

**Minutes
City Council/Redevelopment Agency/Public Financing Authority
City of Huntington Beach**

Monday, August 15, 2011
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
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: Shaw, Harper, Hansen (arrived at 4:45 PM), Carchio, Bohr, Dwyer, and Boardman
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan L. Flynn announced receipt of supplemental communications received after distribution of the City Council agenda packet:

Study Session Item No. 1 - A PowerPoint communication entitled *FY 2011/2012 Capital Improvement Program*.

Study Session Item No. 2 - A PowerPoint communication entitled *City of Huntington Beach Proposed Budget Update FY 2011/2012*.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit)

Scott Field, President of the Management Employees' Organization (MEO), distributed a communication to Council, and expressed MEO's concern that staff, as advised by Counsel, has denied MEO's request that their "bumping rights" be documented, which may negatively affect MEO's discussion of a future Side Letter Agreement with the City.

STUDY SESSION

- 1. City Manager and City staff presented an overview of the recommended Fiscal Year 2011/2012 Capital Improvement Program.**

City Manager Wilson deferred to City Engineer Tony Olmos and Associate Civil Engineer Todd Broussard, who provided a PowerPoint entitled *FY 2011/2012 Capital Improvement Program*, with titled slides: Capital Improvement Program (CIP), New Appropriations, CIP Projects by Category, CIP Projects by Funding Source, Drainage & Storm Water \$1M, Facilities \$470K, Neighborhood \$3.47M, Parks and Beaches \$20K, Sewer Improvements \$8.2M, Streets and Transportation \$8.2M, Water Improvements \$7.02M, Continuing Appropriations, Continuing Projects \$5.04M, Continuing Projects (Cont.), and Timeline of Proposed Budget for FY 2011/12.

Councilmember Boardman and Facilities Development and Concessions Manager David Dominguez briefly discussed the status of the Gun Range Cleanup project.

Councilmember Dwyer and Public Works Director Travis Hopkins discussed the Edison Park Reconfiguration Project. Public Works Director Hopkins explained that challenging economic times affect the contractor's ability to complete the project without additional funding when unanticipated changes occur, such as the numerous subsurface conflicts that were not detected during the plan development process, which included interfering abandoned pipes and buried concrete debris that required removal to fit the grades and configuration of the approved plans, and in addition, based upon actual site conditions, the entire irrigation system had to be re-designed.

Councilmember Dwyer and City Engineer Tony Olmos discussed the Solar Panels Project. City Engineer Olmos explained that the project is not directly controlled by the City, but rather by Southern California Edison, who has subcontracted the work, and that any delays in the project have no direct fiscal impact on the City because the City's revenue is derived from reduced electrical rates once the project is completed and placed into production.

Councilmember Dwyer and City Engineer Tony Olmos discussed the Talbert Lake Project. City Engineer Olmos stated that the design phase is basically complete and ready for construction to commence. He further stated that with only about \$1 million of the approximately \$5 million needed for construction currently funded, the City is pursuing other grant fund opportunities, including a current \$2 million pre-grant application for an Urban Greening Grant, and is hopeful that the upcoming Orange County Transportation Authority (OCTA) Tier 2 Grant Program will provide a source for the other required funding.

2. City Manager and City staff presented an overview of the City Manager's recommended proposed Fiscal Year 2011/2012 Budget.

City Manager Fred Wilson deferred to Director of Finance Lori Ann Farrell, who presented a PowerPoint entitled *City of Huntington Beach Proposed Budget Update*, with titled slides: FY 2011/2012 Proposed Budget Update, FY 2011/2012 Proposed Budget, Approved Staffing Revisions, Staffing Reductions, Operational Reductions Summary, Employee Concessions, FY 2011/2012 Proposed Budget Recap, Redevelopment Shortfall Solution, Redevelopment Update, and Budget Adoption Timeline.

Director Farrell highlighted the revisions in the Proposed FY 2011/2012 Budget in the areas of Community Services, Fire, and Economic Development that were incorporated per the guidance and feedback received from the Council at the August 1 meeting.

In response to Councilmember Shaw's question regarding the stay published by the League of California Cities regarding Redevelopment legislation, Director Farrell stated that it would be discussed during Closed Session.

Mayor Pro Tem Hansen and Director Farrell discussed how employee concessions are allocated in the budget.

Councilmember Dwyer and Director Farrell discussed how sharing services with other cities will help the budget in the future.

Police Chief Small discussed vacant positions in the Police Department.

