

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

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

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

4:00 PM - ROOM B-8

CALLED TO ORDER - 4:03 PM

ROLL CALL

Present: Posey, O'Connell, Katapodis, Hardy, Sullivan (arrived at 4:04 PM), Delgleize, and Peterson

Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

PowerPoint communication dated April 20, 2015, entitled *Review of Options for the Reuse/ Redevelopment of Rodgers Senior Center Site*.

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

STUDY SESSION

1. Reviewed options for the reuse/redevelopment of Rodgers Seniors' Center site

Kellee Fritzal, Deputy Director of Business Development, provided a PowerPoint dated April 20, 2015 entitled *Review of Options for the Reuse / Redevelopment of Rodgers Senior Center Site* that included the following titled slides: History of Current Site, Current Status, Options for Consideration, Option 1 - Lease or Repurpose Space, Option 2 - 2 Acre Parkland, Option 3 - Develop the Site, Potential Parcel Map with Park, General Site Information, Surrounding Area, Option 3 - Site Development Timetable, Cost / Revenue Estimates, Measure C Vote, Recommendations for Land Sale Proceeds, and Questions.

Councilmember Peterson and City Manager Wilson discussed costs to redevelop the property.

Councilmember Delgleize and Deputy Director Fritzal revisited the presentation slide that provided recommendations for land sale proceeds.

Councilmember Sullivan inquired, and staff confirmed that the amount of park space considered by each alternative provides no less than what currently exists.

Councilmember Posey and Community Services Director Laudenback discussed how the City's park inventory standards currently meet or exceed what is required.

Councilmember O'Connell and City Manager Wilson discussed property taxes in year one and beyond.

Mayor Pro Tem Katapodis and City Manager Wilson discussed options for spending land sale proceeds.

Mayor Hardy discussed the value of open space, and asked Council to prioritize the list of Options for Consideration provided by staff: 1. Lease the space out to non-profit or repurpose the existing space; 2. Create a Public Park/repurpose outreach facility as clubhouse/rental space; and, 3. Develop the site (residential – would require Measure C Vote):

Mayor Hardy stated support for Option 2, and then 1, and was completely opposed to Option 3.

Councilmember Peterson stated support for Options 1 or 2, but indicated if Option 3 were selected, the City release an RFP so that the developer absorbs part of the financial burden.

Councilmember Delgleize stated support for Option 3 with an RFP.

Councilmember Sullivan stated support for Option 3, then 2 and 1.

Councilmember Posey stated support for Option 3 with less intensity to allow for more open space.

Councilmember O'Connell stated support for preserving open space, but concurred with releasing an RFP for a Developer if Option 3 were considered.

Mayor Pro Tem Katapodis stated support for Option 3 with a mini park.

Mayor Hardy inquired, and staff confirmed that parking will be addressed in the Environmental Impact Report.

City Manager Wilson reiterated Council's support for Option 3 with a larger park, and releasing an RFP now to have a developer on board to help absorb costs.

RECESS TO CLOSED SESSION - 4:20 PM

A motion was made by Posey, second Katapodis to recess to Closed Session. The motion carried by the following vote:

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

CLOSED SESSION ANNOUNCEMENT

Mayor Hardy Announced: Pursuant to Government Code Section 54956.8, the City Council shall recess to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Ken Domer, Assistant City Manager, regarding negotiations for the purchase or exchange of real property in the form of a temporary construction easement and permanent street easement for the Atlanta Avenue Widening Project from Pacific Mobile Home Park at 80 Huntington Street in Huntington Beach, APN 024-291-16. The property owner is 80 Huntington I, LLC and 80 Huntington II, LLC.

Mayor Hardy Announced: Pursuant to Government Code Section 54956.8, the City Council shall recess to Closed Session to give instructions to the City's Negotiator, Fred Wilson, City Manager, concerning price and terms of payment for the purchase of real property located at 21500 Pacific Coast Highway (APN 024-251-01) the "Hyatt Property". The negotiating parties are: The real property owner, the Successor Agency to the former Redevelopment Agency of City of Huntington Beach and the current lessee/purchaser, PCH Beach Resorts, LLC.

Mayor Hardy Announced: Pursuant to Government Code Section 54956.8, the City Council shall recess to Closed Session to give instructions to the City's Negotiator, Fred Wilson, City Manager, concerning price and terms of payment for the real property located at 21100 Pacific Coast Highway (APN 024-251-01 and 02) the Hilton Property. The negotiating parties are: the property owner, the Successor Agency to the former Redevelopment Agency of City of Huntington Beach and the current lessee/purchaser, Mayer Financial LLP.

