

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

**Monday, October 21, 2013
4:00 PM – Study Session, Room B-8
6:00 PM – Regular Meeting
Civic Center Council Chambers
2000 Main Street
Huntington Beach, California 92648**

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

4:00 PM - ROOM B-8

CALL TO ORDER – 4:00 PM

ROLL CALL

Present: Sullivan, Hardy (arrived at 4:10 pm), Harper, Boardman, Carchio, Shaw, Katapodis
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

PowerPoint communication for Study Session Item No. 2 submitted by the Director of Planning and Building entitled *General Plan Update Advisory Committee Composition*.

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

STUDY SESSION

- 1. AES and City Staff reviewed the AES Power Plant rebuild, recently assessed South Coast Air Quality Management District (SCAQMD) fees and potential revenues and reviewed the proposed visual enhancement plan for the project**

Aaron Klemm, Energy Project Manager, and Jane James, Senior Planner, presented a PowerPoint entitled *AES - AQMD Update*, that included the following titled slides: Agenda, AES - Re-licensing, Huntington Beach Project Area, Huntington Beach Energy Project, Visual Resources, Visual Enhancement Plan, Existing Beach View, Existing & New - Scale Comparison, New Plant with Landscape Enhancement, Existing View from Magnolia, Color Treatment Options, Landscape Enhancement & Blue-Tan Color Option, Surf City USA Treatment Options, Landscape & Surf City USA Option, Conception Architectural Treatment Options, Landscape & SurfCity USA Option with Wire Mesh Screen, Design Review Board Comments, Architectural Mesh Example,

and Next Steps.

Steven O'Kane with AES presented slides entitled *Proposed Modernization Project* that depicted visual enhancements.

Councilmember Sullivan and Manager Klemm discussed the process of submitting proposals to the SCAQMD.

Councilmember Carchio and Manager Klemm discussed lighting for the downtown parking garage, street light upgrades, motion lights, dimmers, etc.

Councilmember Shaw, Manager Klemm and Manager Wilson discussed prioritizing the project list, and expressed positive thoughts about the proposed aesthetic improvements.

Mayor Pro Tem Harper expressed positive thoughts about the aesthetic improvements.

Councilmembers Shaw and Katapodis expressed concerns about staff recommending use of an outside architectural firm to explore additional design options.

Councilmember Hardy complimented AES on a proposed design.

Councilmember Sullivan stated support for spending funds on an outside architectural firm.

Mayor Boardman discussed endangered birds in the project area, and discussed noise mitigation with representatives from AES.

2. General Plan Update - Discussion held regarding composition of the General Plan Advisory Committee and Topic Specific Task Forces

Mary Beth Broeren, Planning Manager, provided a PowerPoint presentation entitled *General Plan Update Advisory Committee Composition* that included the following titled slides: General Plan Update Committees, GPAC, Staff Recommendation, Topic Specific Task Force, Additional, and Next Steps.

Discussion ensued about appointments. Councilmember Sullivan asked if various commissions would be selecting their own representatives, and Manager Broeren confirmed.

Mayor Boardman recommended professional biologists/biological resources (Wetlands and Wildlife Care Center, etc.), and Councilmember Shaw recommended representation from the Sanitation District.

RECESS TO CLOSED SESSION – 4:53 PM

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.

A motion was made by Carchio, seconded by Sullivan to recess to Closed Session on Item Nos. 2-5. The motion carried with the following roll call vote:

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

CLOSED SESSION

3. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiator: Fred Wilson, City Manager regarding labor negotiations with MEA, MEO, MSMA, SCLEA, POA and HBFA.
4. Pursuant to Government Code Section 54957, the City Council recessed to Closed Session to consider the following public employment matter: Candidate for position of Police Chief.
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: Donovan Gallatin v. City of Huntington Beach, WCAB Case Nos. ADJ6853491 and ADJ7747973; Claim Nos. COHB-09-0069 and COHB-12-0034.

