was made by Councilmember Carchio, second by Councilmember Katapodis, to approve and authorize the Mayor and City Clerk to execute the "License Agreement Between the City of Huntington Beach and VF Outdoor, Inc. for Use of the Central Park Sports Complex Parking Lot for Temporary Parking for Skate Park Events."

Councilmember Sullivan commented on other events that have been there for a long time, such as evaluations of female softball players that result in scholarships provided to young women, all over the country. He expressed a desire to ensure that other events can be scheduled around Sports Complex events. Additionally, he wondered if there will be a balancing of events to allow for sufficient parking.

Staff added there are 850 parking spots at the Sports Complex and the agreement outlines that up to 650 will be available for Vans events and the remaining will be for other events at the venue, if needed.

The motion carried with the following roll call vote:

AYES: Sullivan, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None
ABSENT: Hardy (out of the Chambers)

**12. Adopted Ordinance No. 4006 approving Zoning Map Amendment No. 05-001 amending the Huntington Beach Zoning and Subdivision Ordinance by changing the Zoning Designation from RM (Residential Medium Density) to CG (Commercial General) on property located on the southeast corner of Warner Avenue and Nichols Street
Approved for Introduction November 4, 2013, Vote: 4-3 (Hardy, Boardman, Shaw-No)**

A motion was made by Councilmember Carchio, second by Mayor Boardman to adopt Ordinance No. 4006, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation From RM (Residential Medium Density) to CG (Commercial General) on a +1.1 Gross Acre Portion and to IG (General Industrial) on a +3.3 Gross Acre Portion of Real Property Located on the Southeast Corner of Warner Avenue and Nichols Street (Zoning Map Amendment No. 05-001)."

The motion carried with the following roll call vote:

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

PUBLIC HEARING

13. Adopted Ordinance Nos. 3993 through 4003 approving the Huntington Beach Building and Safety Codes

City Manager Wilson reported that a presentation was provided at a prior meeting regarding this item and offered to provide another one should Council so choose.

Mayor Boardman opened the Public Hearing.

City Clerk Flynn noted no speakers and reported that two Supplemental Communications were received for this matter. One communication was received from Robert L. Evans, Assistant Director of Legislative Affairs of the National Association of Industrial and Office Properties, Southern California Chapter and a second communication was received from Michael Balsamo, Chief Executive Officer from the Orange County Chapter of the Building Industry Association both of which oppose the amendment to Section 17.06.040 regarding non-residential electric vehicle charging.

Mayor Boardman closed the Public Hearing.

Mayor Pro Tem Harper referenced the correspondence received and the position he has taken previously and requested considering recommended action B (Ordinance No. 3994) for this matter, as listed on the agenda, separately from the other items.

There was no objection to his request.

A motion was made by Mayor Boardman, second by Councilmember Sullivan to after the City Clerk reads by title, adopt Ordinance No. 3993, "An Ordinance of the City of Huntington Beach Amending Chapter 17.04 of The Huntington Beach Municipal Code titled The Huntington Beach Building Code;" adopt Ordinance No.3995, "An Ordinance of The City of Huntington Beach Amending Chapter 17.07 of the Huntington Beach Municipal Code titled Residential Code;" adopt Ordinance No. 3996, "An Ordinance of The City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.08 titled Housing Code;" adopt Ordinance No. 3997, "An Ordinance of The City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.10 Huntington Beach Nuisance Code;" adopt Ordinance No. 3998, "An Ordinance of The City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.24 titled Sun Decks--Windscreens Code;" adopt Ordinance No. 3999, "An Ordinance of The City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.40 titled Mechanical Code;" adopt Ordinance No. 4000, "An Ordinance of The City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.44 titled Plumbing Code;" adopt Ordinance No. 4001, "An Ordinance of The City of Huntington Beach Amending Chapter 17.46 of The Huntington Beach Municipal Code titled Uniform Swimming Pool, Spa and Hot Tub Code;" adopt Ordinance No. 4002, "An Ordinance of The City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.48 titled Electrical Code;" and, adopt Ordinance No. 4003, "An Ordinance of The City of Huntington Beach Amending Chapter 17.60 titled Solar Energy Code."

