

Minutes

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

Monday, November 17, 2014
5:00 PM – Council Chambers
6:00 PM - Council Chambers
Civic Center, 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 are archived at
www.surfcity-hb.org/government/agendas/**

5:00 PM - CLOSED SESSION, COUNCIL CHAMBERS

6:00 PM - REGULAR BUSINESS MEETING, COUNCIL CHAMBERS

CALL TO ORDER -- 5:00 PM

ROLL CALL

Pursuant to Resolution No. 2001-54, Mayor Harper requested and was granted permission to be absent from tonight's meeting.

Present: Katapodis, Hardy, Shaw, Boardman, Sullivan, Carchio
Absent: Harper

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:

Request for Approved Absence submitted by Mayor Harper.

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

RECESS TO CLOSED SESSION -- 5:02 PM

- 1. 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: Don Spreeman vs. City of Huntington Beach, WCAB Case Nos. ADJ7484461 and ADJ7480176, Claim No. COHB-96-0167.**
- 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)(2) the City Council recessed into Closed Session to confer with the City Attorney regarding potential litigation. Number of cases, one (1).
4. 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: Dean Dicarlo vs. City of Huntington Beach, Orange County Superior Court Case No. 30-2014-00754221-CU-WM-CJC relating to the City's residential permit parking ordinance.
5. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the City's unfunded mandate claim to comply with the requirements of the Municipal Separate Storm Sewer System (MS4) NPDES permit issued by the Regional Board, and the ability to obtain funding from the State to help such efforts. Specifically, the City Council will discuss whether to authorize the City Attorney to file a joinder on behalf of the City in the County of Orange's amicus brief in the case State Department of Finance v. Commission on State Mandates, California Supreme Court Case No. S214855.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING -- 6:00 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

ROLL CALL

Pursuant to Resolution No. 2001-54, Mayor Harper requested and was granted permission to be absent from tonight's meeting.

Present: Katapodis, Hardy, Shaw, Boardman, Sullivan, and Carchio
Absent: Harper

PLEDGE OF ALLEGIANCE -- Led by Councilmember Boardman

INVOCATION - Rev. Judy Osuna of the Huntington Beach Center for Spiritual Living and the Greater Huntington Beach Interfaith Council

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

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported by a vote of 6-0-1 (Harper-Absent), the City Council authorized the filing of an amicus application brief in the case State Department of Finance v. Commission on State Mandates, California Supreme Court Case No. S214855.

AWARDS AND PRESENTATIONS

Mayor Pro Tem Shaw called on Pat Brill and Gisela Campagne to present the Adoptable Pet of the Month.

Pat Brill was joined by Gisela Campagne and introduced Ferra, an 8-month old female terrier mix. Ms. Brill indicated that interested parties can contact Waggin' Trails Rescue Foundation, a 501c3 Non Profit Organization, located at 9151 Atlanta Ave. #5753, Huntington Beach, CA 92615-2431. Phone: (714) 328-8661, E-mail: campagne123@socal.rr.com.

Mayor Pro Tem Shaw called on Harbour View Elementary School Principal Cindy Osterhout and students who presented a check to the Huntington Beach Police Officers' Foundation for the 9/11 Memorial.

Cindy Osterhout, Principal, Harbour View School, recognized students from the 4th and 5th Grade Student Council (Phoebe Sturgis, Brice Baugh, Noland Kreese, and Colin Kinnehan), who made a brief presentation of the events that led to their collection of \$1,013.00. Councilmember Jim Katapodis accepted their donation for the 9/11 Memorial.

Mayor Pro Tem Shaw called on Janeen Laudenback and representatives from Hoag Memorial Hospital Presbyterian to acknowledge Hoag's commitment to the Senior Community and the New Senior Center in the Park.

Mayor Pro Tem Shaw was joined by Hoag representatives Cynthia Parazo, Michael Stevens, Dr. Gwen Perry, Michelle Rose, and Dr. Jeff Brandt. Ms. Parazo discussed Hoag's commitment to a partnership with Huntington Beach, and its seniors. She presented a check in the amount of \$3.775 million dollars to create facilities and programs including continued funding of *SurfCity Seniors On The Go*, the meals program, Project Self Sufficiency (PSS), and other health and wellness services.

