

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

Monday, December 19, 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 - 4:02 PM

ROLL CALL

Present: Shaw, Harper (arrived at 4:03 PM), Hansen, 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 Flynn announced supplemental communications received by her office following distribution of the City Council agenda packet:

PowerPoint communication for Study Session Item No. 1 received from Travis Hopkins, Director of Public Works, entitled *Feasibility Study for the Formation of a Street Maintenance Assessment District*.

Communication for Study Session Item No. 2 received from Bob Hall, Deputy City Manager, entitled *Development Impact Fee Calculation and Nexus Report for the City of Huntington Beach, California*.

Communication for Study Session Item No. 2 received from Bob Hall, Deputy City Manager, entitled *Master Facilities Plan for the City of Huntington Beach, California*.

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

RECESS TO CLOSED SESSION ITEM NO. 6 ONLY - 4:05 PM

A motion was made by Bohr, second Harper to recess to Closed Session Item No. 6 only. The motion carried by the following roll call vote:

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

6. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding a potential lawsuit.

RECONVENED STUDY SESSION - 5:22 PM

STUDY SESSION

1. The Public Works Department presented findings related to the Street Assessment Feasibility Study, which analyzed options for providing alternative funding for the City's pavement rehabilitation program.

Travis Hopkins, Director of Public Works, introduced consultants Michael Whipple with Bucknam and Associates, and Tim McClarney, President of True North Research, Inc. Consultant Whipple provided a PowerPoint presentation entitled *Feasibility Study for the Formation of a Street Maintenance Assessment District*, with titled slides: Purpose and History, Background, Description of Services, Method of Apportionment, City and Sample Area Boundary, Funding Structure, Samples of Assessments, Formation of Assessment District, and Sample Districts.

Consultant McClarney continued the presentation with titled slides: Public Opinion Survey, About True North, Purpose of Survey, Packaging for Success, Proven Methodology, and Next Steps.

Mayor Pro Tem Dwyer and Director Hopkins discussed what total improvement costs would be inclusive of curb, gutter, sidewalk, streets, and trees.

Discussion ensued about varied costs.

Mayor Hansen discussed positive feedback from the public and feasibility of the study, offering Council consensus to proceed.

2. DUE TO TIME CONSTRAINTS, THE ITEM WAS CONTINUED BY CONSENSUS TO 5:00 PM ON JANUARY 9, 2012 SPECIAL MEETING - Revenue and Cost Specialist will present to the City Council a comprehensive Master Facilities plan of capital needs and acquisitions based upon the growth anticipated under the General Plan. A review of Development Impact Fees necessary to accommodate those needs will also be reviewed with the City Council.

RECESS TO CLOSED SESSION ITEMS 3-5 - 5:50 PM

A motion was made by Carchio, second Bohr to recess to Closed Session Items 3-5. The motion carried by the following roll call vote:

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

CLOSED SESSION

3. 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 Appeal Case Nos. 10-56877 and 10-56944, and related case T-Mobile West Corporation v. City of Huntington Beach ("T-Mobile II"), United State District Court Case No. CV10-1471 RGK, which involve T-Mobile's project to install antennas at Harbour View Park and Bolsa View Park.

4. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Hillcrest Contracting, Inc. v. City of Huntington Beach, et al., (consolidated with Griffin Dewatering Corp. v. Dorsey Dean Allison, et al., Orange County Superior Court Case No. 30-2010-00344707. In this case, Plaintiff (contractor) claims the City breached its contract for worked performed on the Newland Street Improvement Plan.

5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding MCP v. Vadnais, et al., Orange County Superior Court Case No. 30-2008 00113320. This lawsuit includes a City cross-complaint against Bureau Veritas concerning its failure to successfully design the Warner Avenue Gravity Sewer line, and defend the City against Vadnais' suit against the City.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING - 6:16 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - Assistant City Attorney Paul D'Alessandro reported that pursuant to Government Code Section No. 54957.1 sub part A2, the City Council has provided direction to intervene in an action, and the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Sunset Beach Community Association President Mike Von Voorhis

INVOCATION - Led by Charles Lung, First Church of Christ, Scientist

AWARDS AND PRESENTATIONS

Presentation - Mayor Hansen called on Judy Ann Morris, president of the Huntington Beach Council on Aging to present a check to the City for senior services.