The motion carried with the following roll call vote:

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

Mayor Pro Tem Harper stated that adoption of Ordinance No. 3994 is optional at this time and noted he will vote against the matter.

A motion was made by Mayor Boardman, second by Councilmember Sullivan, to after the City Clerk reads by title, adopt Ordinance No. 3994, "An Ordinance of the City of Huntington Beach Amending Chapter 17.06 of The Huntington Beach Municipal Code titled Green Building Standards Code."

The motion carried with the following roll call vote:

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

ADMINISTRATIVE ITEMS

14. Adopted the 2013 Bicycle Master Plan (BMP) prepared for the City of Huntington Beach

Mayor Boardman thanked the Bicycle and Pedestrian Advisory Committee for their work and the people who attended the workshops and submitted comments for improvements.

Transportation Manager Bob Stachelski presented details of the 2013 Bicycle Master Plan addressing a brief history of the matter and process, funding and retention of consultant KTU&A for development of the plan. He thanked KTU&A for their efforts in helping to develop the plan. He addressed public input as well as the collaboration of various Commissions and City Departments. He expressed appreciation to Public Works Project Manager Darren Sam for his work on the project. In terms of the process, he reported on research and surveys, community workshops and the study of newer trends and bicycle planning. Manager Stachelski addressed results, potential grant opportunities, Bicycle Master Plan components and recommendations. Regarding the latter, he reported they are grouped by different types of projects with a hierarchy of projects in terms of importance and focus. He addressed education, enforcement, and engineering, reevaluation of improvements implemented and equity and balance.

Manager Stachelski presented highlights of the plan including existing facilities, projects, new recommended bike paths and lanes as well as bike boulevards. He reported that staff submitted a grant application prior to presenting the report to Council to fund development of a bike boulevard on Utica. He addressed use of the Bicycle Master Plan and added that staff will continue to work with bicycle advocates in the City. He reported that the plan is not a mandate and does not supersede other approval processes needed to implement the projects. He added that the City has been recognized by the League of American Bicyclists, receiving a bronze-level award as a Bicycle Friendly Community and that one of the goals of the Committee was to try to raise the level to silver, at least. Having a plan is one step towards that.

Mayor Pro Tem Harper acknowledged and thanked staff and citizens involved in developing the plan. He commented on the maps with the proposed Class 1 trails.

Manager Stachelski noted a correction to the map noting that the current plan includes the U.S. Navy right-of-way and deletes the last connection of the trail the goes through Bolsa Chica.

Mayor Pro Tem Harper commented positively on increasing opportunities for health and exercise and especially the recreational component that helps separate vehicle traffic from bicycles and connects to regional areas.

In response to Mayor Pro Tem Harper's inquiry regarding proposed additions to bike trails relative to Beach Boulevard, Manager Stachelski reported that Beach Boulevard was a challenging concept, especially the north section (north of Ellis). He stated that south of Ellis is more realistic and that any discussion of removing on-street parking throughout the segment will be difficult. He addressed challenges with the section north of Ellis and cannot see how it can be accomplished. He reported that the Beach Boulevard corridor is important to everyone but is not very hospitable for bicycles.

Mayor Pro Tem Harper indicated that the matter deserves additional review and discussion in terms of enhancing safety and felt that concentration should be on how to set up sidewalks.

In terms of the bicycle boulevards, Mayor Pro Tem Harper felt that they represent a lot of opportunity but commented on Palm and Orange noting they are not access ways to be able to get to the beach and did not see the same urgency potential for them.

A motion was made by Mayor Pro Tem Harper, second by Councilmember Sullivan, to adopt the 2013 Bicycle Master Plan which is consistent with implementation actions identified in the General Plan Circulation Element without the bike lanes on Beach Boulevard, north of Ellis, and without the bike boulevards along Palm and Orange. Discussion ensued.