Mayor Pro Tem Shaw called on Community Services Recreation Supervisor Chris Cole and representatives from the Mr. Surf City Contest to present a check to local charities from the contest.

Mayor Pro Tem Shaw was joined by Jeanne Hexem-Thomas who described fundraising efforts through the First Annual *Mr. Surf City Contest* to support local organizations, including \$25,267.00 to the HB 9/11 Memorial Foundation. She recognized Jonathan Ford, representing the Kiwanis Foundation of Huntington Beach and Bob Bolen, representing the International Surf Museum. Mr. Bolen described building a surfboard honoring the 9/11 Memorial, and another that will be donated to the New York Fire Department. Jeanne continued by recognizing Jim Katapodis, representing the Huntington Beach Council on Aging, Andy Glade, representing Waggin' Trails Rescue Foundation, Corwin Bales, representing the 9/11 Memorial Foundation, Chuck Stubbings, Huntington Beach Firefighters' Association, and Janeen Laudenback, representing PSS.

Mayor Pro Tem Shaw called on Deputy Director of Business Development Kellee Fritzal who presented proclamations to representatives from the Downtown BID and the Huntington Beach Chamber of Commerce to promote Small Business Saturday, November 29.

Dianne Thompson, Chairman of the Board, described opportunities to support local small businesses by shopping locally and win gift cards.

Mayor Pro Tem Shaw presented a proclamation to Kary Parker and other representatives of the Pancreatic Cancer Action Network to bring awareness to November National Pancreatic Cancer Month.

Mayor Pro Tem Shaw recognized City staff members Julie Toledo and Cathy Fikes, who have been affected by pancreatic cancer through relatives' illnesses.

Kary Parker representing the Pancreatic Cancer Action Network, discussed November as Awareness month. She discussed how the disease touched her father, and how raising awareness is so important. She provided statistics, and contact information for the Network.

Julie Toledo described her sister Karen Delaney's efforts to fight the disease during the past six years, and the passing of Cathy Fike's mother, Dee Lindo.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Notice of Absence received from Matthew M. Harper requesting permission to be absent from the November 17, 2014 City Council meeting.

Communication for Consent Item No. 11 submitted by Ken Domer, Assistant City Manager, dated November 17, 2014, a revised Attachment #4, Second Amendment to Agreement Containing Covenants Affecting Real Properties, and request to approve as amended by the Supplemental Communication.

Communications for Public Hearing Item No. 17 to be announced at that portion of the meeting.

PUBLIC COMMENTS (3 Minute Time Limit) -- 10 speakers

(The number [hh:mm:ss] following the speaker's comments indicates their approximate starting time in the archived video located at [http://www.surfcity-hb.org/government/agendas/.](http://www.surfcity-hb.org/government/agendas/))

Pat Goodman thanked outgoing Mayor Pro Tem Shaw and Councilmember Boardman for their dedicated service, and then read an Irish blessing. (00:35:50)

Maureen L. spoke regarding Mayor Harper's efforts to overturn the plastic bag ban at the state level. She spoke regarding the importance of voting, thanked outgoing Councilmember Connie Boardman for her efforts to save the Bolsa Chica and reduce high density apartments, and recognized Councilmembers Carchio and Sullivan as caring and compassionate men of integrity. (00:37:21)

Bonnie Ullman, HB Reads One Book, discussed the program and spoke regarding the book *Until Tuesday*, written by Fmr. Capt. Luis Montalvan about a Golden Retriever that changes a soldier's life. Mr. Montalvan will visit the HB community on March 26. (00:38:50)

Kathryn Goddard, Shipley Nature Center, discussed the renewal of the Memorandum of Understanding with the City of Huntington Beach. She recognized efforts that enhance the quality of life for HB residents, and attracts visitors. She acknowledged volunteers that keep the Shipley Nature Center operational, and discussed the condition of the property. (00:40:53)