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:01 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None

ROLL CALL

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

PLEDGE OF ALLEGIANCE – Led by Mayor Boardman

INVOCATION – The invocation was led by Father Christian Mondor, Sts. Simon and Jude Catholic 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

Presentation - Mayor Boardman called on Interim Director of Community Services Janeen Laudenback to present commendations to the Huntington Beach Concert Band, Huntington Beach Symphony Orchestra and Huntington Harbor Philharmonic Committee for their continued support of music to the cultural fabric of our community.

Mayor Boardman announced that Janeen Laudenback will soon be appointed Director of Community Services, and asked her to present commendations to the Huntington Beach Concert Band, Huntington Beach Symphony Orchestra and Huntington Harbor Philharmonic Committee for their continued support of music to the cultural fabric of our community.

Presentation - Mayor Boardman made a special presentation on behalf of the City.

Mayor Boardman recognized Steve Bone for his dedication and many years of service to the community and presented him with a commendation and a key to the City.

Mr. Bone expressed his appreciation to Mayor Boardman, Members of Council and the City for their recognition.

Brett Barnes, Chair of the Huntington Beach Marketing and Visitors Bureau, expressed his appreciation to Mr. Bone for his service.

Mayor's Award - Mayor Boardman called on Library Director Stephanie Beverage to present the Mayor's Award to Senior Librarian Kevin Moran.

Library Director Stephanie Beverage presented the Mayor's Award to Senior Librarian Kevin Moran for his service to the Library and the community.

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:

She reported receiving one supplemental communication for Item No. 9, which she will announce at the time of the public hearing.

Regarding Item No. 13, she reported receiving fourteen (14) communications regarding restricting the use of Styrofoam in the City: Johanna Rose Hessing, Karina Celeste Santoyo, Aline Edizian, Daniel Knight, Luke Krut, Ryan Murphy, Torie Litman, Marcus DeSilva, Kelci Boynton, Tahlia Nie, Matthew Cole, Coral Rojas, Margaret Audi, and Jacob Tyler.

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.

Mike Van Voorhis, President of the Sunset Beach Community Association, reported on a recent Chili Cook-off event and announced a Halloween Party on October 31, 2013 from 6:00 PM to 10:00 PM at the Sunset Beach Community Center hosted by Tony Nobles and invited the public to attend. Additionally, he announced the 64th Annual Firehouse Ball on Friday, November 15, 2013 at Don the Beachcombers from 8:00 PM to midnight. (00:19:14)

Jed Donahue spoke in opposition to Items No. 9 and 13 and urged Council to let the market and public decide in regards to the use of Styrofoam packaging. (00:22:25)

Jennifer Paulin agreed with the previous speaker adding that people are tiring of government regulations. She opposed the ban on plastic bags and encouraged Council to look at things from a visitor's point of view. She commented on transmission of disease from reusable bags and felt that businesses will lose business and encouraged Council to reconsider the matter. (00:25:38)

Tim Hendrix spoke in support of Item No. 13, regarding banning the use of Styrofoam. (00:28:45)

Robert Johnson spoke regarding the City's role in the affordable housing process and opined that it benefits the rich. (00:31:06)

Assemblyman Allan Mansoor invited the public to a Community Coffee on Saturday, October 26, 2013 from 9:30 AM to 11:00 AM at 7101 Yorktown. (00:34:14)

Assemblyman Travis Allen spoke regarding the proposed ban on the use of Styrofoam noting that it will limit consumer choice and increase business costs. He listed negative impacts of the ban and stated that Styrofoam does not cause a litter problem but rather the problem is caused by people improperly disposing of same. He stated that instead of banning the product, the City should educate its residents to properly dispose of Styrofoam by placing it in blue disposal bins for recycling. He urged Council to oppose the banning of Styrofoam in the City. (00:35:32)

Anushka Bhaskar, The Pegasus School, spoke in support of banning the use of Polystyrene in the City. She addressed negative environmental impacts of the material and noted that it has a very low recycling rate. (00:38:20)

Patrick Aimone, The Pegasus School, spoke in support of banning the use of Polystyrene in the City and commented on the benefits of doing so. He reported how chemicals in the material leach into food and cause cancers and commented on how the ban will influence other cities to do the same. He noted that many people are resistant to change but that change needs to happen and urged Council to ban Polystyrene. (00:41:32)