Mayor Pro Tem Hansen and City Manager Wilson discussed the potential realignment of the police and fire department positions, and City Manager Wilson stated that the City is fairly well locked in by the existing labor agreements.

Councilmember Shaw and Chief Small discussed reorganizing the Police Department and how it would affect the number of Police Officers on the street.

Councilmember Boardman and Director Farrell discussed the recurring annual structural savings associated with current employee concessions.

A discussion ensued about quantifying the relationship between the physical training and overtime components of the Police Department budget.

Mayor Carchio and City Manager Wilson briefly discussed the California Redevelopment Agency legal situation.

RECESS TO CLOSED SESSION – 4:53 PM

By consensus, the City Council recessed to Closed Session.

CLOSED SESSION

- 3. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy City Manager; Bob Hall, Deputy City Manager; Michele Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with all labor groups.**
- 4. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Omnipoint Communications,**

Inc. (T-Mobile) v. City of Huntington Beach ("T-Mobile I"), United State District Court Case No. CV09-3777 RGK, Ninth Circuit Court of Appeals Case Nos. 10-56877 and 10-56944, and related case T-Mobile West Corporation v. City of Huntington Beach ("T-Mobile II"), United States District Court Case No. CV09-3777 RGK, which involve T-Mobile's project to install antennas at Harbour View Park and Bolsa View Park.

5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: *Citizen's Association of Sunset Beach v. The City of Huntington Beach*; Orange County Superior Court Case No. 30-2010-00431832. This action involves delaying the annexation pending a vote of the Sunset Beach Residents.
6. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: *California Redevelopment Association et al., Petitioners v. Ana Matosantos, as Director, etc. et al., Respondents*; California Superior Court Case No. S19486.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING - 6:08 PM

ROLL CALL

Present: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
Absent: None

CLOSED SESSION REPORT BY CITY ATTORNEY - None

PLEDGE OF ALLEGIANCE - Led by Councilmember Matthew Harper

INVOCATION - Given by Reverend Peggy Price, Huntington Beach Interfaith Council

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

AWARDS AND PRESENTATIONS

Presentation - Mayor Carchio called on Councilmember Devin Dwyer and Fire Chief Patrick McIntosh, who gave a presentation regarding a public-private partnership to target fire safety in City mobile home parks.

Mayor's Award - Mayor Carchio called on Fire Chief Patrick McIntosh, who presented the Mayor's Award to Firefighter/Paramedic Eric McCoy.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

Consent Calendar

Item No. 13 - Communication received from Community Services, a matrix titled *Beach and Park Concessions - Summary of Lease Terms*.

Item No. 21 - Communication received from Daralie Hamilton regarding the Side Letter Agreement to the Huntington Beach Firefighters' Association (HBFA) Memorandum of Understanding (MOU).

Administrative Items

Item No. 23 - Communication received from Stanley Smalewitz, Director of Economic Development entitled *Approval of Revised Inclusionary Housing Program Regulations*.

Item No. 24 - PowerPoint communication entitled *Downtown Circulation Concept, Converting 1st Block of Main Street to One-Way Traffic Inland*.

Item No. 24 - Communication received from David McHowell regarding converting Main Street to one-way traffic.

Councilmember Items

Item No. 25 - Communications received regarding development of an ordinance that requires stores to replace single-use plastic shopping bags with reusable bags: Victoria Bloom, John Briscoe, Gino Bruno, Charles Burns, Joanell Connolly, John Grace, Daralie Hamilton, Amanda Horack, Marinka Horack, Ellysse James, Timothy James, Dan Kalmick, Kim Kolpin, Thierry Kolpin, Theo Mirani, Marcia Morrell, Vern P. Nelson, Bill Pearson, Peggy Sloan, Melissa Stern, Jennifer A. Thomas, Richard Valdes, Vanhoorebe@aol.com, Anthony Bouse, Toni Gregory, Concetta Randall, Susan Torrence, Anonymous, Chris Ann Lunghino, Coretta Randall, M. Jack Brooks, Lynda Hernandez, Steve Andy, Mary Baley, The Burgard's, Thomas Burke, Patricia Goodman, Bill Gregory, Toni Gregory, Laura Hennes, Lynda Hernandez, Ryan Kenny, Eric Maddy, Terry G. McClary (2), Denise Menichiello, Shirley W. Orlando, Tone Pekich, Donna Piscopo, and A. Duane Tonelli.

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.huntingtonbeachca.gov/government/agendas/>).