Mayor Boardman spoke in favor of the bike boulevards along Palm and Orange adding that there is a lot of bike traffic in the downtown area. She reported that the addition of bike boulevards would reduce the conflict between bikes and cars and make streets safer for bikes. She stated she is completely opposed to removing the proposed recommended bike boulevards on Palm and Orange and will not support the motion.

Councilmember Katapodis agreed with Mayor Boardman regarding Palm and Orange but agreed that Beach Boulevard is very challenging.

Mayor Pro Tem Harper offered to prioritize, in terms of the boulevards, Utica and Delaware and if they prove successful then implement the bike boulevards on Palm and Orange.

Councilmember Shaw noted that Orange and Palm are already used as bicycle streets and that bicycle boulevards will make it safer for cyclists. He added that the people who worked on the Master Plan made good decisions and that he will oppose the motion as he supports leaving the Master Bicycle Plan, as is.

Councilmember Hardy added that the Plan was developed with a lot of consideration and vetting. She agreed that Beach Boulevard is a challenge and that those issues were discussed. She

stated that she will not support the motion as there has been a lot of discussion and effort to develop the plan.

Councilmember Carchio commented positively on the plan but noted that enforcement is critical. He added that unless cyclists are educated and encouraged to obey the laws, it won't make any difference as to where the bike lanes are installed. He indicated he will support the motion, but that education and enforcement need to be priority.

Police Chief Small addressed recent enforcement implemented in the downtown area, as part of an OTS grant. He added that the grant funding is throughout the year but it is possible, without the grant funding, to dispatch officers for enforcement detail.

A substitute motion was made by Councilmember Katapodis, second by Councilmember Sullivan, to adopt the 2013 Bicycle Master Plan prepared for the City of Huntington Beach which is consistent with implementation actions identified in the General Plan Circulation Element, without the bike lanes on Beach Boulevard, north of Ellis but maintain bicycle boulevards on Palm and Orange.

Mayor Pro Tem Harper suggested separating the motion into three parts so that staff can get the best direction regarding the matter.

Councilmember Carchio confirmed with Chief Small that cyclists must abide by the same rules as automobiles. Chief Small addressed the enforcement and citation process. Councilmember Carchio reiterated the importance of including an education component within the Master Plan.

Manager Stachelski stated that education and enforcement are very significant parts of the plan.

Councilmember Sullivan stated that the existing safety problem is not only in the downtown area, but over the entire City and commented on the lawlessness of adult cyclists and indicated he has frequently observed two bicyclists riding side-by-side in an area that accommodates only one bicycle. He hoped that the bicycling community would take responsibility in this area and indicated that the answer is increased enforcement.

Mayor Pro Tem Harper expressed concerns regarding Palm and Orange because of the way that they are configured; with many controlled intersections. He offered an amendment to the substitute motion, to remove the bicycle boulevards along Palm and Orange.

The amendment failed for lack of a second.

Councilmember Shaw commented on the need to remain focused in terms of why the Bicycle Master Plan was developed. He added that the plan attempts to make the streets safer, both for cars, bicycles and pedestrians. He spoke against taking the plan apart and urged that it be adopted as presented.

Councilmember Katapodis stressed that enforcement is important as well as the education component.

In reply to Mayor Boardman's inquiry, Mr. Stachelski stated that while the plan addresses Beach Boulevard, north of Ellis, it points out challenges with that area. The options and issues are

addressed in the plan and Mayor Boardman stated she sees no issues with approving the plan, as originally presented.

Councilmember Hardy commented on her experience with cycling at University of California at Santa Barbara. She stated that when there is a clear plan, people will follow it and that is what this plan is about; to lay out options so that everyone knows how to safely get around with the method of transportation they choose. She added that she will support the 2013 Bicycle Master Plan as presented.

