

**Minutes**  
**City Council/Public Financing Authority and the Special Meetings of the Housing Authority, Parking Authority, Civic Improvement Corp., and Successor Agency to the former Redevelopment Agency of the City of Huntington Beach**

**Monday, December 17, 2012**  
**4:00 PM – Closed Session**  
**6:00 PM – Regular Session**  
**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 is archived at [www.surfcity-hb.org/government/agengas/](http://www.surfcity-hb.org/government/agengas/)**

**4:00 PM - Council Chambers - Closed Session**  
**6:00 PM - Council Chambers - Regular Business Meeting**

**CALL TO ORDER – 4:00 PM**

**ROLL CALL**

**PRESENT:** Sullivan, Hardy (arrived at 4:07 PM), Harper, Boardman, Carchio, Shaw, and Katapodis  
**ABSENT:** None

**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 following distribution of the City Council agenda packet:

Communication for Closed Session Item No. 9 – Pacific Mobile Home Park

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

**RECESS TO CLOSED SESSION – 4:02 PM**

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

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

## CLOSED SESSION

1. Pursuant to Government Code § 54956.9(c), based on existing facts and circumstances, the City Council recessed into closed session to decide whether to initiate litigation. The number of potential cases is one (1).
2. Pursuant to Government Code § 54956.9(b) (3) (A), the City Council recessed into closed session to confer with the City Attorney regarding the following: Whether based on the facts or circumstances of a recent transactional occurrence the City may initiate litigation. The facts or circumstances are not specified because they are unknown to the potential plaintiffs.
3. 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.
4. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding John Doe v. City of Costa Mesa, et al., United States District Court Case No. SACV12-1665, which challenges the constitutionality of City Ordinance No. 3926 prohibiting entry of registered sex offenders into City parks.
5. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuits: Anita J. Newman v. City of Huntington Beach, Orange County Superior Court Case No. 30-2010-00405526. In this case, a bicyclist claims she was hit by a parking control gate near the Huntington Beach Lifeguard Headquarters.
6. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuits: Glorianna Casados v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00509863. In this case, Plaintiff claims she tripped on sidewalk on Hamilton Avenue east of Brookhurst Street.
7. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuits: J.S. Stadium v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00463995. In this case, the owners of Huntington Shorecliffs Mobile Home Park claim flooding damages allegedly caused by City's storm water drainage system.
8. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Mohoff/Anderson v. City of Huntington Beach, et al. Orange County Superior Court Case No. 30-2012 00541748. In this case, Police responded to Plaintiffs' residence on a neighbor's complaint of reckless driving. Police attempted to issue a citation for violation of noise ordinance. Plaintiffs resisted and were arrested.
9. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, Court

of Appeal Case No. G047060, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for rent mobile home park of 252 units for ownership purposes.

#### **6:00 PM – COUNCIL CHAMBERS**

#### **RECONVENE MEETING – 6:00 PM**

#### **CALL TO ORDER THE REGULAR MEETING OF THE CITY COUNCIL/PUBLIC FINANCING AUTHORITY AND THE SPECIAL MEETINGS OF THE HUNTINGTON BEACH HOUSING AUTHORITY, PARKING AUTHORITY, CIVIC IMPROVEMENT CORPORATION AND THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH**

Mayor Boardman acknowledged the recent tragedy in Newtown, Connecticut and noted that as the City's business is conducted, the families affected by the tragedy will be kept in hearts, minds, thoughts and prayers. She asked for a moment of silence in sympathy for those who lost loved ones.

#### **CLOSED SESSION REPORT BY CITY ATTORNEY**

City Attorney Jennifer McGrath reported that on Monday, November 19, 2012, the City Council convened in closed session to discuss the matter of *Pacific Mobile Home Park, LLC v. City of Huntington Beach*, Orange County Superior Court Case No. 20-2011-00497684, Court of Appeal Case No. G047060, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for-rent mobile home park of 252 units for ownership purposes.

By a vote of 6–1 (Harper-no), the Council voted in closed session to file an appeal the December 10, 2012 Order barring reconsideration of the subdivision, and seek an Order from the Court of Appeal authorizing the City to proceed with the reconsideration.