Amanda Miskell, The Pegasus School, spoke in support of banning Polystyrene in the City noting that it would be financially beneficial in that it would significantly decrease the costs of waste management. She reported that environmental policies and practices will result in gains for businesses. (00:44:47)

Jenna Dyer, The Pegasus School, expressed appreciation to Council for placing the matter on the agenda and noted that the cost difference of banning Polystyrene would be insignificant and will benefit the health of the community. She urged Council to consider the environment for this and future generations. (00:48:04)

John Briscoe, Public School Trustee, commented on the City's Youth Programs and in his opinion, the City's abandonment of youth in the City. He addressed removal of fields and the allocation of parks and recreation services to allow youth sports teams to allocate fields across the school districts. He noted that most parks in the City belong to the school district, as well as playing fields. He encouraged residents to act to stop the City from abandoning its youth and youth programs in the City. (00:51:19)

Councilmember Hardy questioned the make-up of the Community Services Board. Director of Community Services Janeen Laudenbach reported that only the make-up of the Board has been changed and that new agreements with the school district will be made. She added that the

Board has six at-large members and that two Council representatives will be added to the Board. (00:54:37)

Keri Askew Bailey, California Grocers Association, asked that Council reject the proposal to modify the current plastic ban ordinance. She noted that the current ordinance provides the maximum environmental gain with the minimum impact possible on businesses and consumers. She added that changing the ordinance now would increase costs to businesses in compliance. She encouraged Council to maintain the ordinance as written and adopted. (00:55:19)

Councilmember Sullivan questioned \$.10 per bag and wondered if double-bagging would cost \$.20 and Ms. Bailey noted that existing ordinance requires \$.10 per bag so that double-bagging would double the price of the bags. (00:57:00)

Bill Hickman, Surfrider Foundation, spoke in opposition to Item No. 14 regarding changes to the plastic bag ordinance, adding that it is a model ordinance and that Council should wait until the ordinance plays out. In addition, he spoke in support of Item No. 13 regarding the proposed ban on Styrofoam and listed facts regarding the negative environmental impacts of same. (00:59:08)

Stephanie Barger, Earth Resource Foundation, thanked the students and teachers of The Pegasus School for their presentations and their efforts in support of the environment. She thanked the City for its efforts and spoke in support of the proposed ban of Styrofoam. She spoke in support of reducing and reusing and creating zero waste. She urged Council to maintain the plastic bag ordinance as it is and listed cities that have successful, similar ordinances. (01:01:32)

Craig Cadwallader, Chair of the Surfrider Foundation, South Bay Chapter, strongly encouraged Council to adopt a Polystyrene ban and spoke of the success of the ban in the City of Manhattan Beach. He asked that Council also consider adding Styrofoam coolers to the ban as well as straws, lids and utensils. (01:04:39)

Christina Chang, Surfrider Foundation, presented information regarding the hazards and negative environmental impacts of Polystyrene and noted the existence of environmentally-friendly alternatives. (01:10:05)

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

Councilmember Sullivan reported attending the October meeting of the Orange County Senior Citizens' Advisory Committee.

Councilmember Carchio reported attending the ACCOC Board of Directors meeting.

As one of the Council liaisons to the Allied Arts Board, Mayor Boardman announced that the Huntington Beach Arts Center is hosting, "Art for Lunch" on Thursday, October 24, 2013 from 11:30 AM to 1:30 PM and encouraged the public to attend.

CITY MANAGER'S REPORT

City Manager Fred Wilson introduced new Assistant City Manager Ken Domer and discussed his background. In addition, he congratulated Janeen Laudenback for her appointment as the new Director of Community Services.

CONSENT CALENDAR

1. Approved and adopted minutes dated October 7, 2013 and October 14, 2013; and, approved correction to minutes dated June 18, 2012

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve and adopt the City Council/Public Financing Authority Regular and Successor Agency Special Meeting of October 7, 2013, and City Council/Public Financing Authority Special Meeting of October 14, 2013 as written and on file in the office of the City Clerk; and, approve correction to pages 10 and 11 of City Council minutes dated June 18, 2012.