Councilmember Sullivan addressed the issues brought up and agreed with voting separately on them. He made a 2nd substitute motion, second by Mayor Pro Tem Harper to adopt the 2013 Bicycle Master Plan prepared for the City of Huntington Beach which is consistent with implementation actions identified in the General Plan Circulation Element, **as amended by removing the bicycle boulevards along Palm and Orange.**

The motion failed by the following roll call vote:

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

Councilmember Katapodis' original substitute motion, seconded by Councilmember Sullivan to adopt the 2013 Bicycle Master Plan prepared for the City of Huntington Beach which is consistent with implementation actions identified in the General Plan Circulation Element, without the bike lanes on Beach Boulevard, north of Ellis but maintain bicycle boulevards on Palm and Orange, carried with the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

15. Continued to the January 21, 2014 meeting for 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

City Attorney McGrath noted that the aforementioned is a different model than what was originally presented and that based on Council direction, the ordinance is similar to the Newport Beach model and impacts the use of Styrofoam containers in City facilities, City-sponsored and City-promoted events and City-permitted events and food vendors throughout the City.

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to delay for sixty (60) days, the approval for Introduction of 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." Discussion ensued.

Councilmember Hardy commented on allowing enough time to study the matter and on the opportunity to assess what has happened in the City of Newport Beach since their implementation of a Styrofoam ban in order to obtain as much information as possible before making a decision. She added that she is inclined to support the motion and referenced an email regarding the

amount of material already in the environment. Councilmember Hardy stated that the only way to stop it is to ban use of the material. She stated that this is not about education in terms of littering because people know what they should do, but often don't do it. She indicated that she will support the motion.

Mayor Pro Tem Harper stated that he will not support the motion as he is ready to vote against the ban at this time. He indicated that it is another proposal offered without measure to determine its success or failure. He added that this is the wrong venue in which to address the matter and limit choices in terms of freedom, liberty and patriotism. Regarding the measure, he commented on the number of cigarette butts still on beaches and noted that the smoking ban has not eliminated the problem. He added there is a plastic bag ban, but that there are still plastic bags on the beach. He wondered what will be next in terms of telling business owners how to run their businesses. He added that the problem identified will not be solved by this ban.

An amendment to the motion was made by Councilmember Katapodis to delay the matter to the second Council meeting of January 21, 2014. Councilmember Carchio accepted the amendment.

Mayor Boardman encouraged those who oppose the matter, to read the ordinance, carefully. She added that there is an entire section relative to undue hardship and addressed specific exemptions and their related timeframes. She commented on the effective date of the ordinance and suggested that when the matter is brought back to Council the effective date be set months after the adoption date to allow businesses to exhaust any materials they have, remaining. She would like input from the public regarding the appropriate amount of time for having the ordinance take effect. She pointed out that this is not ground-breaking legislation but rather many coastal cities have already adopted such a ban. As the City joins more cities in the ban, there will be an impact to the amount of Styrofoam on beaches.

Councilmember Carchio commented on the importance of the beach to the City. He claimed that the majority of the Styrofoam found on City beaches is not from the City because residents know the importance of keeping the beach clean through personal responsibility and recycling. He commented on the amount of visitors to the City and wondered how they will be controlled and on the effects of the ban on local restaurants. Additionally, he commented on the quality of paper versus Styrofoam in terms of controlling leakage and stated that some of the alternatives are not as good as people think. He agreed with delaying the matter to obtain additional information.

Councilmember Shaw agreed with allowing additional time but stressed it will be "education" time for local restaurants. He stated that the matter will be approved in the future and commented on the effects to businesses and to the environment. He indicated that although the Styrofoam may not come from the City, if the City does not ban it, there will be no reason for other cities to do the same. He added that as a coastal city, the City understands the importance of the ocean to its economy, recreational uses and quality of life. He encouraged taking a stand for cleaner oceans. He commended students from Pegasus School and representatives of Surfrider and addressed how the ban will control public behavior. He added that paper is superior to Styrofoam which does not biodegrade and felt that if more is placed into the ocean, we are committing suicide. He indicated that he will support the ban, believed that the City will eventually do so as well and hoped that the additional time will be used in educating restaurant owners as to the benefits of same.