#### **ROLL CALL**

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

**PLEDGE OF ALLEGIANCE** – Boy Scouts Troop 506, Dens 3, 5 and 2.

**INVOCATION** - Reverend Allison English with the Huntington Beach Interfaith Council presented the invocation.

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**

Mayor's Award - Mayor Boardman called on Fire Chief Patrick McIntosh to present the Mayor's Award to Fire Training Maintenance Technician Al Marland.

Fire Chief Patrick McIntosh commented on Mr. Marland's dedication and service and listed his accomplishments.

Mr. Marland thanked his family, colleagues and the American Legion for the honor received.

Mayor Boardman called on Commander Bob Davis from the American Legion to present a certificate to Mr. Marland in recognition of his service and efforts. He acknowledged Mr. Marland's service to the City and the Country.

### **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 following distribution of the City Council agenda packet:

#### Consent Calendar

#22. Communication received from Lori Ann Farrell, Director of Finance, dated December 17, 2012, submitting a revised Exhibit A.

#25. Communication received from Michele Warren, Director of Human Resources, dated December 17, 2012, submitting the fully executed Municipal Employees' Association (MEA) Side Letter.

#34. Communication received from HK & C, dated December 17, 2012, regarding Pacific Mobile Home Park.

#### Councilmember Items

#38. Communication received from Mary Urashima, dated December 17, 2012, supporting the nomination of the Huntington Beach Public Library in Triangle Park to the National Register of Historic Places.

### **PUBLIC COMMENTS (3 Minute Time Limit)**

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

Mayor Boardman opened the Public Comments section of the meeting and invited those interested in addressing Council to do so at this time.

Jim Hodson, Pacific Mobile Home Park Co-owner, commented on Council's actions causing problems in the past and presently. He addressed families impacted and noted that residents were in favor of the Tract Map and want to have the right to buy the land that they currently rent. He addressed mounting legal expenses and costs and wondered why the City insists on defying court orders. He reported their endeavor to sell the park, but because of current litigation, had to get out of escrow, which has increased costs. He deferred to their attorney. (00:14:26)

Mark Alpert, Attorney representing owners Pacific Mobile Home Park, expressed concerns with

the circumstances and reported that filing an appeal does not make a court order go away. He referenced a court order indicating that Council's previous vote on the item was legally invalid and that Council cannot reconsider the application. He felt that the actions planned under the Consent Calendar of the current agenda are in violation of a court order and exposing the City to millions of dollars in damages. He expressed concerns that the staff report does not mention the court order. (00:16:30)

Fred Provencher, Chair of Huntington Beach Reads One Book, commented on the organization's program and provided copies of this year's book, Thirteen Reasons Why. He thanked the City for its support of the program as well as support of the library. (00:19:46)

David Rice, President of HB Neighbors commented on the organization's mission. He reported submitting a nomination to the National Register of Historic Places for the Huntington Beach Library in Triangle Park. He noted having provided copies of the nomination to Council and urged that Council send a letter in support of the nomination. He acknowledged the work of volunteers who helped with the nomination and residents who signed a petition and provided background. (00:20:29)

Gina Gleason spoke in support of adopting a social hosting ordinance for the City, expressed concerns with the use of alcohol by the City's teenagers and listed related statistics regarding the problem. She encouraged Council to make penalties for social hosting more punitive. (00:23:19)

Shareen Walter, Huntington Beach High School PTSA, spoke in favor of adopting a social hosting ordinance for the City. She addressed the consequences of underage drinking and encouraged Council to look into the issue. (00:25:21)

John Briscoe spoke on the issue of child safety and urged Council to consider giving direction to staff to do the right thing by addressing the issue of safe school-route mapping for the residents of the City as required by the State for all City schools. (00:27:40)

In response to an inquiry from Councilmember Carchio, Public Works Director Travis Hopkins reported that the City has been in contact with the school districts and that they are willing to work with the City on this matter. He added that the school districts have not asked the City to address the matter. Councilmember Carchio requested that staff contact all of the Huntington Beach School Districts in this regard.

There being no others wishing to address Council, Mayor Boardman closed the Public Comments portion of the meeting.

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

Mayor Pro Tem Harper reported attending the last meeting of the Southern California Association of Governments (SCAG) and reported he will be providing additional comments later on the agenda.

Councilmember Katapodis announced the appointment of Rob Sternberg to the Investment Advisory Board and Ed Pinchiff to the Planning Commission.