Mayor Hardy Announced: Pursuant to Government Code Section 54957.6, the City Council shall recess to Closed Session to meet with its designated labor negotiator Fred Wilson, City Manager regarding the following: MEA, MEO, MSMA, SCLEA, POA, FMA, PMA, and/or HBFA.

CLOSED SESSION

2. Pursuant to Government Code Section 54956.9(d)(1) the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: City of Huntington Beach v. Richmond, Huntington Beach Care Givers, Orange county Superior Court Case No. 30-2014-00745511. The City alleges that Huntington Beach Care Givers, et al., is illegally conducting business as a Medical Marijuana Dispensary within the City.

3. Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Ken Domer, Assistant City Manager, regarding negotiations for the purchase or exchange of real property in the form of a temporary construction easement and permanent street easement for the Atlanta Avenue Widening Project from Pacific Mobile Home Park at 80 Huntington Street in Huntington Beach, APN 024-291-16. The property owner is 80 Huntington I, LLC and 80 Huntington II, LLC.

4. Pursuant to Government Code Section 54956.9(d)(4), the City Council recessed to Closed Session to confer with the City Attorney regarding whether to initiate litigation to condemn a temporary construction easement and permanent street easement for the Atlanta Avenue Widening Project from Pacific Mobile Home Park located at 80 Huntington Street in Huntington Beach, APN 024-291-16.

5. Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions to the City's Negotiator, Fred Wilson, City Manager, concerning price and terms of payment for the purchase of real property located at 21500 Pacific Coast Highway (APN 024-251-01) the "Hyatt Property". The negotiating parties are: The real property owner, the Successor Agency to the former Redevelopment Agency of City of Huntington Beach and the current lessee/purchaser, PCH Beach Resorts, LLC.

6. Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions to the City's Negotiator, Fred Wilson, City Manager, concerning price and terms of payment for the real property located at 21100 Pacific Coast Highway (APN 024-251-02 024-251-03) the Hilton Property. The negotiating parties are: the property owner, the Successor Agency to the former Redevelopment Agency of City of Huntington Beach and the current lessee/purchaser, Mayer Financial LLP.

7. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiator Fred Wilson, City Manager regarding the following: MEA, MEO, MSMA, SCLEA, POA, FMA, PMA, and/or HBFA.

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING - 6:23 PM

CALLED TO ORDER 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

CLOSED SESSION REPORT BY CITY ATTORNEY – None.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Councilmember Delgleize

INVOCATION - Led by Rev. Peggy Price, Seal Beach Center for Spiritual Living and member of the Huntington Beach Interfaith Council.

AWARDS AND PRESENTATIONS

Mayor Hardy called on Wendy Daniel, Pat Bril and Gisela Campagne to present the Adoptable Pet of the Month

Gisela Campagne discussed a fundraising event known as Wags-N-Wine scheduled for June 14, and deferred to Pat Brill and Wendy Daniel who highlighted Maverick, a 4-year old German Shepherd mix. Ms. Brill described Maverick's habits, age, temperament and intelligence. To find out more about Maverick, visit the following website: OCHumansociety.com.

Mayor Hardy called on Miss Huntington Beach Claire Epting to preside over the lottery drawing for fireworks stands by selecting five qualified non-profit organizations from applications submitted in each of the three categories: Youth Sports, Civic Organizations and High Schools. (Total of 15 stands)

City Clerk Joan Flynn and Miss Huntington Beach read and displayed names of applicants who were selected by category to be included in the lottery. Random drawn selection was made by group as follows:

Civic Organizations:

The Veterans of Foreign War Post 9557
Huntington Beach Lions Foundation
Knights of Columbus Council 6020
Huntington Beach Family YMCA
Kiwanis Foundation of Huntington Beach

Alternates: 1. El Viento Foundation; 2. Resurrection Lutheran Church; and, 3. McKenna Claire Foundation for Pediatric Brain Cancer Research

Youth Sports Organizations:

Team 90 Inc., DBA California Rush Soccer
HB Oiler Youth Football and Cheer / HB Jr. All American Football
NHB Futbol Club, Inc.
South Huntington Beach Girls' Fast Pitch Softball
Huntington Beach Girls' Softball, Inc.