Yvette, representing the neighborhood near St. Peter's By the Sea Presbyterian Church on Bolsa Chica and Warner, spoke in opposition to cell tower installations in that area. (00:42:52)

Bruce Rudman, Icon West, Inc., spoke in support of Consent Item No. 5 - Award construction contract to Icon West, Inc. (Senior Center Project, CC-1473). (00:44:50)

Susan Welfringer, Huntington Beach Downtown Business Improvement District (HBDBID), spoke regarding activities and events scheduled downtown in the upcoming weeks. (00:46:54)

Robert Johnson voiced concerns about the City's affordable housing program, specifically, the Cape Ann Development. (00:48:49)

Delia Park voiced concerns regarding bike safety in Huntington Beach. (00:51:56)

Patrick Brenden spoke in opposition to Public Hearing Item No. 17 - Zoning Text Amendment No. 2014-90 (Downtown Specific Plan - District 1 On-Site Alcohol Sales), and in support of Councilmember Item No. 20 - Amendment to Chapter 2.28 of the Huntington Beach Municipal Code relating to Council Compensation. (00:54:43)

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

Councilmember Hardy discussed emergency preparedness with Ocean View School District's School Board Members and how the City can help in the future to ensure alternate school sites are available when needed.

Councilmember Carchio discussed attending the OC Business Council election day luncheon at the Disney Hotel; and the ACCOC (where he is a Board Director) dinner to analyze the results of the 2014 election.

Councilmember Sullivan chaired the monthly Orange County Senior Citizen Advisory Council meeting which included a UCI presentation in leading stem cell research.

CITY MANAGER'S REPORT - None.

CONSENT CALENDAR

Item Nos. 14 and 15 were pulled by Councilmember Carchio.

1. Approved and adopted minutes

A motion was made by Carchio, second Hardy to review and approve the City Council/Public Financing Authority regular meeting and Successor Agency special meeting minutes dated November 3, 2014, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

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

ABSENT: Harper

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

A motion was made by Carchio, second Hardy to receive and file the Twelve-Month Strategic Objectives.

The motion carried by the following vote:

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

3. Approved the appointment of Shelly Grace and reappointment of Robert Schwenk to the Citizens Participation Advisory Board (CPAB)

A motion was made by Carchio, second Hardy to approve the appointment of Shelly Grace and the reappointment of Robert Schwenk to the Citizens Participation Advisory Board for a term expiring September 30, 2015 as recommended by City Council Liaisons Boardman, Hardy and Shaw.

The motion carried by the following vote:

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

4. Approved the appointment of Erika Augenstein to the Children's Needs Task Force

A motion was made by Carchio, second Hardy to, as recommended by City Council Liaisons Matthew M. Harper and Joe Carchio, approve Erika Augenstein to her first term on the Children's Needs Task Force with term to expire August 30, 2015.

The motion carried by the following vote:

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

5. Awarded and authorized execution of a construction contract in the amount of \$11,611,508 to Icon West, Inc., waived the minor irregularities in the Icon West bid, authorized fifteen percent (15%) in construction change orders, and authorized execution of Amendment No. 2 to the Agreement with DLR Group for construction support services for the new Senior Center Project, CC-1473

A motion was made by Carchio, second Hardy to waive the minor irregularities in the Icon West, Inc., bid and award the construction contract to the lowest responsive and responsible bid submitted by Icon West, Inc., in the amount of \$11,611,508; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize the Director of Public Works and City Engineer to approve up to fifteen percent (15%) in construction change orders up to

\$1,741,727; and, authorize the Mayor and City Clerk to execute "Amendment No. 2 to Agreement between the City of Huntington Beach and DLR Group for preparation of plans and specifications for the Senior Center Building" to include construction support services in the amount of \$259,350.