Daniel Gooch, former Personnel Commissioner, spoke in opposition to Consent Item No. 17 - Personnel Commission makeup. He also spoke in opposition to Consent Item No. 21 - Huntington Beach Firefighters' Association (HBFA) Side Letter Agreement. (00:21:06)

Darrin Witt, President of the Huntington Beach Firefighters' Association (HBFA), spoke in support of Consent Item No. 21 - HBFA Side Letter Agreement. (00:24:11)

Richard Rebd, 30-year resident, submitted a document dated August 15, 2011 entitled *Homeowner Concerns and Objections to the Current Location and Operation of the Huntington Beach Community Garden*. (00:27:28)

Gary Tilbury, 25-year resident, spoke in opposition to the current location and operation of the Huntington Beach Community Garden. (00:30:48)

Kathleen Saindon, resident, spoke in opposition to the current location and operation of the Huntington Beach Community Garden. (00:35:05)

Laurie Rebd, resident, spoke in opposition to the current location and operation of the Huntington Beach Community Garden. (00:37:15)

Dee Brundage, resident, spoke in opposition to the current location and operation of the Huntington Beach Community Garden. (00:39:38)

Philip J. Johnson stated his concerns regarding the Police Department's Taser Gun Policy, and suggested that their use be banned. (00:41:24)

Stephanie Inbody, General Manager and Managing Partner of Fred's Mexican Café in downtown Huntington Beach, spoke in opposition to Consent Item No. 24 - Converting 1st Block of Main Street to One-Way Traffic Inland. (00:42:12)

Steve Grabowski, representing the UPS Store in downtown Huntington Beach, spoke in opposition to Consent Item No. 24 - Converting 1st Block of Main Street to One-Way Traffic Inland. (00:44:45)

Steve Daniel, representing the Huntington Beach Downtown Business Association, spoke in opposition to Consent Item No. 24 - Converting 1st Block of Main Street to One-Way Traffic Inland. (00:46:08)

Terri Combs, resident and teacher at Smith Elementary School, spoke in opposition to Agenda Item No. 23 – Revised Inclusionary Housing Program Regulations. (00:48:33)

Phillip Masto, a 9-year resident, spoke in support of Agenda Item No. 23 – Revised Inclusionary Housing Program Regulations. (00:51:15)

Suzette Clark, representing the Cape Ann Affordable Housing Community, spoke in support of Agenda Item No. 23 – Revised Inclusionary Housing Program Regulations. (00:52:37)

Kay Goddard, President of the Friends of Shipley Nature Center, thanked the Council for their continued support of the Shipley Nature Center. (00:55:55)

Lisa Manfredi, lifelong resident, spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (00:59:16)

David Morzella, resident, spoke in opposition to Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:00:25)

Monica Dekany, representing Golden West College, announced their 6TH Annual Chefs for Scholarships fundraiser on Sunday, September 18 from 4:00-7:00 PM at the Golden West College Student Center. For further information visit: chefs4scholarships.com. (01:02:20)

Kathy May spoke in support of Consent Item No. 13 – Ten-Year Lease Agreement for Kathy May's Restaurant in Huntington Central Park. (01:04:33)

Marlon Steiner, 10-year resident, spoke in support of Agenda Item No. 23 – Revised Inclusionary Housing Program Regulations. (01:05:39)

Bill Hickman, representing Surfrider Foundation (a Non-Profit Environmental Organization), spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:08:15)

Anna Cummins, Co-founder of the 5 Gyres Institute (a Non-Profit Environmental Organization), spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:11:35)

Zoe Florence, a 7-year old resident, read a prepared statement in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:14:55)

Jeff Deffenbaugh, resident and professional surfer, spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:17:10)

Robert Johnson, resident, spoke in opposition to Agenda Item No. 23 – Revised Inclusionary Housing Program Regulations. In addition, he commented on his lawsuit versus The City of Huntington Beach, which he lost. (01:17:42)

Stephanie Barger, Executive Director of Earth Resource Foundation, spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:21:35)

Sherri Loveland, Co-Chair of the Orange County Interfaith Coalition for the Environment, spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:23:35)

Catherine Johnson, lifelong resident, read a prepared statement in opposition to Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:25:35)

Vanessa Bloom, a 13-year old resident, spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:26:13)

Ray Hiemstra, Associate Director of Orange County Coastkeeper (a Non-Profit Environmental Organization), spoke in support of Agenda Item No. 25 - Ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags. (01:27:37)

Connie Ngo, a Cape Ann resident, questioned why the City of Huntington Beach and the developer are listed as co-owners on her deed, and requested a written response. (01:28:26)

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

Councilmember Dwyer announced the Orange County Children's Theatre presentation of Disney's "Beauty and the Beast" being held at the Huntington Beach High School Theatre on Friday, August 19, at 7:30 PM, on Saturday, August 20, at 2:30 and 7:30 PM, and on Sunday, August 21, at 2:30 PM. Admission is \$14.