Councilmember Carchio reported that he was selected to be the Vice Chair of LAFCO at its recent meeting.

Councilmember Sullivan announced the appointment of Robert Dingwall to the Planning Commission.

10. City Council Appointments to Outside Boards

Mayor Boardman reported the recent preparation of a Boards and Commissions appointment list and noted the need to amend it by removing Councilmember Sullivan from the Orange County Coastal Coalition due to scheduling conflicts. She noted that she will appoint another Councilmember to that agency. In addition, she reported that Councilmember Hardy has expressed interest in participating on the Intergovernmental Relations Committee (IRC) and will be doing so in lieu of Mayor Boardman.

Discussion followed regarding clarification of an Ad Hoc Committee and the proper process for appointment to that Committee.

A motion was made by Mayor Boardman, seconded by Mayor Pro Tem Harper to approve the Boards and Commissions Appointments List as amended by Mayor Boardman. (The City Clerk certifies that FPPC Form 806 "Agency Report of Public Official Appointments" which is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district and joint powers agency or authority was posted to the City's website according to law prior to this vote.)

The motion as amended carried with the following vote:

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

**CITY MANAGER'S REPORT - None**

**CONSENT CALENDAR**

Councilmember Sullivan requested removal of Item No. 22 from the Consent Calendar for separate discussion and consideration.

Councilmember Hardy requested removal of Item No. 26 (B) from the Consent Calendar for separate discussion and consideration.

Mayor Pro Tem Harper requested removal of Item No. 34 from the Consent Calendar for separate discussion and consideration.

11. Approved and adopted minutes

A motion was made by Carchio, second Sullivan to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting of December 3, 2012, as written and on file in the Office of the City Clerk.

The motion carried with the following vote:

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

12. Received and filed the Maddy Act Local Appointments List - 2013 (terms on City boards, commissions, and committees which expire in 2013). This list informs the public of openings and vacancies based on expiration of current members' terms.

A motion was made by Carchio, second Sullivan to receive and file the Maddy Act Local Appointments List – 2013 showing vacancies which will occur on City boards, commissions and committees in the year 2013, and direct the City Clerk to post the list at official posting locations (Civic Center, Huntington Central Library, Main Street Library). Copies of the Maddy Act Local Appointments List – 2013 will also be posted at all branch libraries, and on the City's website.

The motion carried with the following vote:

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

13. Received and filed the City Treasurer's October 2012 Investment Summary Report

A motion was made by Carchio, second Sullivan to receive and file the Monthly Investment Report for October 2012, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

The motion carried with the following vote:

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

14. Received and filed the Investment Advisory Board Annual Report for Fiscal Year 2011-2012

A motion was made by Carchio, second Sullivan to receive and file the "City of Huntington Beach Investment Advisory Board (IAB) Annual Report to the City Council for the Period October 1, 2011 to September 30, 2012" for the Fiscal Year 2011-2012.

The motion carried with the following vote:

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

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

A motion was made by Carchio, second Sullivan to receive and file the updated status of the Six-Month Strategic Objectives.

The motion carried with the following vote:

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

16. Approved the appointments of Elsa Davis and Don Maclean to the Environmental Board.

A motion was made by Carchio, second Sullivan to approve the appointments to the Environmental Board. Elsa Davis for a first term to expire June 30, 2013, and Don Maclean for a first term to expire June 30, 2015, as recommended by City Council liaisons.

The motion carried with the following vote:

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

17. Approved appointments to the Historic Resources Board (HRB)

A motion was made by Carchio, second Sullivan to approve the appointments of Ann Minnie and David Wentworth Sr. to a first term on the Historic Resources Board expiring June 30, 2015.

The motion carried with the following vote:

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

18. Approved appointment to the Oversight Board of the Successor Agency of the former City of Huntington Beach Redevelopment Agency

A motion was made by Carchio, second Sullivan to approve the appointment of the City of Huntington Beach's Mayor, Connie Boardman, to the Oversight Board.

The motion carried with the following vote:

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

19. Accepted donation from The Friends of the Huntington Beach Children's Library and approved appropriation of \$30,000 for books and materials

A motion was made by Carchio, second Sullivan to accept and approve budget appropriation for donation received in the amount of \$30,000 into account 10350103.64455 Children's donation books -- from the Friends of the Children's Library for books and materials.