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 Councilmember Hardy 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 and authorized execution of a Quitclaim Agreement to transfer ownership of an Orange County Sanitation District (OCSD) Sewer Manhole and Lateral, located on Magnolia Street, between Hamilton Avenue and Pacific Coast Highway (PCH), to the City

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve and authorize the Mayor and City Clerk to execute the "Quitclaim Sewer Transfer Agreement Between Orange County Sanitation District and the City of Huntington Beach."

The motion carried with the following roll call vote:

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

4. Approved the escheatment of \$26,908.84 Of Unclaimed Funds to the General Fund Per Government Code Section 50050-50057

A motion was made by Councilmember Carchio, second by Councilmember Hardy to review and approve the transfer of \$26,908.84 of unclaimed funds from the City's Unclaimed Funds Liability Account to the City's Miscellaneous Revenue Account #10000100.48550.10025201 in compliance

with Government Code Sections 50050-50057.

The motion carried with the following roll call vote:

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

NOES: None

5. Adopted Resolution No. 2013-55 urging the Governing Board of the South Coast Air Quality Management District (SCAQMD) to use funding from Rule 1304.1, Electrical Generating Facility Fee for use of offset exemptions on local SCAQMD projects and directing the City Manager to develop a set of proposed Clean Air Infrastructure Projects

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve Resolution No. 2013-55, "A Resolution of the City Council of the City of Huntington Beach, Urging the Governing Board of the South Coast Air Quality Management District to Use Funding From Rule 1304.1, Electrical Generating Facility Fee, For Use of Offset Exemptions, on Local Air Quality Projects and Directing the City Manager to Develop a Set of Proposed Clean Air Infrastructure Projects."

The motion carried with the following roll call vote:

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

NOES: None

6. Adopted Resolution No. 2013-56 approving Amendments to the City's Classification Plan (Payroll Specialist and Building Manager positions)

A motion was made by Councilmember Carchio, second by Councilmember Hardy to adopt Resolution No. 2013-56, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Classifications of Payroll Specialist and Building Manager and Establishing the Compensation;" Payroll Specialist at Range 554 and Building Manager at Range 644.

The motion carried with the following roll call vote:

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

NOES: None

7. Approved and authorized execution of a five-year License Agreement with Southern California Edison for public parkland located in Edison Community Park

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve the "License Agreement" with Southern California Edison for the use of 8.16 acres of property commonly known as Edison Community Park; and, authorize the Mayor to execute any and all documents necessary to conclude this transaction.

The motion carried with the following roll call vote:

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

NOES: None

8. Approved and authorized execution of an agreement with Southern California Edison, granting an easement on City owned lots occupied by the Warner Avenue Fire Station and the adjacent parking lot due to construction of the Warner Avenue Gravity Sewer and Lift Station C project, CC-1370

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve and authorize the Mayor and the City Clerk to execute a "Grant of Easement" agreement with Southern California Edison, due to construction of the Warner Avenue Gravity Sewer and Lift Station C located on the City owned lots APN 178-651-30 and APN 178-651-06.

The motion carried with the following roll call vote:

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

NOES: None

PUBLIC HEARING

9. Approved Zoning Text Amendment No. 13-001 to prohibit the sale of alcohol for off-site consumption for any use in District 1 of the Downtown Specific Plan by approving for introduction Ordinance No. 4005 (Staff Recommendation)

Associate Planner Jennifer Villasenor presented the report including a description of the proposed amendment, background and applicability of the amendment to new establishments. She noted that existing businesses with off-site sales would be grandfathered in and allowed to continue in effect. She addressed prior Council direction and consideration and actions by the Planning Commission, crime statistics, analysis and recommendations.

Ms. Villasenor confirmed that a Conditional Use Permit (CUP) can be transferred from one business to the next in the same location and as long as the CUP does not expire within the time between when the old business moves and the new business takes over. She added that the new business would be restricted if and when they came forward for a new CUP.

Planning and Building Director Scott Hess explained that CUPs run with the land so that as long as the new business begins operating within six (6) months to a year, it can run the new business with the existing CUP and the conditions of approval cannot be changed.