CITY MANAGER'S REPORT

City Manager Wilson reported that the Sierra Club Los Angeles Chapter's revised water conservation rating for Huntington Beach is "Good" on a scale of Best, Good, Poor, and Worst.

City Manager Wilson presented two videos of a series of videos designed to promote the City's 10-Point Plan to promote business in Huntington Beach. The first video highlighted the Beach and Edinger Corridors Specific Plan, and the second video reported on the developments at the Village at Bella Terra.

CONSENT CALENDAR

1. Approved and adopted minutes.

A motion was made by Hansen, second Bohr to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Special Meeting of July 29, 2011, and the City Council/Redevelopment Agency/Public Financing Authority Regular Meeting of August 1, 2011, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

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

A motion was made by Hansen, second Bohr to receive and file the new Six-Month Strategic Objectives Grid. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

3. Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$541,487.25 to Nobest Inc. for Reconstruction of Residential Streets on the Tree Petition List at Glenhaven Lane, Tropicana Lane, and Whitney Drive, Project CC-1394.

A motion was made by Hansen, second Bohr to approve the project plans and specifications for the Reconstruction of Residential Streets on the Tree Petition List, for neighborhoods on Glenhaven Lane, Tropicana Lane, and Whitney Drive, Project CC-1394; and, accept the lowest

responsive and responsible bid submitted by Nobest Inc. in the amount of \$541,487.25; 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 roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

4. Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$61,080.34 to Sancon Engineering, Inc. for the Sewer Lining Project at Beach Boulevard, Clarkdale Drive, and Cliff Drive, Project CC-1396.

A motion was made by Hansen, second Bohr to approve the project plans and specifications for the Sewer Lining Project at Beach Boulevard, Clarkdale Drive, and Cliff Drive, Project CC-1396; and, accept the lowest responsive and responsible bid submitted by Sancon Engineering, Inc. in the amount of \$61,080.34; 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 roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

5. Approved project plans and specifications and awarded construction contract in the amount of \$244,950.00 to Garcia Juarez Construction Inc. for Beach Boulevard Water Main Extension Projects, CC-1405 and CC-1407; and, authorize the Mayor and City Clerk to execute a contract in a form approved by the City Attorney.

A motion was made by Hansen, second Bohr to approve the project plans and specifications for Beach Boulevard Water Main Extension Projects, CC-1405, and CC-1407; and, accept the lowest responsive and responsible bid submitted by Garcia Juarez Construction Inc., in the amount of \$244,950.00; 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 to approve up to fifteen percent (15%) in construction change orders. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

6. Accepted Sureties for Public Improvements required of the Beach Promenade Project located at 21022 - 21190 Beach Boulevard.

A motion was made by Hansen, second Bohr to accept the Faithful Performance Bond No. PHSB01400001 and Labor and Material Bond No. PHSB000001, the sureties furnished for installation of the required public improvements of the Beach Promenade Project located at 21022-21190 Beach Boulevard; and, instruct the City Clerk to file the bonds with the City Treasurer. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

7. Adopted Resolution No. 2011-54 declaring the City's intention to levy an annual assessment for fiscal year 2011-2012 within the Downtown Huntington Beach Business Improvement District (BID) and schedule a Public Hearing for September 19, 2011.

A motion was made by Hansen, second Bohr to approve the Annual Report and Fiscal Year 2011-2012 Budget of the Huntington Beach Downtown Business Improvement District; and, adopt City Council **Resolution No. 2011-54**, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2011-2012 Within the Huntington Beach Downtown Business Improvement District;" and, direct the City Clerk to schedule a public hearing to be held on September 19, 2011, and send copies of the Resolution of Intention, including the BID Boundary Map and assessment formula to each business to be assessed, and publish same in a newspaper of general circulation as required. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

8. Adopted Resolution No. 2011-55 declaring the City's intention to levy an annual assessment for fiscal year 2011/12 within the Huntington Beach Auto Dealers Association Business Improvement District (BID) and schedule a Public Hearing for September 19, 2011.