The motion carried with the following vote:

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

20. Approved and accepted a California State Library Literacy Grant in the amount of \$37,577 and a donation from The Friends of the Huntington Beach Public Library in the amount of \$96,000.

A motion was made by Carchio, second Sullivan to approve and accept grant award in the amount of \$37,577 for the Huntington Beach Public Library Literacy program to support services to learners and tutors, and to allocate the grant funds to account 98550602.52000 -- State Literacy Grant 12/13 temporary salaries; and, approve budget appropriation for donation received in the amount of \$96,000 from the Friends of the Library for books and media materials, and authorize the Finance Department to allocate the funds to the following Library donation accounts, \$80,000 to the Adult Donations Books business unit 10350102.64455 and \$16,000 to the Adult donations subscriptions unit 10350102.64470.

The motion carried with the following vote:

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

21. Adopted Resolution No. 2012-97 to increase appropriations in the FY 2012/13 Budget for the continuation of Capital Improvement Program Projects from FY 2011/12 to FY 2012/13

A motion was made by Carchio, second Sullivan to adopt Resolution No. 2012-97, "A Resolution of the City Council of the City of Huntington Beach Amending the Fiscal Year 2012/13 Budget To Carry Over Unspent Appropriations From Fiscal Year 2011/12," which incorporates and references the continuation of funding. Exhibit A lists individual capital improvement projects and their respective Funds totaling \$18,429,590.

The motion carried with the following vote:

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

22. Approved Fiscal Year 2011-12 Year End Budget Adjustments as amended by Supplemental Communication

Councilmember Sullivan pulled this item from the Consent Calendar for separate discussion and consideration.

Councilmember Sullivan emphasized the need for serious pension reform noting that the current system is unsustainable. He commented positively regarding the work performed by City staff but expressed concerns regarding union actions, specifically related to the retiree supplemental plan. He provided a brief background and highlighted increases in the City's unfunded liabilities. He expressed concerns with 1% of City employees receiving "outrageous" benefits and stressed the need for real pension reform in the City.

Mayor Pro Tem Harper addressed a transfer of funds for the Vans Off-the-Wall Skate Park project and commented positively on the inclusion of the High School District contribution for the project as well as the public/private partnership.

In response to Mayor Boardman's inquiry regarding variances between projected and actual expenditures and revenues, City Manager Fred Wilson reported that final calculations have not yet been finished but indicated that without final audits the City is at approximately a 1% variance.

Finance Director Lori Ann Farrell addressed factors determining funding needs for the supplemental retirement fund noting that the yearly actuarial evaluation is conducted by an outside firm (Bartell and Associates) and that a number of different variables are considered including the current number of participants, retirees actually receiving the benefit, employees eligible to receive the benefit, the market value of the assets in the plan and the discount rate assumption as to how much the asset will earn every year. She stated actions which will allow the City a better footing going forward.

Mayor Boardman addressed the expenses related to the EIR for the Skate Park and wondered regarding the appropriateness of using the \$60,000 that the School District gave the City to use toward a new skate park. City Manager Wilson explained that the item has been amended to include appropriation of those funds.

Councilmember Carchio indicated that he thought the contribution was for \$75,000. City Manager Wilson stated that the City and School District agreed to reimburse \$60,000 for the EIR and that the remaining \$15,000 was used for the soils report for the same project.

A motion was made by Sullivan, second Carchio to approve year-end adjustments to the Fiscal Year 2011-12 Budget in the Funds and by the amounts contained in the ***amended Exhibit A provided in Supplemental Communications.***

The motion carried with the following vote:

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

23. Adopted Resolution No. 2012-94 authorizing certain City Officials to execute applications and related documents to obtain Emergency Management and Homeland Security Grants

A motion was made by Carchio, second Sullivan to adopt Resolution No. 2012-94, "A Resolution of the City Council of the City of Huntington Beach Authorizing Certain City Officials to Execute Grant Applications and Documents."

The motion carried with the following vote:

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

24. Adopted Resolution No. 2012-85 amending the City Classification Plan by adding the Job Classification of Fire Marshal

A motion was made by Carchio, second Sullivan to adopt Resolution 2012-85, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Classification of Assistant Fire Marshal and Establishing the Compensation."