The motion carried by the following vote:

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

6. Adopted Resolution Nos. 2014-85 and 2014-86 authorizing submittal of two matching Grant Applications to the Orange County Transportation Agency (OCTA) for the 2014 Arterial Pavement Management Program Call for Projects

A motion was made by Carchio, second Hardy to adopt Resolution No. 2014-85, "A Resolution of the City Council of the City of Huntington Beach Authorizing Application For Funds For the Arterial Pavement Management Program Funded with Regional Surface Transportation Program Funding Under the Moving Ahead For Progress in the 21st Century Federal Transportation Act for the Adams Avenue and Atlanta Avenue Pavement Rehabilitation Project," and, adopt Resolution No. 2014-86, "A Resolution of the City Council of the City of Huntington Beach Authorizing Application For Funds For the Arterial Pavement Management Program Funded with Regional Surface Transportation Program Funding Under the Moving Ahead For Progress in the 21st Century Federal Transportation Act for the Edinger Avenue and Warner Avenue Pavement Rehabilitation Project."

The motion carried by the following vote:

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

7. Adopted Resolution No. 2014-87 updating the City's Emergency Operations Plan

A motion was made by Carchio, second Hardy to adopt Resolution No. 2014-87, "A Resolution of the City Council of the City of Huntington Beach Approving the City's Emergency Operations Plan."

The motion carried by the following vote:

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

8. Adopted Resolution No. 2014-88 authorizing submittal of a Grant Application to the California Department of Resources Recycling and Recovery (CalRecycle) for Rubberized Asphalt Concrete (RAC)

A motion was made by Carchio, second Hardy to adopt Resolution No. 2014-88, "A Resolution of the City Council of the City of Huntington Beach Authorizing Submittal of Applications for all CalRecycle Grants for which the City of Huntington Beach is Eligible."

The motion carried by the following vote:

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

9. Adopted Resolution No. 2014-91 amending the City's Classification Plan by changing titles to facilitate restructuring amongst the Finance Division Managers and the Real Estate and Project Manager

A motion was made by Carchio, second Hardy to adopt Resolution No. 2014-91, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Amending the Title of Real Property Agent to Real Estate and Project Manager; Deputy City Treasurer (MEO) to Finance Manager-Treasury; Deputy City Treasurer (MEO) to Finance Manager-Fiscal Services; Accounting Manager to Finance Manager-Accounting; and Budget Manager to Finance Manager-Budget."

The motion carried by the following vote:

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

10. Adopted Resolution No. 2014-89, approving and implementing a Memorandum of Understanding (MOU) between the Marine Safety Management Association (MSMA) and the City for the period October 1, 2013 through March 31, 2016

A motion was made by Carchio, second Hardy to adopt Resolution No. 2014-89, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Marine Safety Management Association (MSMA) and the City for October 1, 2013 through March 31, 2016."

The motion carried by the following vote:

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

11. Adopted Successor Agency Resolution No. 2014-07 approving two proposed Assignments and Agreements related to The Strand Project Disposition and Development Agreement (DDA) with CIM/Huntington, LLC, Cypress Equities, and DiamondRock Hospitality

A motion was made by Carchio, second Hardy to adopt Resolution No. 2014-07, "A Resolution of the Successor Agency to the Huntington Beach Redevelopment Agency Approving Two Proposed Assignments and Agreements Related Thereto Pertaining to The Strand Project Disposition and Development Agreement with CIM/Huntington, LLC"; and, authorize the Executive Director to sign all related documents in furtherance of Assignment, **as amended by Supplemental Communication to replace attachment #4.**

The motion **as amended** carried by the following vote:

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

12. Approved Amendment No. 2 to the Friends of Shipley Nature Center Memorandum of Understanding for a five-year extension

A motion was made by Carchio, second Hardy to authorize the Mayor and City Clerk to execute and approve, "Amendment No. 2 to Memorandum of Understanding Between the City of Huntington Beach and Friends of Shipley Nature Center."

The motion carried by the following vote:

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

13. Approved the execution of a License Agreement with Freeway Industrial Park and Gothard Express Partners, L.P. for Maintenance of Landscaping and Hardscaping Improvements In the Public Right-of-Way Along Edinger Avenue and Gothard Street Frontages (Green 'N' Clean Development)

A motion was made by Carchio, second Hardy to approve and authorize the Mayor and City Clerk to execute and record the "License Agreement Between the City of Huntington Beach, Freeway Industrial Park, and Gothard Express Partners, L.P. to Provide Installation and Maintenance of Landscaping and Hardscaping Improvements in the Public Right-Of-Way."