Alternates: 1. Seaview Little League; 2. AYSO Region 117; and 3. Cabers Baseball Club

High School Organizations:

Ocean View Cheer Program
Ocean View Girls' Water Polo
Ocean View High School Girls' Basketball
Marina Boys' Basketball Boosters
Edison Cheer

Alternates: 1. Ocean View High School Baseball Boosters; 2. Marina Girls' Outdoor Sports Boosters (Girls' Field Hockey); and, 3. Ocean View High School Associated Student Body

Mayor Hardy called on Head Coach Jason Kakimoto and team members from HB United, an Under 11 Boys' Extra soccer team representing AYSO Region 55, to receive a commendation

for their recent Western States' Championship win.

Coach Kakimoto introduced fellow coaches Darrian Heslip, Steve Mangold and Robert Fischer, discussed the team's evolution, and recognized his players who personally introduced themselves: Ethan Heslip, Eita Iwak, David Djurasevic, Caden Dochnahl, Tyler Kakimoto, Kyle Zuanich, Bradley Kirkman, Ethan Choi, Cade Hart, Tyler Mangold, Zak Vuncanon, Ali Abdel-Mooti, Grant James and Reid Fisher.

Mayor Hardy called on Tiffany Townson from MADD who recognized officers from the Huntington Beach Police Department for their outstanding efforts in DUI enforcement. The officers will be receiving the MADD "Deuce Award" which is awarded to officers who have made 25 or more DUI arrests during 2014.

Ms. Townson recognized Officers Adam Turner (25 arrests), Jeffrey Baker (30 arrests), John Mauger (44 arrests), Brad Smith (44 arrests), Mary Jo Gamblin (90 arrests), and Doug Demetre (100 arrests).

Mayor Hardy called on Environmental Board Chair Kimberly Nicholson and Sue Gordon from Rainbow Environmental Services who recognized Bret Hardy, Assistant Principal representing Mesa View Middle School; Student Council Advisor Katie Unland and unnamed students representing Moffett Elementary School; and, Jeri Lee Woodford, her assistant Brandy, and son Striker representing Village View Elementary School as winners of the Sustainable Schools Award for their Sustainability programs.

Mayor Hardy presented a proclamation to the members of the Greater Huntington Beach Interfaith Council who have organized numerous community service projects for Saturday, April 25 as Huntington Beach Community Service Day.

Mayor Hardy called on Police Chief Robert Handy to present the Mayor's Award to Huntington Beach Police Officer and School Resource Officer Vickie Shroyer.

Police Chief Handy described Officer Shroyer's 30 plus years in law enforcement (20 years devoted to the City of Huntington Beach). He discussed her dedication on and off the clock, her assistance to members of the community in need, and the respect she consistently shows to misguided youth that makes a positive difference in their lives. Mayor Hardy concurred, acknowledging Officer Shroyer's service at Marina High School.

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:

Ordinances for Introduction Item No. 11

Communication received from Kim Nicholson, Chairperson of the Huntington Beach Environmental Board submitting a comment letter regarding the draft Addendum to the Final EIR.

Communication received from Gino J. Bruno, dated April 20, 2015, supporting the repeal of plastic

carryout bags.

Councilmember Item No. 13

Communication received from Councilmember Erik Peterson, dated April 20, 2015, revising his item to correct the date that Measure FF was passed by the voters of Huntington Beach.

Communication received from Kim Carr, dated April 20, 2015 regarding the establishment of the proposed Citizen's Infrastructure Advisory Board.

Communication received from Gino J. Bruno, dated April 20, 2015, supporting the establishment of the proposed Citizen's Infrastructure Advisory Board.

Councilmember Item No. 14

Communication received from Gino J. Bruno, dated April 20, 2015, supporting the reestablishment of the Finance Commission.