The motion carried with the following vote:

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

25. Adopted Resolution No. 2012-86 amending the City Classification Plan and the Memorandum of Understanding between the City and the Municipal Employees' Association (MEA) by adopting a Side Letter of Agreement deleting 16 job classifications

A motion was made by Carchio, second Sullivan to adopt Resolution No. 2012-86, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan and the Memorandum of Understanding Between the City and the Municipal Employees' Association (MEA) by Adopting the Side Letter of Agreement."

The motion carried with the following vote:

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

26. Approved title change from Deputy City Manager to Assistant City Manager and the modified Non-Represented Employees Resolution No. 2012-95 setting the compensation for the position of Assistant City Manager

A motion was made by Carchio, second Sullivan to approve the re-titled job description of Deputy City Manager to Assistant City Manager.

The motion carried with the following vote:

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

Councilmember Hardy pulled (B) under this item from the Consent Calendar for separate discussion and consideration.

Councilmember Hardy felt that it is time to rethink the organization of the Community Services Department prior to hiring a new director; however, she requested taking addition time to research the matter and suggested postponing it to the Council Strategic Planning meeting of January 25, 2013. She felt this would be a good opportunity to study the best options for organization of the department.

An amended motion was made by Hardy, second Shaw to adopt Resolution No. 2012-95, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees" amended to set the compensation range for the Assistant City Manager and postpone action on the Director of Community Services position and it's compensation until after the Strategic Planning Meeting is held in January and further discussion is held that could affect recruitment and compensation.

The motion as amended carried with the following vote:

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

27. Adopted Resolution Nos. 2012-87 through 2012-93 requesting authorization by the City and approval from Caltrans for temporary closure of streets for certain special events in 2013

A motion was made by Carchio, second Sullivan to adopt Resolution No. 2012-87, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events;" and, adopt Resolution No. 2012-88, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway and Certain Ingress and Egress for the Surf City USA Marathon Run;" and, adopt Resolution No. 2012-89, "A Resolution of the City Council of the City of Huntington Beach Approving the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Huntington Street, Twin Dolphin Drive, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, Main Street, Walnut Avenue and Central Park Drive for the Surf City USA Marathon Run;" and, adopt Resolution No. 2012-90, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve The Closing of Pacific Coast Highway and Certain Ingress and Egress Within The City Of Huntington Beach for the Annual Surf City Beach Derby Run;" and, adopt Resolution No. 2012-91, "A Resolution Of The City Council Of The City Of Huntington Beach Approving The Temporary Closure Of Portions Of Goldenwest Street, Garfield Avenue, Seapoint Avenue, Overlook Drive, Main Street, First Street and Huntington Street For The Annual Surf City Beach Derby Run;" and, adopt Resolution No. 2012-92, "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade and Fireworks;" and, adopt Resolution No. 2012-93, "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closures for the Fourth of July."

The motion carried with the following vote:

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

28. Approved and authorized execution of an agreement with Premier Girls' Fastpitch to conduct a championship tournament in Huntington Beach

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

The motion carried with the following vote:

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

29. Approved and authorized execution of a License Agreement between the City and Subhash and Sushila Patel, dba One Fine Blend for the operation of a snack bar concession in the Central Library

A motion was made by Carchio, second Sullivan to approve and authorize the Mayor and City Clerk to execute the "Non-Exclusive License Agreement Between the City of Huntington Beach and Subhash and Sushila Patel, Individuals Doing Business As One Fine Blend."

The motion carried with the following vote:

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

30. Approved and authorized execution of Amendment No. 2 to Legal Services Agreement with Gibbs, Giden, Locher, Turner & Senet; and, authorized the City Attorney to approve the October 17, 2011 Fee Agreement

A motion was made by Carchio, second Sullivan to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Professional Services Contract Between the City of Huntington Beach and Gibbs, Giden, Locher, Turner & Senet to Provide As-Needed Legal Services;" and, approve and authorize the City Attorney to approve the October 17, 2011, Fee Agreement with Gibbs, Giden, Locher, Turner & Senet.