Presentation - Mayor Hansen called on City Council Member Joe Shaw to assist in presenting a commendation to Huntington Beach Resident and owner of the Anaheim White House restaurant Bruno Serato, who was nominated for a CNN Hero Award for his generosity and kindness.

Mayor's Award - Mayor Hansen called on Police Chief Ken Small to present the Mayor's Award to Captain Chuck Thomas. Chief Small discussed Captain Thomas' accomplishments and his plans to retire from Police Department service.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

Communication for Council Committee – Appointments – Liaison Reports and AB 1234 Disclosures Item No. 1 received from Laurie Frymire, Community Relations Officer, replacing the Boards and Commissions Liaisons List reflecting the corrected title "2012 Council Liaison List."

Communication for Consent Item No. 8 received from Roger Savoie, dated December 17, 2011 (Atlanta Widening).

Communication for Public Hearing Item No. 27 received from William Vaughn, Jr., dated December 14, 2011 (Beach/Warner EIR).

Communications for Councilmember Item No. 30 received regarding the preparation of an ordinance permitting the sale and use of state-approved safe and sane fireworks from Virginia Aldridge, Diane Amendola, Mary Jo Baretich, Randy & Alison Barsh (2), Debbie Bent, Irene Briggs, Patricia Carroll, David Chiurazzi, Christi Ciabarra, Dave & Lori Courdy, Anthony De Peri, Phyllis Ernst, John Erskine, Blair Farley, Tim Geddes, Terry Glynn, Mireille Grey, Nicholas Grey, Richard Hart (3), Judith Hendler, Gene Hogan, Lee Hunter, Amy Kirkreit, Shelly M. Liberto, Francis Maywhort, James Melton, Rick Mitchell, Linda Sapiro Moon, Joe Motis, Kirk Nason, Bill & Elaine Parker, Burnel Patterson, Steve Peterson, JoEllen Pendergraft, Maria C. Ruhmel, Ken Smith, Patricia Sufficool, Tom Turner, Brian Vea, Linda Wickert, Erica Wilker, Nancy Wroblewski, Don Avila, Paul/Evelyn Bernadou, Julie Brokaw, Nancy Cathey, Bonnie Hayslette, and Julie Hildreth.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number following the speakers' comments reflect the approximate point in the archived video file located at <http://www.surfcity-hb.org/government/agendas>.)

Linda Moon spoke in opposition to Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:24:12)

Carol Ann Wall spoke in support of Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:27:26)

Mike Van Voorhis, President, Sunset Beach Community Association, spoke in opposition to Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:30:19)

Kaeden Kraft, Marina High School Aquatics Diving Coach, spoke in support of Agenda Item No.

30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:33:03)

Dr. Anthony Nobles spoke in support of Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:35:01)

Eric Kim, Brethren Christian High School Student, thanked Council for their service and spoke in support of banning plastic bag use in Huntington Beach. (00:37:17)

Jasmine Roque, Brethren Christian High School student, thanked Council for their service, and specifically Councilmember Bohr for a recent tour of the Civic Center. She also stated her appreciation for the Central Library and voiced concerns about parking in her neighborhood near Beach and Yorktown. (00:39:25)

Timothy Greenwood, Magnolia Street Productions, spoke to Council about his positive impression of the 4th of July Committee, and broadcasting the City's 4th of July Parade. (00:40:36)

John Kelly, representative of TNT, a safe and sane fireworks retailer, spoke in support of Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:43:20)

Natalie Specht, Brethren Christian High School student, thanked Council for their service and the opportunity to tour the Civic Center facility. (00:45:58)

Tom Burke, Sunset Beach resident, spoke in opposition to Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:46:33)

Katie Glarinic, Brethren Christian High School student, thanked Council for their service, stated her appreciation for the Central Library and City beach, and offered support for the ban of single-use plastic bags. (00:49:06)

Megan Rahman, Brethren Christian High School student, thanked Council for their service and voiced support for Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:49:45)

Katherine Jensen, Brethren Christian High School student, thanked Council for their recognition of service men in the 4th of July Parade, and on street banners citywide. (00:50:30)

Emily Lauren Frolich, Brethren Christian High School student, thanked Council for their service and discussed her appreciation for the City's beach, parks and libraries. (00:51:10)