The motion carried by the following vote:

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

14. Approved and authorized execution of an agreement with Premier Girls' Fastpitch, Inc. (PGF) to conduct a Championship Tournament in Huntington Beach

Councilmember Carchio pulled the item to recognize the popularity and value of the Premier Girls' Fastpitch Organization, and championship tournament soon to be hosted at the Huntington Beach Sports Complex.

A motion was made by Carchio, second Hardy to approve and authorize the Mayor to execute an "Agreement Between the City of Huntington Beach and Premier Girls' Fastpitch, Inc. to Conduct a Championship Tournament at the Huntington Beach Sports Complex."

The motion carried by the following vote:

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

NOES: None
ABSENT: Harper

15. Approved a Memorandum of Understanding and License to Utilize Certain Space Agreement between the City of Huntington Beach and HOAG Memorial Hospital Presbyterian; authorized receipt and appropriation of funds; and, authorized execution of all related documents

Councilmember Carchio pulled this item to thank representatives from Hoag Memorial Presbyterian Hospital, City Manager Fred Wilson, and Community Services Director Janeen Laudenback for their contributions to bring the Central Park Senior Center to fruition.

A motion was made by Carchio, second Katapodis to approve the "Memorandum of Understanding and License to Utilize Certain Space Between the City of Huntington Beach and HOAG Memorial Hospital Presbyterian," providing for certain naming rights and continued collaboration, including a \$2,000,000 contribution to the construction of the new Senior Center and additional contributions for related programs and services; and, authorize the Mayor, City Clerk, and City Manager to execute any and all documents related to this transaction; and, authorize the receipt and appropriation of \$2,000,000 to be used for construction of the new Senior Center to the Senior Center Capital Projects Fund (Fund 319); and, authorize the receipt and appropriation of \$500,000 for a Community Services and Recreation Specialist position through the term of the MOU in an amount not to exceed \$500,000 over a five-year period, into the Donations Fund (Fund 103) account number 10345507.51110, and to adjust the Table of Organization accordingly; and, authorize the receipt from HOAG and appropriation of \$100,000 on an annual basis for the City's "Seniors on the Go" transportation to Donations - Senior Transportation, Temporary Salaries, Account 10345502.52000; and, authorize the receipt from HOAG and appropriation of \$35,000 on an annual basis in support of the "Meals to the Home" program through the term of the MOU to Donations - Meals to the Home, Temporary Salaries, Account 10345604.52000; and, authorize the receipt from HOAG and appropriate \$20,000 on an annual basis through the term of the MOU for the Project Self Sufficiency program to Donations - Project Self Sufficiency Case Management, Base Salaries, Account 10345202.51110.

The motion carried by the following vote:

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

16. Adopted Ordinance No. 4041 dissolving the Huntington Beach Hotel/Motel Business Improvement District (BID) Approved for introduction November 3, 2014 Vote: 7-0

A motion was made by Carchio, second Hardy to adopt Ordinance No. 4041, "An Ordinance of the City of Huntington Beach Disestablishing the Huntington Beach Hotel/Motel Business Improvement District by Repealing Uncodified Ordinance Number 3569."

The motion carried by the following vote:

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

PUBLIC HEARING

17. **Approved for introduction Ordinance No. 4043 adopting Zoning Text Amendment No. 14-001; and, Adopted Resolution No. 2014-90 approving Local Coastal Program Amendment No. 14-002 (DTSP - District 1 On-Site Alcohol Sales) - Appeal of Planning Commission's Denial**

Acting Planning Manager Jennifer Villasenor presented a PowerPoint entitled *Zoning Text Amendment No. 14-001 Local Coastal Program Amendment No. 14-002 Downtown Specific Plan District 1 - On-Site Alcohol Sales*, that included the following titled slides: Request, Project Area - District 1, Background, Appeal, Analysis, and Staff Recommendation.