A motion was made by Hansen, second Bohr to approve the Annual Report and Fiscal Year 2011-2012 Budget of the Huntington Beach Auto Dealers Association Business Improvement District; and, adopt City Council **Resolution No. 2011-55**, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District for Fiscal Year 2011/12;" and, direct the City Clerk to schedule a public hearing to be held on September 19, 2011, and send copies of the Resolution of Intention and assessment formula to each business to be assessed and publish the same in a newspaper of general circulation as required. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

9. Adopted Resolution No. 2011-56 declaring the City's intention to levy an annual assessment for fiscal year 2011-2012 within the Huntington Beach Hotel/Motel Business Improvement District and schedule a Public Hearing for September 19, 2011.

A motion was made by Hansen, second Bohr to approve the Annual Report and Fiscal Year 2011-2012 Budget of the Huntington Beach Hotel/Motel Business Improvement District; and, adopt City Council **Resolution No. 2011-56**, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2011-2012 Within the Huntington Beach Hotel/Motel Business Improvement District;" and, direct the City Clerk to schedule a public hearing to be held on September 19, 2011, and send copies of the Resolution and assessment formula to each business to be assessed and publish same

in a newspaper of general circulation as required. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

- 10. Accepted and approved expenditure of the County of Orange Supplemental Law Enforcement Services (SLESF) Grant in the amount of \$200,000 for Fiscal Year 2011-2012; established a separate business unit for this funding; appropriated funds to purchase Leica Scan Station C10 and new Motorola Astro Digital 700/800 MHz radios; and approved the change in proposal for FY 2010-11 funding from purchasing the SIRE Document Management System to purchasing the new Leica ScanStation C10.**

A motion was made by Hansen, second Bohr to accept the grant award of \$200,000 from the County of Orange SLESF for funding cycle year 2011-12; and, authorize the Chief of Police to expend \$200,000, plus any accrued interest; and, establish a separate business unit for this funding; and, appropriate \$200,000, plus any accrued interest to purchase the new Leica Scan Station C10 and new Motorola Astro Digital XTS-5000 700/800 MHz radios for the remaining balance in FY2011-12 funding; and, approve the change proposal for the FY2010-11 funding to purchase the new Leica Scan Station C10. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

- 11. Approved contractual agreement for Public Safety Helicopter Services to the City of Newport Beach from present date through June 30, 2014.**

Consent Item No. 11 was pulled for separate consideration by Councilmember Dwyer.

In response to Councilmember Dwyer's request, Police Chief Small stated that the City of Newport Beach was satisfied with the service provided by Huntington Beach during the short-term agreement that expires on August 31, 2011, and that the new three year agreement will generate approximately \$700,000 per year in gross income which can potentially be used to offset budget shortfalls.

A motion was made by Dwyer, second Hansen to approve and authorize the Mayor and City Clerk to execute the "Services Agreement for Public Safety Helicopter Support between the City of Huntington Beach and the City of Newport Beach." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

- 12. Appropriated funds from Proposition 1B Fund for the Edwards/Delaware Rehabilitation Project, CC-1384.**

A motion was made by Hansen, second Bohr to appropriate \$445,000 from Proposition 1B Fund Balance to Account No. 21890008.82300. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

13. Approved and authorized execution of a ten-year Lease Agreement for Kathy May's Restaurant at Huntington Central Park.

Consent Item No. 13 was pulled for separate consideration by Mayor Carchio.

Mayor Carchio recommended that Section 10 (Rent) of the Lease Agreement be amended to include a minimum base of 75 cents per square foot.

In response to Mayor Carchio's invitation, Kathy May (owner) stated that she agreed with Mayor Carchio's recommended amendment.

In response to Councilmember Boardman's query, Mayor Carchio stated that the facility is approximately 2,500 square feet, which results in a minimum rent of approximately \$1,875 per month.

In response to Councilmember Shaw's request, Ms. May described the planned improvements to the facility.

In response to Councilmember Bohr's query, a discussion ensued regarding when the rent commences, and the consensus was that the rent commences when a Certificate of Occupancy is issued.

A motion was made by Carchio, second Hansen to approve and authorize the Mayor and City Clerk to execute the "Lease Agreement between the City of Huntington Beach and Kathy May's Restaurant, Inc. for a restaurant/food concession in Huntington Central Park" ***as amended to include a 75 cents per square foot minimum base rent commencing when the Certificate of Occupancy is issued.*** The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

14. Accepted the Sewer Service Charge Performance Audit and suspended the annual Consumer Price Index (CPI) adjustment of the Sewer Service Rates.