PUBLIC COMMENTS (3 Minute Time Limit)

Stephanie Deagle, Relay for Life Huntington Beach, reminded the public that on Saturday, April 25 at Central Park West, the HB Relay for Life walking event will take place to raise funds for cancer awareness, and the American Cancer Society. (01:02:25)

Al Hendricker spoke in support of Agenda Item No. 11 - Repeal of Municipal Code Section 5.95 Regulating the Use of Plastic Carryout Bags. (01:04:25)

Peggy Price, Reverend, member of the Greater Huntington Beach Interfaith Council and Co-Chair of the Compassionate Huntington Beach Project, announced "A Compassionate Day of Community Service" event to be held on Saturday, April 25. (01:05:10)

Dan Page, Friends of the Children's Library, spoke of the upcoming event "Taste of Huntington Beach," that will take place on Sunday, April 26 at the Huntington Beach Sports Complex from noon to 4:00 PM, and gave thanks to members of the Council and City staff for supporting the event. (01:08:41)

Maureen voiced disappointment in the amount of time it took to conduct presentations, stating her belief that the public should be allowed to speak first. She also voiced concerns about comments made by Planning Commissioner Mandic at a recent meeting, and her opinion that members of the public interested in serving on the Planning Commission are not appointed unless they have a personal relationship with members of the City Council. (01:11:54)

Wendy Hawkins, representing the HB Marine Mammal Safety Team, described the team's actions to raise funds and public awareness for injured or displaced sea lions. She requested permission to post public education announcements on the lifeguard stands, encouraged Public Safety personnel to enforce laws that prevent harm of sea lions and other animals, and announced a kid-friendly event on Sunday, May 3rd at Johnny's Saloon from 4:00 to 7:00 PM. (01:13:52)

John Scandura, Public Works Commission, spoke regarding Agenda Item No. 13 - Ordinance to establish the Citizens Infrastructure Advisory Board (CIAB). He stated support for the Public Works Commission to continue infrastructure duties specifically outlined for the CIAB. (01:18:02)

Gerald Chapman spoke in support of Agenda Item No. 13 - Ordinance to establish the Citizens Infrastructure Advisory Board (CIAB). (01:21:00)

Frank C. Thompson, on behalf of the Surfrider Foundation, spoke in opposition to Agenda Item No. 11 - Repeal of Municipal Code Section 5.95 Regulating the Use of Plastic Carryout Bags. (01:24:35)

Robert Johnson voiced concerns about the City's Affordable Housing Program. (01:26:31)

Vern Nelson, No Styrofoam Challenge, recognized the efforts of Bondi Grill for using environmentally friendly materials. (01:29:42)

Rob Pool presented a copy of the City's Organizational Chart for the Adopted Budget of FY 2013/2014, and spoke in support of Agenda Item No. 13 - Ordinance to establish the Citizens Infrastructure Advisory Board (CIAB), and Agenda Item No. 14 - Establish a Finance Commission. (01:32:50)

Kathryn Goddard, President, Friends of Shipley Nature Center, invited Council and the public to attend an open house at the Center on May 2nd from 10:00 a.m. to 2:00 p.m. (01:34:46)

Barbara Junious, Director, Orange County Learning Black History Class, thanked Mayor Hardy for participating in the Black History Month event in Anaheim on February 7, 2015. She stated that classes are now held twice monthly at the Rogers Seniors' Center, and announced a fundraiser and family event referred to as "Juneteenth" on June 27th at Huntington Beach Central Park. (01:36:55)

Mark Sheldon spoke in opposition to Agenda Item No. 11 - Repeal of Municipal Code Section 5.95 Regulating the Use of Plastic Carryout Bags. He described his participation with the Environmental Board relating to matter, and provided a slide presentation entitled Review of the Repeal of the Single-Use Carryout Bag Ordinance - Administrative Draft Addendum to the Final EIR, that included slides titled "Draft Addendum" to Final EIR (Repeal of the Bag Ordinance), Scope of Bag Ordinance / Repeal, and Environmental Impact Analysis. (01:41:45)

Jeff Coffman spoke in opposition to Agenda Item No. 11 - Repeal of Municipal Code Section 5.95 Regulating the Use of Plastic Carryout Bags. He continued Speaker Sheldon's slide presentation to discuss: Environmental Mitigation and Recommendations. (01:44:56)

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

The following appointments to the Homeless Task Force were made: Ron Kupferstein (O'Connell), Bill Blair (Katapodis), Joe Sullivan (Sullivan), Ralph Bauer (Delgleize), Dave Moses (Hardy).

Councilmembers Posey, O'Connell, Katapodis, Hardy, Sullivan and Delgleize reported attending the 28th Annual Huntington Beach Chamber of Commerce Economic Conference on Wednesday, April 15. Councilmember Posey added attending the AM Connect portion featuring Councilmember Delgeize.