Councilmember Hardy questioned Police Chief Handy if it is feasible to enforce different hours for different downtown businesses and would ending alcohol sales at an earlier hour improve disturbances that occur later in the evening. Chief Handy replied that currently there are many different rules for different places under the entertainment permits per their CUP. Adding more rules again for a different group of restaurants would complicate enforcement a bit but not be impossible.

As background, Councilmember Boardman discussed her efforts to reduce problems associated with alcohol consumption in the downtown area and the number of liquor licenses. Originally Council did not support capping the number of liquor licenses, but proposed different closing times for weekdays vs. weekends and thereby hours for alcohol sales. Council did direct staff to develop the zoning text amendment.

Mayor Pro Tem Shaw opened the **PUBLIC HEARING**.

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

Communications received by Ann Tarkington and Robert Franklin; PowerPoint communication submitted by Scott Hess, Director of Planning and Building entitled, *Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002 Downtown Specific Plan District 1 - On-Site Alcohol Sales*.

There were 8 speakers.

Jerry Wheeler, President, Huntington Beach Chamber of Commerce, spoke in support of the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002. Mr. Wheeler addressed the Police Department's responsibility to enforce problems associated with alcohol sales and not punishing or prohibiting new businesses from coming to the downtown due to restrictive conditions.

Dianne Thompson, Chair of the Huntington Beach Chamber of Commerce Board, spoke in support of the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

Steve Grabowski, Huntington Beach Downtown Business Improvement District, spoke in support of the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

Joseph Mastropaulo voiced concerns about high density development in the City and his support for a building moratorium.

Steve Daniel spoke in support of the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

Bruce Milliken, Partner of Longboard's Restaurant downtown, spoke in support of the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

Bobbi Ashurst spoke in support of the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

Susan Welfringer, Downtown Huntington Beach Business Improvement District (DHBBID) Manager, spoke in support of the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

There being no further speakers, Mayor Pro Tem Shaw closed the public hearing.

Councilmember Hardy confirmed CUP's running with the land, not the owner, and had concerns about expansion causing a business to fall under new rules, and asked, and staff responded to, how long a remodel could take before they would lose the CUP that runs with the land. Hardy further discussed the large number of restaurants that serve alcohol and was concerned about not incentivizing business improvements if they have to go through the CUP process again. Would serving alcohol for special events be restricted or an exception made? She stated that in the end her vote has been swayed after hearing public comments.

Councilmember Katapodis provided credit for comments shared by speakers and his personal observations of the area in his decision to not support the request.

Councilmember Boardman questioned Police Chief Hardy if there is a benefit to staggering closing times in the downtown in his opinion. Chief Hardy discussed there are a number of downtown task force options and concluded he wants to be proactive and part of the solution. Changes have already produced improvements, and yes, staggered closing times could be beneficial. The Police Department will enforce whatever option the Council decides.

Councilmember Boardman stated she is proud to be part of the Council that stepped up to deal with the real issues that residents brought to their attention. She gave kudos to the Police Department for the improvements. Boardman is interested in all ideas that will maintain and improve the quality of life for the downtown area residents as well as area businesses.

Councilmember Carchio voiced reasons why he supports the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

Councilmember Sullivan suggested he would support the Planning Commission's denial of Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002.

Mayor Pro Tem Shaw recognized the increased Police presence in the downtown, and expressed pride in the improvements that are making a difference as existing laws are being enforced.

A motion was made by Carchio, second Katapodis to accept Planning Commission Recommended Action: Deny Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002 with findings for denial.

The motion carried by the following vote:

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

ORDINANCES FOR INTRODUCTION

- 18. Approved for Introduction Ordinance No. 4042 Amending the Refuse Collection and Disposal Services Franchise Agreement between the City and Rainbow Disposal and Rainbow Transfer and Recycling Companies to Increase the Franchise Fee on Commercial Service from 5% to 12%**

Public Works Sr. Admin. Analyst Debra Jubinsky presented a PowerPoint entitled *Commercial Refuse Services Franchise Fee Increase* that provided a bulleted timeline of points.

Councilmember Sullivan questioned if Rainbow sells the company, would the Franchise Fees go with the Franchise. Public Works Director Travis Hopkins answered yes.