A motion was made by Hansen, second Bohr to accept the Sewer Service Charge Performance Audit as presented; and, suspend the annual Consumer Price Index (CPI) adjustment of the Sewer Service Rates. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

15. Adopted Ordinance No. 3915 instituting an updated version of Chapter 5.44 of the Huntington Beach Municipal Code relating to Entertainment Permits Approved for introduction August 1, 2011.

A motion was made by Hansen, second Bohr to adopt **Ordinance No. 3915**, "An Ordinance of the City of Huntington Beach instituting Chapter 5.44 of the Huntington Beach Municipal Code Relating to Entertainment Permits." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

16. Adopted Ordinance No. 3916 approving Development Agreement No. 11-001 for the Boardwalk Mixed Use Project Approved for introduction on August 1, 2011.

A motion was made by Hansen, second Bohr to adopt **Ordinance No. 3916**, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach and Freeway Industrial Park (Property Owner) and Sares-Regis Group (Developer)." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

17. Adopted Ordinance No. 3917 amending the City of Huntington Beach Municipal Code by changing the makeup of the Personnel Commission and the terms of appointment approved for introduction on August 1, 2011.

Consent Item No. 17 was pulled for separate consideration by Councilmember Dwyer.

Councilmember Dwyer stated that the majority of Committee and Board members prefer a 2-year term, and opined that a 2-year term would provide the City Council with additional input opportunities.

Councilmember Harper spoke in support of 2-year terms for Commissioners.

A motion was made by Dwyer, second Harper to adopt **Ordinance No. 3917**, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 2.72 of the Huntington Beach Municipal Code, Relating to the Personnel System." The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, Bohr, and Dwyer
NOES: Shaw, and Boardman

18. Adopted Ordinance No. 3918 opting-in to an alternative Redevelopment Program Approved for introduction on August 1, 2011.

Consent Item No. 18 was pulled for separate consideration by Councilmember Dwyer.

In response to Councilmember Dwyer's inquiry, City Manager Wilson opined that this was the right course of action.

A motion was made by Dwyer, second Hansen to adopt **Ordinance No. 3918**, "An Ordinance of the City Council of the City of Huntington Beach, California, authorizing the City of Huntington Beach to participate in the Alternative Voluntary Redevelopment Program, subject to certain Conditions and Reservations." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

19. Approved additional contingency funds for the Edison Community Center and Youth Sports Complex, Phase 1, Park Improvements Project, CC-1346.

A motion was made by Hansen, second Bohr to approve an increase in appropriations of \$50,000 in business unit 95945101 for additional contingency funds for the Edison Community Center and Youth Sports Complex, Phase 1, Park Improvements Project CC-1346. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

20. Approved Enforceable Obligation Payment Schedule (EOPS) for Redevelopment Agency as required by the State.

A motion was made by Hansen, second Bohr to approve the Enforceable Obligation Payment Schedule. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

21. Adopted Resolution No. 2011-59 extending and modifying the current Huntington Beach Firefighters' Association (HBFA) Memorandum of Understanding (MOU) by adopting the Side Letter Agreement.

Consent Item No. 21 was pulled for separate consideration by Councilmember Dwyer.

Mayor Carchio read a prepared statement of his standpoints regarding Agenda Item No. 21, and in closing stated that he supports adopting the Side Letter Agreement.

Councilmembers Dwyer, Boardman and Shaw spoke in support of adopting the Side Letter Agreement.

Mayor Pro Tem Hansen and Councilmember Harper spoke in opposition to adopting the Side Letter Agreement.

A motion was made by Dwyer, second Boardman to authorize the City Manager to sign the Side Letter Agreement; and, adopt **Resolution No. 2011-59**, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Firefighters' Association (HBFA), By Adopting the Side Letter Agreement." The motion carried by the following roll call vote:

AYES: Shaw, Carchio, Bohr, Dwyer, and Boardman
NOES: Harper, and Hansen

PUBLIC HEARING

22. Adopted Resolution Nos. 2011-57 and 2011-58 to accept modifications to Local Coastal Program Amendment No. 1-10 approved by the California Coastal Commission and amended the Local Coastal Program accordingly (Downtown Specific Plan Update).

Councilmember Bohr stated that he was exercising an abundance of caution given his prior association with the Downtown Specific Plan, recused himself, left the dais and the Chamber for the remainder of the item.

City Manager Wilson read the description of Agenda Item No. 22, and deferred to Associate Planner Jennifer Villasenor.