The motion as amended to delay the matter to the second Council meeting of January 21, 2014

carried with the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Sullivan reported that the City is receiving a huge outcry regarding the plastic bag ban and having to pay 10 cents for a paper bag. He stated that the solution is to allow the public to vote on the issue and stated that his objection to the ban is related to public health. He indicated that a friend of his offered a suggestion and reported that Sam's Club has plastic bags for sale and that they can also be purchased online. He suggested that residents purchase them, leave them in their cars and use them as they shop.

Councilmember Katapodis reported attending the opening of the Nectar Juice Bar at Bella Terra and announced a play, "Picnic" at the Westminster Community Theater and commented positively on it. He additionally commented on "Fiddler on the Roof" being shown at the Newport Beach Community Theater. He addressed the unveiling of the bronze plaques commemorating the history of Triangle Park and the Main Street Library and their listing on the National Registry of Historical Places on Saturday, November 23, 2013 at 10:00 AM and encouraged the public to attend. Councilmember Katapodis addressed Chief Small, thanked him for his service to the City and congratulated him on his retirement. He added that this is the Mayor's last meeting and commented positively on her service and leadership and thanked her for her outstanding work.

Mayor Pro Tem Harper reported attending the Veterans' Ceremony at Pier Plaza and the Surf City Veterans' Day car show. He thanked and recognized all of the veterans who have fought for our freedom. Additionally, he attended the State of the City for the City of Seal Beach and commented positively on the event. He reported attending the retirement celebration for Chief Small, expressed his appreciation for his service and leadership and wished him well in his retirement.

Councilmember Carchio reported attending the Veterans' Day Celebration at Boeing and had the opportunity to speak to five hundred (500) employees. He thanked Alex Lopez for the opportunity and reported that Mr. Lopez invited him to the Oak View School science fair. He commented positively on the event and on Boeing taking an interest in the community. Additionally, he attended the 24th Spurgeon Award where Police Chief Small was honored. He commented positively on the Veterans' Day Ceremony at Pier Plaza and congratulated those who coordinated the event. Councilmember Carchio reported attending the Coastal Commission meeting in Newport Beach regarding the Poseidon desalination project and that the Commission put off discussions to the future. He reported attending the retirement dinner for Chief Small and wished him well in his retirement. He addressed Mayor Boardman and commented positively on her service and leadership. He commented on the plastic bag ban and on repercussions relative to the 10 cent charge for paper bags. He presented a recyclable plastic bag given to people who purchase \$5.00 or more and expressed concerns that the City will now be inundated with them.

Councilmember Shaw reported attending the Veterans' Day Ceremony downtown and the California Coastal Commission meeting noting that he testified against the Poseidon project adding that has been delayed, indefinitely. In addition, he attended the City Selection Committee of the ACCOC and Chief Small's retirement dinner. He commented positively on Chief Small's

service to the City and wished him well in his retirement.

Councilmember Hardy reported that Target will give customers 5 cents per bag if they bring in their own bag. She reported attending the Veterans' Day Ceremony, testifying against Poseidon at the recent Coastal Commission meeting and attending Chief Small's retirement dinner. She thanked Chief Small for his service to the City.

Mayor Boardman expressed her appreciation to Chief Small and wished him well.

At Councilmember Sullivan's request, Chief Small was given a standing ovation.

ADJOURNMENT OF THE REGULAR MEETING OF THE CITY COUNCIL/PUBLIC FINANCING AUTHORITY AND THE SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH

There being no other business to come before Council, Mayor Boardman adjourned the meeting at 10:57 PM.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, December 02, 2013, at 6:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk and ex-officio Clerk of the City Council/Successor Agency of the City of Huntington Beach, Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk-Secretary
Mayor-Chair