Councilmembers O'Connell and Sullivan reported attending the HB Library Volunteer Appreciation

Event and Senior Services Volunteer Appreciation Luncheon on Friday, April 17.

Mayor Pro Tem Katapodis reported attending the Project Self Sufficiency Foundation 5th Annual "Wine, Cheese, and Chocolate Please" Event on Sunday, April 19.

CITY MANAGER'S REPORT

City Manager Wilson presented a slide that provided information on the Governor's Executive Order related to Water Restrictions.

CONSENT CALENDAR

1. Approved and adopted minutes

A motion was made by Sullivan, second Katapodis to review and approve the City Council/Public Financing Authority regular meeting minutes dated April 6, 2015, as written and on file in the office of the City Clerk. The motion carried by the following vote:

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

2. Received and Filed City of Huntington Beach Strategic Plan Update

A motion was made by Sullivan, second Katapodis to receive and file the Six-Month Strategic Objectives. The motion carried by the following vote:

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

3. Approved 2013-14 annual compliance reports for Public Library, Parkland Acquisition and Park, Law Enforcement, and Fire Suppression Facilities Development Impact Fees

A motion was made by Sullivan, second Katapodis to approve the Annual Compliance Report, "Public Library Facilities Development Impact Fees Annual Report Fiscal Year 2013-14"; and approve the Annual Compliance Report, "Parkland Acquisition and Park Facilities Development Impact Fees Annual Report Fiscal Year 2013-14"; and approve the Annual Compliance Report, "Law Enforcement Facilities Development Impact Fees Annual Report Fiscal Year 2013-14"; and approve the Annual Compliance Report, Fire Suppression Facilities Development Impact Fees Annual Report Fiscal Year 2013-14. The motion carried by the following vote:

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

4. Authorized appropriation of funds and awarded and authorized execution of a construction contract in the amount of \$1,978,335 to RJ Noble Company for the Residential Overlay of Maintenance Zone 8, CC-1503

A motion was made by Sullivan, second Katapodis to authorize the appropriation of \$638,000 from the Gas Tax fund balance to account 20785417.82300; and authorize the appropriation of \$140,000

from the Water fund balance to account 50685201.82100; and, authorize the appropriation of \$83,000 from the Sewer Service fund balance to account 51185101.82600; and accept lowest responsive and responsible bid submitted by RJ Noble Company in the amount of \$1,978,335; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following vote:

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

5. Approved Cal OES Violence Against Women Act Grant (LE14076860) for the 2015 calendar year.

A motion was made by Sullivan, second Katapodis to accept the grant between the State of California, Governor's Office of Emergency Services (Cal OES) and the City of Huntington Beach; and, approve the appropriation and expenditure of \$251,967 of which \$188,975 is to be fully reimbursed by the grant from Cal OES. The remaining \$62,992 will be funded from appropriations in the Police Department's personnel budget; and, amend the Professional Services Listing to provided domestic violence services. The motion carried by the following vote:

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

6. Approved an Amendment to the Waste Disposal Agreement with County of Orange Extending the Agreement through June 30, 2025

A motion was made by Sullivan, second Katapodis to approve and authorize the Mayor and City Clerk to execute the amendment to the 2009 Waste Disposal Agreement between the City of Huntington Beach and the County of Orange to allow for continued importation of waste, to provide revenue sharing of net importation revenue, and to extend the term of the agreement through June 30, 2025. The motion carried by the following vote:

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

7. Approved and authorized execution of Cooperative Agreement No. C-4-2017 between Orange County Transportation Authority and the City for the Bicycle Corridor Improvement Program Project Utica Avenue Bike Boulevard (CC-1499)

A motion was made by Sullivan, second Katapodis to approve "Cooperative Agreement No. C-4-2017 between Orange County Transportation Authority and City of Huntington Beach for the Bicycle Corridor Improvement Program Project Utica Avenue Bike Boulevard;" and, authorize the Mayor and City Clerk to execute two (2) original agreements in blue ink. The motion carried by the following vote:

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

8. Approved and Authorized execution of Amendment No. 2 to Professional Services contract with Kane Ballmer & Berkman for Legal Services.