In respond to Mayor Boardman's inquiry regarding the possibility of capping on-site alcohol sales in District 1, City Attorney Jennifer McGrath reported that it cannot be discussed as this time as proper notices has not been given.

Mayor Boardman opened the public hearing and called for public testimony.

City Clerk Flynn noted a supplemental communication received for this item from Richardson Gray dated October 15, 2013 supporting adoption of Zoning Text Amendment No. 13-001.

Mark Bixby, Planning Commissioner, stated that by prohibiting change you end up locking in the status quo and noted the need to maintain flexibility for improved uses and the need to negate problem uses. He addressed the benefits of implementing the Zoning Text Amendment and

hoped that the Downtown Taskforce would look at what other cities are doing to regulate alcohol and recommend a set of best practices to consider. (01:25:06)

Discussion followed regarding the differences between the two recommendations and Mr. Bixby reported that the Planning Commission would like to review all uses of alcohol in the permitting process.

Mike Heh noted that Downtown Huntington Beach has one of the highest concentrations of ABC licenses in the State of California and noted the high incidences of crime and alcohol-related vehicle accidents in the area. He urged Council to approve the Zoning Text Amendment. (01:26:50)

Richardson Gray referenced his supplemental communication and encouraged Council to approve the Zoning Text Amendment and indicated his preference for a moratorium on all new bars in the Downtown area. He commented on the high number of alcohol-related businesses in the area as well as high crime rates and explained his preference for staff's recommendations versus the Planning Commission's recommendations. (01:31:09)

With no one else present to speak, Mayor Boardman closed the public hearing.

Councilmember Hardy asked regarding the possibility of banning additional off-site sales and having all CUPs for on-site sales go before the Planning Commission.

City Attorney McGrath stated that a hybrid of the two recommendations can be moved but that staff has not analyzed that particular option.

Councilmember Hardy commented on the need to stop off-site sales of alcohol and proposed a hybrid of the two recommended options.

A motion was made by Councilmember Hardy, second by Councilmember Shaw to approve Zoning Text Amendment No. 13-001 to require a Conditional Use Permit from the Planning Commission for all establishments requesting alcohol sales for on-site consumption in District 1 of the Downtown Specific Plan with findings for approval, prohibit the sale of alcohol for off-site consumption for any use in District 1 of the Downtown Specific Plan with findings for approval, and approve for introduction Ordinance No. 4004, "An Ordinance of the City Council of the City of Huntington Beach Amending Specific Plan No. 5 - Downtown Specific Plan (Zoning Text Amendment No. 13-001)". (Vote to follow discussion).

Councilmember Shaw commented on an existing business in the Downtown area. In response to his inquiry regarding the differences and processes between the two recommended options and the motion made by Councilmember Hardy, City Attorney McGrath explained that it is a combination of the two, one with respect to off-site and the other with respect to on-site alcohol sales and consumption.

Associate Planner Jennifer Villasenor graphically illustrated the amended motion per Councilmember Hardy.

Councilmember Shaw stated with the current motion, the City would be keeping a strong statement that it does not want more off-site alcohol sales Downtown while strengthening the CUP process for on-site restaurants.

In response to Mayor Pro Tem Harper's inquiry, Ms. Villasenor affirmed that the action would increase the power of the Planning Commission. She added that a CUP can be applied for in other areas of the City for off-site sales. She stated there would be no impacts from a land-use perspective.

Mayor Pro Tem Harper stated that the proposed amendment has the potential for unintended consequences and that he will not support the motion.

Councilmember Carchio confirmed that Council had given direction to staff to establish a Downtown Taskforce, and wondered why the Planning Commission's recommendation was not considered by them. It was noted that the Downtown Taskforce considered the Planning Commission's recommendation, and that there was consensus for a recommendation to Council.

Mayor Boardman reported that Council had provided direction to staff to approve staff recommendations and that the Downtown Taskforce concurred adding that capping on-site sales should also be considered. Although the latter cannot be discussed at this time, she expressed interest in bringing that issue to Council for consideration. She addressed the high incidents of crime in the area compared to others in the City and expressed interest in capping all kinds of sales of alcohol Downtown. She noted the need for diverse businesses in Downtown rather than alcohol-related businesses. Mayor Boardman indicated she will not support the motion currently on the floor because she wants to establish hard caps for the sale and consumption of alcohol.