Mayor Pro Tem Shaw and City Manager Wilson discussed appropriating funds to pay down PERS through the budget process.

A motion was made by Boardman, second Hardy to, after the City Clerk reads by title, approve for Introduction Ordinance No. 4042, "An Ordinance Of The City Of Huntington Beach Amending The Franchise To Collect Refuse Granted To Rainbow Disposal And Rainbow Transfer And Recycling Companies," for the purpose of increasing the commercial Franchise Fee.

The motion carried by the following vote:

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

- 19. Approved for introduction Ordinance No. 4034 amending Huntington Beach Municipal Code Section 3.44.120 as it relates to Oil Pipeline Insurance**

A motion was made by Boardman, second Katapodis to, after the City Clerk reads by title, approve for introduction Ordinance No. 4034, "An Ordinance of the City of Huntington Beach Amending the

Huntington Beach Municipal Code by Amending Section 3.44.120 thereof regarding Oil Pipeline Insurance Filing."

The motion carried by the following vote:

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

COUNCILMEMBER ITEMS

20. Submitted by Councilmember Boardman - Amendment to Chapter 2.28 of the Huntington Beach Municipal Code Relating to City Council Compensation

Councilmember Boardman provided support for the request and urged Council to support the request for the City Attorney to amend Chapter 2.28

A motion was made by Boardman, second Carchio to Direct the City Attorney's office to return on December 1 with an Ordinance amending Chapter 2.28 to provide for all Council Members to be eligible for equal reimbursement of ordinary and routine expenses and health insurance benefits (to be presented as three separate actions.)

The motion carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Katapodis attended the Senior Center press announcement and ground breaking ceremony. He expressed his appreciation to Hoag Hospital and everyone involved in making this project happen. He also attended the Veterans Day ceremony at the pier.

Councilmember Hardy reported attending the Veterans Day ceremony and the Senior Center groundbreaking ceremony.

Councilmember Boardman enjoyed attending a *Dames at Sea* performance at the HB Playhouse; Hoag press announcement for the new Senior Center; Veterans Day ceremony, as well as the ground breaking ceremony for the new Senior Center.

Councilmember Sullivan thanked the Community Services staff, including the efforts of now retired past director, Jim Engle, for getting to the point of the Groundbreaking Ceremony for the new Senior Center. He also thanked City Manager Wilson for his efforts on behalf of this project.

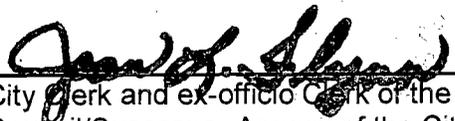
Councilmember Carchio attended the 25th Annual Boy Scouts of America Spurgeon Awards; acknowledged the \$3.775M donation from Hoag Hospital as a great accomplishment of Fred Wilson and Community Services for the benefit of the seniors of HB; attended the great Veterans Day Ceremony; attended the O.C. Gift of History event -- to advocate for literacy 30,000 Orange County

third graders are brought to Angel Stadium and presented with the book, "Nothing Rhymes with Orange" including entertainment by Disneyland; he also attended Colette's Home gala, Billy O'Connell's non-profit, which raised just shy of \$1M to make a difference for homeless women; and attended an event at Olive Crest which assists children who could be living on the street if not for their program. Carchio concluded by expressing his thanks and appreciation for the confidence citizens had in him during his eight years of service.

On behalf of Mayor Harper, Mayor Pro Tem Shaw shared a photo of Mayor Harper viewing the original 1982 Sister City Agreement documents between Huntington Beach and Anjo, Japan. Mayor Pro Tem Shaw stated that Mayor Harper is learning a lot about Anjo and is working to improve the relationship between the two cities.

Mayor Pro Tem Shaw expressed his appreciation for assistance by City staff in serving as Mayor for the evening, and the exemplary behavior exhibited by his colleagues.

ADJOURNMENT – At 8:21 PM to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority/Successor Agency is Monday, December 1, 2014, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:



City Clerk-Secretary



Mayor-Chair