A motion was made by Sullivan, second Katapodis to approve and authorize the Executive Director to execute "Amendment No. 2 to Professional Services Contract between the Successor Agency to the Redevelopment Agency and Kane Ballmer & Berkman for Legal Services" The motion carried by the following vote:

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

9. Adopted Ordinance No. 4051 adopting revisions to Municipal Code Chapter 10.42 entitled Permit Parking Districts - Approved for introduction April 6, 2015 (Vote: 7-0)

A motion was made by Sullivan, second Katapodis to adopt Ordinance No. 4051, "An Ordinance of the City of Huntington Beach Repealing Chapter 10.42 of the Huntington Beach Municipal Code and Adding a New Chapter 10.42 Relating to Permit Parking Districts" replacing Chapter 10.42 of the Huntington Beach Municipal Code regarding Permit Parking Districts. The motion carried by the following vote:

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

ADMINISTRATIVE PUBLIC HEARING

10. Failed to adopt Resolution of Necessity for Condemnation of 80 Huntington Street, APN 024-291-16, For Atlanta Avenue Widening Project

Tom Herbel, City Engineer, provided a PowerPoint presentation dated April 20, 2015 entitled *Atlanta Avenue Widening Resolution of Necessity for Acquisition of Private Property for Permanent Street Easement and for Temporary Construction Easement*, that included the following titled slides: History, Existing Conditions, Final Configuration, Need and Purpose, Public Interest and Necessity, Future Actions and Recommended Action.

Mayor Hardy opened the Administrative Hearing.

City Clerk Joan Flynn announced supplemental communications that were received by her office following distribution of the Council agenda packet:

Communication submitted by Michael Gates, City Attorney, and Travis Hopkins, Director of Public Works re: Revised Resolution 2015-18 for the City Council April 20, 2015 Agenda Packet Item No. 10 (2).

Rob Jason, 7956 Waterfall, spoke in support of the item, and asked Council to consider the steep incline of the street in that area being hazardous.

With no one else present to speak, Mayor Hardy closed the Administrative Public Hearing.

Councilmember O'Connell and Assistant City Manager Ken Domer discussed current negotiations with the property owner, and Councilmember O'Connell stated his opposition to the taking of property.

Councilmember Peterson stated his opposition to the taking of property.

Councilmember Delgleize and Manager Domer discussed the eminent domain process, current negotiations with the property owner, use of grant funds, and future legal actions.

Councilmember Delgleize voiced concerns about the poor, hazardous conditions of Atlanta Avenue, and questioned what could be done should the Council fail to support the Resolution of Necessity for Condemnation on the property in question. Councilmember Delgleize stated she would support Resolution No. 2015-18.

Mayor Pro Tem Katapodis stated he is not a fan of eminent domain, and the plan is not to take the property without compensation -- this is a needed project and delay will just add to the taxpayers' costs.

Councilmember Sullivan stated his agreement with Councilmember Delgleize and will be voting in favor of this Resolution.

Councilmember Peterson and Assistant City Manager Ken Domer discussed the issue of the current landowner's mobile coaches encroaching upon City land by about one foot. Issues like this will be addressed in the current process and when completed the area will be improved.

Mayor Hardy expressed that her opinion is in line with what Mayor Pro Tem Katapodis shared, i.e., this land is not being taken without compensation, and she will support this Resolution.

A motion was made by Delgleize, second Katapodis to adopt Resolution No. 2015-18, "A Resolution of the City Council of the City Of Huntington Beach Finding and Determining that the Public Interest and Necessity Require Condemnation of a Permanent Street Easement and a Temporary Construction Easement in Certain Real Property Located at 80 Huntington Street, City of Huntington Beach, Orange County Assessor's Parcel No. 024-291-16, for the Atlanta Avenue Widening Project," **as amended by supplemental communication identifying two (2) corrections to Resolution No. 2015-18.**

The motion requiring a two-thirds vote of all members of the City Council (at least 5) failed by the following vote:

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

ORDINANCES FOR INTRODUCTION

11. Approved the repeal of Municipal Code Section 5.95 regulating the use of plastic carryout bags and recyclable paper carryout bags, and certified an Addendum to Final Environmental Impact Report (EIR) No. 2011-002 analyzing the action to repeal the Municipal Code section 5.95

Assistant Planner Hayden Beckman provided a PowerPoint entitled *Repeal of Huntington Beach Municipal Code Chapter 5.95 (Reusable Bag Ordinance)*, that included the following titled slides: History, EIR No. 2011-002, Addendum to EIR No. 2011-002, and Recommendation (Based upon

City Council Direction).