The motion carried with the following vote:

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

31. Approved and authorized execution of a Cooperative Agreement with the Orange County Transportation Authority (OCTA) and the cities of Santa Ana, Fountain Valley and Westminster for a Traffic Signal Synchronization Project along Edinger Avenue

A motion was made by Carchio, second Sullivan to approve and authorize the Mayor and City Clerk to execute "Cooperative Agreement No. C-2-2030 By and Between Orange County Transportation Authority and the Cities of Santa Ana, Fountain Valley, Huntington Beach and Westminster for Implementation of the Edinger Avenue Traffic Signal Synchronization Project Funded as Part of the Measure M2 Regional Traffic Signal Synchronization Program (Project P)."

The motion carried with the following vote:

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

32. Approved and authorized execution of a contract amendment with Pacific Shoreline Marathon, LLC to conduct the annual Surf City USA Marathon

A motion was made by Carchio, second Sullivan to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Agreement Between the City of Huntington Beach and Pacific Shoreline Marathon, LLC to Provide the Surf City USA Marathon in Huntington Beach."

The motion carried with the following vote:

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

NOES: None

33. Received and filed 2013 Commercial Refuse Rates

A motion was made by Carchio, second Sullivan to receive and file the rate sheet for Commercial Solid Waste collection and disposal service effective January 1, 2013.

The motion carried with the following vote:

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

34. Affirmed vote taken on December 3, 2012 regarding Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 (Pacific Mobile Home Park)

Mayor Pro Tem Harper pulled this item from the Consent Calendar for separate discussion and consideration.

Mayor Pro Tem Harper expressed concerns that the property owner is seeking to sub-divide their property and reported that he will be voting against the recommended actions as proposed.

Councilmember Carchio inquired regarding the court order referenced by a previous speaker.

City Attorney Jennifer McGrath noted that the item is not a motion for reconsideration but rather affirmation of Council's previous vote as a potential cure, if in fact the court finds that there was a Brown Act violation. She stated that no court order is being violated but rather Council is affirming its previous decision.

A motion was made by Hardy, second Boardman to affirm vote taken on December 3, 2012 regarding Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 (Pacific Mobile Home Park Subdivision - Conversion from Resident Rental to Ownership).

The motion carried with the following vote:

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

35. Adopted Resolution No. 2012-96 setting forth Terms and Conditions of California Public Employees Retirement System (CalPERS) Benefits in Compliance with Requirement of the Public Employees' Pension Reform Act (PEPRA) for new Non-Associated Employees

A motion was made by Carchio, second Sullivan to adopt Resolution No. 2012-96, "A Resolution of the City Council of the City of Huntington Beach Setting Forth Terms and Conditions of California Public Employees' Retirement System (CalPERS) Benefits in Compliance with Requirement of the Public Employees' Pension Reform Act (PEPRA) for New Non-Associated Employees."

The motion carried with the following vote:

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

#### **ADMINISTRATIVE PUBLIC HEARING**

36. Adopted Resolution No. 2012-84 authorizing the enforcement of California Vehicle Code Provisions on a private street, Terranova Circle, in the Seaside Terrace residential community

Transportation Manager Bob Stachelski presented details of the report noting the matter was requested by the homeowners' association. He addressed location, requirements of the Vehicle Code, review and support by the Police Department.

Mayor Pro Tem Harper wondered regarding other locations within the City with similar situations. Mr. Stachelski reported that there are other similar situations in the City and clarified that the Police Department will not provide regular patrol but the Resolution will allow the Police to respond to requests regarding specific issues.

Police Chief Kenneth Small added that the subject community is small compared with others and that their issue of concern regards parking enforcement and that any fines will become City revenue.

Discussion followed regarding the HOA's responsibilities regarding community security and Chief Small indicated that many HOA's have adopted similar resolutions and that oftentimes matters create hard feelings among neighbors if left up to them to resolve issues.

Mayor Boardman opened the Administrative Hearing. Interested parties were invited to address Council on this item. City Clerk Flynn noted there were no public speakers, nor supplemental communications regarding this item.

Mayor Boardman closed the Administrative Hearing.

Mayor Pro Tem Harper expressed concerns that this action will set precedence. He indicated he believes that it is not the function of the City to become involved in a gated neighborhood because there is no access to the public. He felt the HOA would have the ability to handle enforcement and security issues.

Councilmember Katapodis felt that the request is appropriate and that if it weren't a problem, the HOA would not be asking for help.

Councilmember Carchio acknowledged challenges with parking in gated communities and wondered regarding access to the community by the Police.