Associate Planner Villasenor provided a PowerPoint presentation including slides titled: Background, DTSP Update, Coastal Commission Action, Analysis: Parking, Analysis: Visitor-Serving Commercial Overlay, and Analysis: Public Access, and Recommendation. Associate Planner Villasenor stated that staff recommends acceptance of the Coastal Commission's approved modifications.

Mayor Carchio opened the Public Hearing.

Richard Plummer, a spokesperson for Huntington Beach Neighbors, spoke in opposition to the forfeiture of the grandfathered curfews which Huntington Beach adopted prior to the establishment of the California Coastal Commission.

With no one else wishing to be heard, Mayor Carchio closed the Public Hearing.

Councilmember Boardman, City Attorney McGrath and Assistant City Attorney Field discussed the California Coastal Commission's authority regarding the establishment of curfews.

Councilmember Boardman and Associate Planner Villasenor discussed the California Coastal Commission's authority regarding the establishment of parking fees, times and the definition of Visitor-Serving commercial businesses.

In response to Councilmember Shaw's query, Police Chief Small stated that the cost of providing 24-hour patrolling of the beach areas would require further analysis.

Councilmember Shaw and Associate Planner Villasenor discussed the extent of the definition of Visitor-Serving commercial businesses.

Councilmember Dwyer and Mayor Pro Tem Hansen opined that local public safety issues (for example, curfews) were probably not at risk with the California Coastal Commission.

Councilmembers Boardman and Shaw stated the reasons why they oppose Agenda Item No. 22.

A motion was made by Dwyer, second Hansen to adopt **Resolution No. 2011-57**, "A Resolution of the City Council of the City of Huntington Beach which acknowledges receipt of the Coastal Commission action and accepts and agrees to Local Coastal Program Amendment No. 1-10 as Modified;" and, adopt **Resolution No. 2011-58**, "A Resolution of the City Council of the City of Huntington Beach amending Specific Plan No. 5 - Downtown Specific Plan and the Coastal Element of the General Plan to conform to LCP Amendment No. 1-10 made by the California Coastal Commission." The motion carried by the following roll call vote:

AYES:	Harper, Hansen, Carchio, and Dwyer
NOES:	Shaw, and Boardman
ABSTAIN:	Bohr

AGENDA ITEM NO. 25 WAS CONSIDERED OUT OF ITS ORIGINAL AGENDA ORDER

A motion was made by Boardman, second Shaw to consider Agenda Item No. 25 before Agenda Item No. 23. The motion carried by the following roll call vote:

AYES: Shaw, Bohr, Dwyer, and Boardman
NOES: Harper, Hansen, and Carchio

COUNCILMEMBER ITEMS

- 25. Submitted by Councilmembers Boardman, Dwyer and Shaw – Approved as amended a request to develop an ordinance that requires stores located in the City of Huntington Beach to replace single-use plastic shopping bags with reusable bags.**

Councilmember Dwyer provided a PowerPoint presentation entitled *Proposed Plastic Bag Ordinance*. He noted that the proposed ordinance does not completely ban the use of plastic bags for such items as vegetables and meats, dog excrement, and so forth, but does propose to impose a fee of 10 cents per paper bag to be collected by stores to partially offset their costs.

Councilmember Boardman spoke regarding the ongoing litter removal costs caused by discarded plastic bags, and the ecological harm caused by disintegrated plastic bags at sea.

Councilmember Harper stated his concern that the adoption of the ordinance may be premature relative to the surrounding communities, and that Huntington Beach does not stand alone when it comes to controlling the litter and water pollution caused by discarded plastic bags.

Mayor Pro Tem Hansen opined that Councilmember Harper's statements are relevant, and further opined that a business-driven solution, as suggested by Ms. Catherine Johnson during the Public Comments period, would be his choice.

Councilmember Bohr stated that he generally agreed with the concept of the ordinance, but felt that further studies, reviews and findings were needed.

Councilmember Shaw spoke in support of the proposed ordinance.

A discussion ensued amongst Council members regarding the contents of the proposed ordinance (for example, an educational component, an outreach program, an implementation timeline, and so forth).

Mayor Carchio stated that he generally agreed with the concept of the proposed ordinance, but also stated that he felt it was premature to adopt it as it currently exists.

The City Attorney stated that City staff needs specific guidance from the Council regarding the development of the ordinance.