Discussion followed regarding the process and timeline for consideration of the matter by the Coastal Commission. Ms. Villasenor stated that it would be processed as a minor amendment and could be in effect within three (3) to six (6) months. She noted the possibility of streamlining the process.

Councilmember Hardy encouraged Council to vote for her motion noting that it is the most that can be done at this time.

Councilmember Hardy's original motion failed by the following roll call vote:

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

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to move staff's recommendation approving Zoning Text Amendment No. 13-001 to prohibit the sale of alcohol for off-site consumption for any use in District 1 of the Downtown Specific Plan with findings for approval and approve for introduction Ordinance No. 4005, "An Ordinance of the City Council of the City of Huntington Beach Amending Specific Plan No. 5 - Downtown Specific Plan (Zoning Text Amendment No. 13-001)."

After the City Clerk read the Ordinance by title, the motion carried with the following roll call vote:

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

ADMINISTRATIVE ITEMS

10. Approved the Worthy Community Park conceptual Master Plan

Interim Director of Community Services Janeen Laudenback presented a report addressing background, prior Council actions, consideration by and recommendations from the Community Safety Committee, location, property boundaries, the conceptual Master Plan, proposed amenities, funding and timeline for construction, phasing of the project and recommendations.

Mayor Pro Tem Harper commented positively on the plan and noted the importance of the area for the City.

Councilmember Sullivan asked whether both of the existing softball fields will be maintained under the plan and Ms. Laudenback reported that there is currently one softball field in use and that the second field is under the school district's jurisdiction and will be where the multi-use practice fields will be located. The high school continues to partner with the City for use of the City's softball fields.

A motion was made by Mayor Pro Tem Harper, second by Councilmember Hardy to approve the Worthy Community Park Master Plan as presented.

The motion carried with the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

11. Introduced the 2013 Huntington Beach Building and Safety Codes and related Ordinances Nos. 3993 through 4003; and, set Public Hearing date for adoption on November 18, 2013

Building Inspection Manager Mark Carnahan presented details of the report addressing the proposed ordinance recommendations, background, timeline and updates to all Huntington Beach Municipal Codes to reflect the current referenced codes and presented recommendations as stated within the report.

A motion was made by Councilmember Sullivan, second by Councilmember Shaw to after the Ordinance titles are read, approve Introduction of 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." Approve Introduction of 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." Approve Introduction of Ordinance No. 3995, "An Ordinance of the City of Huntington Beach Amending Chapter 17.07 of the Huntington Beach Municipal Code titled Residential Code." Approve Introduction of Ordinance No. 3996, "An Ordinance of the City of Huntington Beach amending Huntington Beach Municipal Code Chapter 17.08 titled Housing Code." Approve Introduction of Ordinance No. 3997, "An Ordinance of the City of Huntington Beach amending Huntington Beach Municipal Code Chapter 17.10 Huntington Beach Nuisance Code." Approve Introduction of Ordinance No. 3998, "An Ordinance of the City of Huntington Beach amending Huntington Beach Municipal Code Chapter 17.24 titled Sun Decks—Windscreens Code." Approve Introduction of Ordinance No. 3999, "An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.40 titled

Mechanical Code.” Approve Introduction of Ordinance No. 4000, “An Ordinance of the City of Huntington Beach amending Huntington Beach Municipal Code Chapter 17.44 titled Plumbing Code.” Approve Introduction of 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.” Approve Introduction of Ordinance No. 4002, “An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.48 titled Electrical Code.” Approve Introduction of Ordinance No. 4003, “An Ordinance of the City of Huntington Beach Amending Chapter 17.60 titled Solar Energy Code.” Direct that a Public Hearing be set for adoption of Ordinance Nos. 3993 through 4003 on November 18, 2013.