Police Chief Small reported that Department employees have keys for access into the gated communities. He noted they do not have a speeding problem but rather parking enforcement problems.

Discussion followed regarding having the HOA's hire their own patrol services without causing addition responsibilities or costs to the City.

Councilmember Sullivan commented on the matter noting that there is currently an under-staffed Police Department and expressed concerns with them taking on additional responsibilities.

In response to an inquiry from Councilmember Hardy, Chief Small addressed the estimated costs versus revenues. He stated that the Department has made it clear that they will not patrol the streets, but rather respond to specific situations.

Discussion followed regarding fines versus fees.

Mayor Pro Tem Hardy wondered if it is good policy for the City to be establishing this kind of an additional benefit for a private neighborhood that is not open to the general public. She noted that no one showed up in response to notice of the public hearing.

A motion was made by Hardy, second Shaw to adopt Resolution No. 2012-84, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Huntington Beach Police Department to Enforce California Vehicle Code Provisions on the Private Street in the Seaside Terrace Residential Community."

The motion carried with the following vote:

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

### **COUNCILMEMBER ITEMS**

37. Submitted by Mayor Boardman - Request for Council consideration to fix the start time for City Council Study Sessions to 4:30 PM

Mayor Boardman reported submitting the item and noted she would have a schedule conflict that would impact approximately ten meetings in the spring.

Councilmember Sullivan indicated that he would support the item if it doesn't create a problem.

Councilmember Hardy commented on possible options including the possibility of Council having to go back into Closed Session after Regular meetings.

Mayor Pro Tem Harper agreed with Councilmember Hardy's comments.

Discussion followed regarding coordinating schedules with the City Attorney's office.

Councilmember Carchio indicated support of the item.

A motion was made by Boardman, second Harper to direct staff to prepare a resolution that fixes the start time of City Council meetings to 4:30 PM for the Study Session portion of the meeting.

The motion carried with the following vote:

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

NOES: None

38. Submitted by Mayor Boardman and Councilmember Carchio - Letter of Support regarding the nomination of the Huntington Beach Public Library on Triangle Park to the National Register of Historic Places

Councilmember Carchio commented on the importance of this item and indicated his support.

In response to Mayor Pro Tem Harper's inquiry, staff reported that changes to the structure would be allowed but that the City would need to abide by the Office of Historic Preservation Guidelines.

A motion was made by Boardman, second Hardy to approve the drafting of a letter from the Mayor on behalf of the City Council in support for the nomination of the Huntington Beach Public Library on Triangle Park to the National Register of Historic Places.

The motion carried with the following vote:

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

NOES: None

39. Submitted by Councilmember Carchio - Direct City Attorney to draft a Social Host Ordinance similar to the cities of Irvine and Laguna Beach

Councilmember Carchio noted that there are twenty-eight states that have adopted Social Hosting ordinances. He addressed current State laws and noted the problems related to alcohol consumption by young people and the secondary effects of underage drinking. He urged Council to support the drafting of a Social Host Ordinance.

Mayor Pro Tem Harper stated it is unclear to him how the Ordinance would work in practice and wondered why the City should take the role rather than the State. He expressed concerns that this would be intrusive in terms of protecting peoples' privacy and felt that residents may not want to City to become involved.

Councilmember Hardy commented on distinctions between cultural traditions and underage drinking in other scenarios. She reported that she will have questions and additional concerns upon reviewing the Ordinance.

Councilmember Carchio reported that the Ordinance covers the various scenarios addressed by Councilmember Hardy and that he has read similar ordinances from surrounding cities. He stressed the importance of addressing the issue to protect the City's youth. He added that the Ordinance will serve to help the Police Department with enforcement.

Chief Small agreed that the Ordinance will facilitate enforcement and felt that some may change their behavior if the Ordinance is passed.

Mayor Pro Tem Harper noted this is a detailed issue with many things to consider and expressed concerns that the item will use City resources inefficiently. He suggested lobbying State legislators to address the issue and noted there are other matters where staff's time could be used more effectively.

Councilmember Katapodis commented on existing laws and wondered regarding enforcement.

Councilmember Sullivan wondered if there are other options to address the matter.

City Attorney McGrath suggested the possibility of setting a study session to discuss the item at an upcoming meeting. She reported that she will send links to Council Members of similar ordinances for their review.