A motion was made by Dwyer, second Boardman to direct City staff to develop an ordinance to require that stores located in the City of Huntington Beach replace single use plastic shopping

bags with reusable bags, where "reusable bag" means a bag that can be used 125 times or more, **as amended to utilize the Long Beach City Ordinance banning the use of plastic bags as a basis, and direct staff to work with Rainbow's Educational Committee, the Huntington Beach Environmental Board, et al, to design a plan for an outreach program, an educational component, and an implementation timeframe that allows the affected stores to liquidate their existing stock of plastic bags.**

A substitute motion was made by Hansen, second Carchio to table consideration of Agenda Item No. 25 to a date uncertain (that is, until the advocates return with an educational plan and funding streams). The substitute motion failed by the following roll call vote:

AYES: Harper, Hansen, and Carchio
NOES: Shaw, Bohr, Dwyer, and Boardman

A discussion ensued amongst Council members regarding the time frame (measured in months) during which the ordinance can be developed by City staff.

The original motion as amended carried by the following roll call vote:

AYES: Shaw, Bohr, Dwyer, and Boardman
NOES: Harper, Hansen, and Carchio

ADMINISTRATIVE ITEMS

23. Approved Revised Inclusionary Housing Program Regulations.

The City Manager reviewed the history of Agenda Item No. 23, and deferred to Kathy Head, Managing Principal of the Los Angeles Office of Keyser Marston Associates, Inc.

Ms. Head provided a PowerPoint presentation entitled *Affordable Ownership Housing Regulations* including slides titled: Regulations, Affordability Period, Enforcement Documents, Applicability of Changes to the Regulations, Prospective Home Buyer List, Pricing Issues, Gift Funds & Down Payments, Cash Out on Refinancing, Hardship Provision, Inheritance, and Enforcement Measures.

Councilmember Dwyer spoke in opposition to Agenda Item No 23.

Mayor Pro Tem Hansen and Mayor Carchio spoke in support of Agenda Item No. 23.

A motion was made by Hansen, second Bohr to approve *Affordable Ownership Housing Regulations - Developer Requirements*; and, approve *Affordable Ownership Housing Regulations - Home Owner Requirements*; and, ~~approve Affordable Rental Housing Regulations~~ **as amended by late communication received from Director of Economic Development Stanley Smalewitz to remove consideration of Affordable Rental Housing Regulations.** The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: Dwyer

24. Denied the implementation and funding for the temporary conversion of the first block of Main Street from two-way to one-way street.

City Manager Wilson read the description of Agenda Item No. 24, and deferred to Transportation Manager Bob Stachelski. Transportation Manager Stachelski provided a PowerPoint presentation entitled *Downtown Circulation Concept* including slides titled: Main Street One-Way Concept, 1st Block Existing, 1st Block 1-Way, Anticipated Benefits, Disadvantages, Current Status, Proposed Temporary Conversion Schedule, Potential Permanent Conversion Process, Council Actions/Next Steps, and Questions & Comments.

Councilmember Shaw and Transportation Manager Stachelski discussed the potential congestion problems (and potential solutions) associated with left and right turns onto Walnut Street if Main Street comprises two one-way northbound lanes.

Councilmember Harper stated his skepticism regarding the benefits of the program.

Councilmember Bohr opined that the program is worth "a college try."

Councilmember Dwyer stated that he shares Councilmember Shaw's concerns regarding the intersection of Main and Walnut Streets if Main Street comprises two one-way northbound lanes.

Councilmember Boardman stated her concerns regarding the timing of the trial period, and suggested that sometime after Labor Day might be more appropriate.

Mayor Pro Tem Hansen opined that the experiment needs to be conducted as designed and scheduled.

Mayor Carchio opined that the program will not work because the true problem is pedestrian traffic (versus motorized traffic) at Walnut and Main, which is not addressed by the program.

A motion was made by Hansen, second Bohr to approve the temporary conversion of the first block of Main Street to one-way, approve the funding of the temporary conversion, and to conduct studies to analyze the temporary conversion traffic conditions, ***as amended to limit the temporary conversion to five (5) weeks, and to authorize the City Manager to cancel the temporary conversion at any time if necessary.*** The motion failed by the following roll call vote:

AYES: Hansen, Bohr, and Dwyer
NOES: Shaw, Harper, Carchio, and Boardman

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Councilmembers Dwyer, Harper, Bohr, Boardman, Shaw, and Mayor Carchio.

ADJOURNMENT

At 10:58 PM, Mayor Carchio adjourned the meeting to a Special Meeting on Monday, August 22, 2011, at 4:00 PM in the Council Chambers and Closed Session on the 4TH Floor Administration Conference Room #2, 2000 Main Street, Huntington Beach, California, 92648.



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

ATTEST:


City Clerk, Clerk, Agency Clerk, Secretary
Mayor-Chair