The motion carried with the following roll call vote:

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

12. Approved for introduction Ordinance No. 3992 and authorized execution of Amendment No. 1 to the Franchise Agreement between the City and OXY USA, Inc. allowing the addition of an existing six-inch diameter oil pipeline to the franchise

City Manager Wilson noted that the aforementioned is a minor amendment.

A motion was made by Councilmember Carchio, second by Mayor Pro Tem Harper to after the City Clerk reads by title approve for introduction Ordinance 3992, “An Ordinance of the City of Huntington Beach Amending the OXY USA Inc. Franchise to Construct, Operate, and Maintain a Pipeline System for the Transportation of Oil”; and, approve and authorize the Mayor and City Clerk to execute “Amendment No. 1 to the Franchise Agreement between the City of Huntington Beach and OXY USA, Inc.”

The motion carried with the following roll call vote:

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

COUNCILMEMBER ITEMS

13. Submitted by Mayor Boardman - Directed the City Attorney to develop ordinance restricting the use of Styrofoam packaging by food vendors in the City

Mayor Boardman provided a presentation addressing prior Council actions to restrict Styrofoam in City facilities, existing conditions, and adoption of similar ordinances by surrounding cities, details of the proposed ordinance and recommendations that Council permit direction to staff to develop an ordinance similar to that adopted by the City of San Bruno. She noted that the issue is not only related to pollution, but also to public health. She reported on available alternatives and stated that on average, they are approximately \$.01 more per item than Styrofoam.

Councilmember Hardy commented on the Newport Beach ordinance.

Mayor Boardman reported that there are also plastic alternatives that are not Polystyrene.

Councilmember Hardy commented on the chemicals that leak into food when food is heated in Polystyrene containers.

Mayor Pro Tem Harper commented on the progression of regulations and wondered what will be next. He noted that the enthusiasm in support of this ban is less than there was for the banning of plastic bags and commented on challenges with enforcement. He expressed concerns regarding limiting consumer choice and spoke in support of allowing the market to make the determination. He indicated that Council should be looking for ways to enhance the freedoms and choices for the people of the City rather than establishing new laws to restrict them.

Councilmember Carchio commented on services by Rainbow Disposal including recycling of Styrofoam. He spoke in support of continuing public education efforts for consumers to recycle and did not feel there is a problem with Styrofoam but rather with littering. He addressed increased costs of alternative packaging and suggested that further studies are needed.

Councilmember Katapodis expressed concerns with negative impacts to small businesses and to enforcement.

Mayor Boardman noted that she picked a sample ordinance (City of San Bruno) that is wide-reaching. She added that if Council Members are concerned with enforcement relative to lids, straws and utensils, a less-restrictive ordinance could be developed to address use of Styrofoam only.

Councilmember Shaw commented on the containers used in the City of Newport Beach and stated he has not seen any business closing because of the costs of containers. He noted that any good business owner will find the cheapest way to package their product, and stated there are plenty of low-cost alternatives to Styrofoam. He commented positively on students' presentations and noted the need to protect the environment now and for future generations. He added that Huntington Beach should be leading in the zero-waste arena.

Mayor Pro Tem Harper asked regarding the existence of studies regarding decreases in litter because of similar bans and referenced correspondence from the California Restaurant Association asking why they are being singled-out. He felt that the issue is unfair, inappropriate and disregards the ability of free people to make their own choices.

Councilmember Carchio reiterated concerns regarding increased costs of Styrofoam alternatives and noted that the costs will be passed on to consumers. He commented on the increases in Styrofoam recycling and stressed the need to educate the public rather than form additional restrictions. He expressed concerns regarding enforcement as well.

Councilmember Sullivan commented on the requirement for an EIR when the plastic bag ordinance was developed and asked whether one would be required for the subject ordinance. City Attorney McGrath noted that an EIR is not needed and commented on an existing exemption.

Councilmember Sullivan indicated he does not have sufficient information to make a decision but felt that an opportunity to study the matter further would be beneficial and therefore, stated he would support the motion.

Councilmember Shaw noted that the consumer will be the major enforcer of the ordinance.