Councilmember Shaw noted that there are many cities in California that have passed similar ordinances and indicated that he will support the item.

Mayor Boardman reported that she will support the motion.

Councilmember Carchio reported that the Ordinance is already written and that staff time will not be wasted and noted there are provisions in State law that are very broad and that more specific regulation will provide additional tools for the Police Department to further insure that responsible persons will not permit underage drinking in their home. He added that the parents of Huntington Beach are counting on Council to do the right thing.

A motion was made by Carchio, second Shaw to direct the City Attorney to draft a Social Host Ordinance similar to the cities of Irvine and Laguna Beach.

The motion carried with the following vote:

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

#### **COUNCILMEMBER COMMENTS (Not Agendized)**

Council Members Sullivan and Hardy expressed their wishes for a Merry Christmas.

Mayor Pro Tem Harper acknowledged comments made regarding OCTA actions regarding the 19th Street Bridge. He reported that the OCTA Board has removed the proposed Banning/19th Street Bridge from the Master Plan of Arterial Highways and reported that he will support that decision by the OCTA Board.

Councilmember Carchio reported receiving a final statement from the City Treasurer regarding the recent fundraiser for the victims of Sandy and announced that \$2,200 was raised and thanked those who donated. He stated the money will go to the Red Cross. He reported positively on a recent Gift-of-History event at Angel Stadium. He congratulated Bob Dettloff on being named Outstanding Citizen of the Year 2012 by the Huntington Beach Chamber of Commerce, and reported attending DGM Capital Christmas Luncheon and commented positively on Bella Terra. He attended the ground-breaking event of the Vans Off-the-Wall Skate Park and congratulated those involved. In addition, he attended the ACCOC Holiday Reception.

Councilmember Carchio read the names of those lost in the recent tragedy at Hook Elementary School in Newtown, Connecticut.

Councilmember Shaw congratulated Mayor Pro Tem Harper on his change of heart regarding the 19th Street Bridge. He reported attending the Friends of Shipley Nature Center ten-year celebration and commented positively on the event.

Councilmember Katapodis reported communicating with some of the residents at Sunset Beach and commended the City's Public Works Department for their work. He encouraged residents to shop Huntington Beach.

Mayor Boardman announced special Holiday closure hours for City Hall. She acknowledged the celebration of the Hanukah Festival of Lights and Christmas and wished everyone Happy Holidays and a Happy New Year. She thanked Planning Commissioners that have recently retired and assured residents that the Police Department continues to train members of the School District in regards to the recent tragedy at Hook Elementary School.

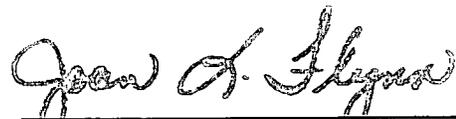
Mayor Boardman announced that a Special Meeting will be held on Wednesday, December 19, 2012 at 5:30 PM in the City Council Chambers.

**ADJOURNMENT OF THE REGULAR MEETING OF THE CITY COUNCIL/PUBLIC FINANCING AUTHORITY AND THE SPECIAL MEETINGS OF THE HUNTINGTON BEACH HOUSING AUTHORITY, PARKING AUTHORITY, CIVIC IMPROVEMENT CORPORATION AND THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH**

There being no further business to come before Council, Mayor Boardman adjourned the meeting at 7:50 PM.

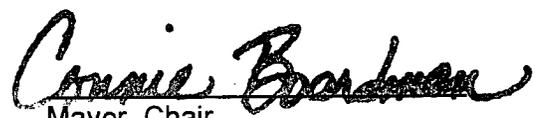
The City Council/Public Financing Authority regular meeting of January 7, 2013 has been cancelled (approved by Council October 1, 2012) due to the holiday closure.

The next regularly scheduled meeting is Tuesday, January 22, 2013, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



Clerk and ex-officio Clerk of the City Council, Housing Authority, and Successor Agency to the former Redevelopment Agency of the City of Huntington Beach, and Secretary of the Huntington Beach Public Finance Authority, Parking Authority, and Civic Improvement Corporation.

ATTEST:

  
\_\_\_\_\_  
City Clerk, Clerk, Secretary  
\_\_\_\_\_  
Mayor, Chair