Councilmember Posey explained why he brought the request forward, back in January, because the EIR states that greenhouse gases increase by the use of only paper bags. This is an issue about freedom of choice, not having the government ban a legal product, nor having the government impose a price on a legal product.

Mayor Hardy stated she would not be supporting this Ordinance. She further stated that there was little time for public comments on the EIR and she believes that the City Council did not have enough time to fully evaluate and comprehend the Report.

A motion was made by Posey, second O'Connell to certify the draft Addendum to Final Environmental Impact Report (EIR) No. 2011-002 by adopting Resolution No. 2015-17, "A Resolution of the City Council of the City of Huntington Beach approving an addendum to the final Environmental Impact Report (SCH#2011111053 (for the Reusable Bag Ordinance) (Single-Use Carryout Bag Ordinance) and determining that said addendum, together with other previously approved environmental documentation, serves as the appropriate environmental documentation for the proposed repeal of the Reusable Bag Ordinance," for the repeal of Municipal Code Section 5.95 Use of Plastic Carryout Bags and Recyclable Paper; and, after the City Clerk reads by title, approve for introduction Ordinance No. 4053, "An Ordinance of the City of Huntington Beach repealing Chapter 5.95 of the Huntington Beach Municipal Code relating to reusable bags." The motion carried by the following vote:

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

12. Approved for Introduction Ordinance No. 4054 Repealing Chapter 9.54 of the Huntington Beach Municipal Code Relating to Sleeping in Vehicles

A motion was made by O'Connell, second Delgleize to after the City Clerk reads by title, approve for introduction Ordinance No. 4054, "An Ordinance of the City of Huntington Beach Repealing Chapter 9.54 of the Huntington Beach Municipal Code Relating to Sleeping in Vehicles." The motion carried by the following vote:

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

COUNCILMEMBER ITEMS

13. Approved Item Submitted by Councilmember Peterson - Ordinance to establish the Citizens Infrastructure Advisory Board (CIAB)

Councilmember Peterson brought the item forward to review the existing process and honor the original intent of Measure FF. He discussed how the Charter specifically directs that the City Council establish a Citizens Infrastructure Advisory Board (CIAB) for the oversight of infrastructure, and encouraged Council to honor the Charter and establish the board. He recognized the Public Work's Commission's dedicated service, but expressed concerns about use of infrastructure funds for software, irrigation, debt service, etc.

Councilmember Delgleize discussed the history of Measure FF's passing in March 2002, and shortly thereafter City Council instructed Public Works to become the auditing body. Further discussion by City Attorney Gates concluded that the City Charter does support Mr. Peterson's proposal. Director of Public Works Hopkins read Municipal Code Section 2.11.030, Duties, Section I, to show the required audit can be provided either by Public Works or through CIAB.

Councilmember Sullivan stated that in his three terms on the City Council he doesn't recall receiving an Annual Report on the Infrastructure Fund from the Public Works Commission. Director Hopkins stated that this report goes to the Commission every July and is then presented to City Council showing which projects were approved, how much was spent out of that fund and the balance as an independent consent item.

Councilmember O'Connell asked Director Hopkins whether over the past five years 15 percent (15%) of the General Fund Budget has been spent on Public Works and Infrastructure. Director Hopkins replied that annually the Finance Department provides the calculation (a five-year rolling average) for spending 15 percent of the General Fund Budget for Infrastructure and infrastructure related programs. This is provided to the Public Works Commission in July as well. The City Charter requires the five-year rolling average to be at least 15 percent and provides the generally included categories that are defined as infrastructure.

Councilmember Peterson stated he included the preparation of a legal opinion to verify that the programs being funded do in fact qualify as infrastructure. Councilmember Peterson further stated that the Public Works reports appear to be a good overview without a lot of detail, and the reports from Finance show a bit more detail. These reports are good, but a legal opinion would clarify if the reports could be improved with more detail for transparency's sake.

Councilmember Delgleize asked if the Public Works Commission provided a Council Study Session once a year to go over the details of the annual report, would that suffice for audit purposes and not require a CIAB? Councilmember Peterson responded that approach might work, but it does not address the issue of the Charter stating City Council "shall" establish the CIAB.

Mayor Pro Tem Katapodis stated that possibly a sub-committee of the Public Works Commission could legally meet the Charter requirements. Councilmember Peterson stated that a legal opinion should clarify if that possibility would qualify or not. Mayor Hardy stated that Measure O failed in 2010 which would have discontinued the practice of including debt service within the 15 percent to clarify that in her opinion this was a measure to add clarification to the Charter.