Mayor Boardman acknowledged the work of Rainbow Disposal and noted that Styrofoam is used for a lot of packaging. The proposed ordinance deals with food containers noting that they are difficult to recycle because they first must be cleaned. She pointed out differences in costs between Styrofoam and alternatives noting that they are out there, at a minimal cost.

Councilmember Katapodis agreed with Councilmember Sullivan and expressed preference for limiting the ordinance to Styrofoam containers.

A motion was made by Mayor Boardman, second by Councilmember Katapodis to direct the City Attorney to develop two (2) ordinances restricting the use of Styrofoam packaging by food vendors in the City of Huntington Beach using 1) the City of San Bruno ordinance as a model; and, 2) a city with an ordinance that is less broad.

The motion carried with the following roll call vote:

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

14. Submitted by Councilmember Carchio – Item failed to direct the City Attorney to draft an ordinance to reduce the paper bag cost from ten (10) cents to five (5) cents on May 1, 2014, and from five (5) cents to free on November 1, 2014

Councilmember Carchio reported receiving many requests regarding the matter and reported that a charge to consumers for paper bags is not acceptable and explained his recommendation as stated in the report.

Councilmember Hardy referenced comments from the California Grocers Association noting that they support the charge as it will help businesses facilitate the transition from using plastic bags to reusable bags.

Mayor Pro Tem Harper expressed concerns with price-fixing and while he supports removal of the mandated price, asking for the price to change would be against his belief that this is the government setting a price for a product.

Councilmember Katapodis wondered if a supplemental EIR would be needed and Mr. Hess reported contacting the consultant who indicated that reducing or eliminating the cost has not been studied and therefore, would need to be explored through an amendment to the EIR.

Councilmember Sullivan stated this is a public health issue since reusable bags are incubators for bacteria. He referenced studies in support of his statement and stated his preference for using paper bags noting that the way to do so is if people do not have to pay for them.

Councilmember Shaw noted that the studies referenced by Councilmember Sullivan were funded by the American Chemical Counsel and stated that Consumer Reports states there is very little contamination from reusable bags and that the simplest solution is to wash them.

Mayor Pro Tem Harper wondered if the proposed is a mandated price, fee or a tax.

City Attorney McGrath noted that it is a fee to change behavior. The fee is retained completely by the grocery store.

Mayor Pro Tem Harper stated he would support the motion if it were to eliminate the fee entirely.

Councilmember Sullivan commented on the validity of the studies.

Councilmember Carchio reported meeting with grocery industry representatives regarding the costs of paper bags and felt that consumers should be given something back since plastic bags have been taken away from them.

A motion was made by Councilmember Carchio to direct the City Attorney to draft an ordinance to eliminate the paper bag price of ten (10) cents by November 1, 2014.

The motion failed for lack of a second.

Brief discussion followed regarding the need for an EIR for the plastic ban ordinance and the need for an amendment to the EIR if changes are made to the ordinance.

A motion was made by Councilmember Sullivan, second by Mayor Pro Tem Harper to abolish the ten (10) cent paper bag fee as of November 1, 2013, or as soon as possible.

The motion failed with the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Pro Tem Harper announced an upcoming forum regarding the Affordable Care Act in relation to small businesses on October 30, 2013 from 6:30 PM to 7:30 PM.

Councilmember Katapodis reported attending a ribbon cutting event for Real Time Software and congratulated Lee Dorman, Senior Volunteer of the Year on the OC Counsel on Aging.

Mayor Boardman announced a Farmers' Market in Sunset Beach and Surf City Nights events. She reported recently presenting the Gus Ayer Environmental Award to Debbie Cook.

Councilmember Shaw noted he presented the first award to Gus Ayer's family and commented positively on his efforts.

Mayor Boardman announced that the City received an \$89,000 Planning grant on behalf of the Regional Southern California Counsel Association of Governments for the neighborhood electric vehicle project and thanked staff. She thanked Natalie Coach for her corsage.

ADJOURNMENT

There being no other business to come before Council, Mayor Boardman adjourned the meeting at 9:05 PM.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, November 04, 2013, Room B-8, Civic Center, 2000 Main Street, Huntington

Beach, California.



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

ATTEST:

City Clerk, Secretary


Mayor-Chair