Finance Director Lori Ann Farrell clarified that for smaller capital projects, the debt service issue does not apply, but that debt service for a large capital project in the \$10-\$15 million range for example, would create budgetary issues from year to year. Using debt service assists in smoothing out from one year to the next the extraordinary expenses for the very large and very critical infrastructure projects.

A motion was made by Peterson, second Sullivan to direct the City Attorney to (1) draft an ordinance for City Council review that would establish the CIAB as required by Charter section 617 seven (7) members to be directly appointed by members of the City Council; and (2) prepare a legal opinion regarding the legally allowable uses of the money in the Infrastructure Fund.

The motion carried by the following vote:

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

14. Approved item submitted by Councilmember Peterson and Mayor Pro Tem Katapodis - Establish a Finance Commission

Mayor Hardy questioned the difference between calling a group a board or commission. City Attorney Gates explained that City ordinances and the City Charter treat the terms as interchangeable. However, he did indicate the same would not apply to a group labeled a committee.

Councilmember Peterson explained why the item was brought forward, discussing public transparency and how recommendations made by the Finance Commission will serve as a useful tool when the Council is taxed with making decisions on complex financial matters. He complimented the Finance Director, described his prior involvement on the Finance Board, and discussed how Commission meetings and findings distributed information to the public and help the City Council make informed decisions.

A motion was made by Peterson, second Katapodis to direct the City Attorney to draft an ordinance that would establish a Finance Commission to advise the City Council regarding the funding of activities and programs; review actual vs. planned revenue and expenditure levels, and help ensure efficiency. The duties of the Commission shall be: 1. To Advise in Financial Planning and Funding 2. Review City's Financial Documents 3. Review Proposals 4. Advise Council on Fiscal Impacts of Major Contracts 5. Review legislation that may have an impact on the City's finances 6. Review Service Delivery and make suggestions This Commission should be composed of (7) members, each appointed by a Council Member. Individuals serving on this board should have the appropriate skills in accounting, forensic accounting, or similar experience. Meetings of this commission should be twice a month. The motion carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Peterson reported speaking at a meeting of the Sts. Simon and Jude Men's Club, and announced that the Huntington Beach Historical Society will be having an art exhibition on Friday, April 24 from 6-9:00 pm at the Newland House.

Councilmember Delgleize reported attending the Project Self Sufficiency event at Newland Barn on Sunday, April 19, and an event celebrating Special Olympics in Orange County.

Councilmember Sullivan reported attending a meeting of the West Orange County Water Board, the HB Community Forum's 1-year anniversary celebration, and a meeting of the Senior Citizens' Advisory Council Health and Nutrition Committee.

Councilmember Posey encouraged all to attend the Taste of Huntington Beach at the Central Park Sports Complex on Sunday, April 26.

Councilmember O'Connell reported attending the Bless the Sacrament fundraiser in Westminster, the Project Self Sufficiency event on April 19, the Special Olympics event in Anaheim, and the Senior Services Volunteer lunch on April 17.

Mayor Pro Tem Katapodis reported attending the OCTA Board of Directors meeting and the Huntington Beach Police Department Employee Awards Ceremony on April 14.

Mayor Hardy reported attending the Central Library 40th Anniversary event on April 7, the Visit Huntington Beach Open House on April 8, the Ragnar Relay on April 10, the Huntington Beach Police Department Employee Awards on April 14, the Chamber of Commerce Economic Conference on April 15, and the Project Self Sufficiency event on April 19. She also announced the Taste of Huntington Beach on April 26, the Police Department National Crime Victims Vigil at the Pier on April 23, Day of Volunteering on April 25, as well as the Huntington Beach Relay for Life; and, the OCTA Bike Fair on April 26, and three events on May 2 including the Assistance League Fundraiser, Friends of Shipley Nature Center Spring Open House, and the Therapeutic Riding Center's Derby Day. She concluded her comments by wishing Councilmember Sullivan a happy birthday.

ADJOURNMENT

The meeting was adjourned at 9:42 PM to the next regular meeting of the Huntington Beach City Council/Public Financing Authority at 4:00 PM on May 4, 2015, Civic Center Chambers, 2000 Main Street, Huntington Beach, CA 92648.



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

ATTEST:



City Clerk-Secretary



Mayor/Chair