Gary Pope spoke in opposition to Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach.) (00:51:55)

Hannah Foster, Brethren Christian High School student, thanked Council for their service and spoke in opposition to banning the use of plastic bags. (00:55:22)

John Briscoe, Board Member, Ocean View School District, voiced concerns about the OVSD Trustee's quarter billion dollar bond measure known as the *F-Pack* for school site improvements

without including a clause known as *The Best Work for the Best Price* clause designed to protect the taxpayer. (00:56:01)

Blair Farley spoke in opposition to Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (00:58:55)

Jeff Brandenburg, Phantom Fireworks Company, spoke in support of Agenda Item No. 30 (proposed ordinance to permit the sale of safe and sane fireworks in Huntington Beach). (01:01:49)

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

Mayor Pro Tem Dwyer discussed upcoming activities at the Huntington Beach Art Center downtown.

Councilmember Bohr submitted a written report that will be made available in the City Clerk's Office.

1. Approved appointments to City Boards/Commissions

A motion was made by Harper, second Bohr to approve the appointment of Mayor Pro Tem Dwyer to the Orange County Sanitation District (OCSD) (Alternate).

Mayor Pro Tem Dwyer announced an economic conflict involving receipt of compensation for his service to the OCSD, recused himself from the vote, and left the room.

The motion carried by the following roll call vote:

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

A motion was made by Bohr, second Dwyer to approve the appointment of Councilmember Carchio to the Orange County Sanitation District (OCSD), the Orange County Vector Control District (OCVCD), the Public Cable Television Authority (PCTA), and the West Orange County Water Board (WOCWB).

Councilmember Carchio announced an economic conflict involving receipt of compensation for his service to the OCSD, OCVCD, PCTA, and the WOCWB, recused himself from the vote, and left the room.

The motion carried by the following roll call vote:

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

A motion was made by Boardman, second Carchio to approve the appointment of Councilmember Bohr to the Public Cable Television Authority (PCTA).

Councilmember Bohr announced an economic conflict due to receipt of compensation for his service to PCTA, recused himself from the vote, and left the room.

The motion carried by the following roll call vote:

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

A motion was made by Boardman, second Carchio to approve the appointment of Councilmember Shaw to the West Orange County Water Board (WOCWB).

Councilmember Shaw announced an economic conflict due to receipt of compensation for his service to the WOCWB, recused himself from the vote, and left the room.

The motion carried by the following roll call vote:

AYES: Harper, Dwyer, Hansen, Carchio, and Boardman
NOES: None
ABSTAIN: Shaw
OUT OF ROOM: Bohr

A motion was made by Boardman, second Dwyer to approve the appointment of Councilmember Harper to the Southern California Association of Governments (SCAG) District 64 Delegate.

Councilmember Harper announced an economic conflict due to receipt of compensation for his service to SCAG, recused himself from the vote, and left the room.

The motion carried by the following roll call vote:

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

A motion was made by Carchio, second Boardman to approve the remainder of the Boards and Commissions List as presented by Mayor Hansen, **as amended by supplemental communication to correct the "List" date to 2012**. The motion carried by the following roll call vote:

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

CITY MANAGER'S REPORT

City Manager Fred Wilson announced that City Hall Offices and various offsite facilities will be closed during the holidays, including the Civic Center being closed from December 26, 2011 to January 2, 2012, and limited hours during that time period for the Central Library. For more information visit the City's website at www.huntingtonbeachca.gov.

CONSENT CALENDAR

2. Approved and adopted minutes

A motion was made by Bohr, second Boardman to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Regular Meeting of November 21, 2011, and the City Council/Redevelopment Agency/Public Financing Authority Regular Meeting of December 5, 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

3. Received and filed the updated status of the City of Huntington Beach Strategic Plan

A motion was made by Bohr, second Boardman to receive and file the updated status of the Six-month Strategic Objectives. The motion carried by the following roll call vote:

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

4. Adopted City Council Resolution No. 2011-98 and Redevelopment Agency Resolution No. 393 approving and adopting the Statement of Investment Policy for fiscal year 2011/2012

A motion was made by Bohr, second Boardman to CITY COUNCIL: Adopt Resolution No. 2011-98, "A Resolution of the City Council of the City of Huntington Beach Adopting the Statement of Investment Policy for 2011/2012."

REDEVELOPMENT AGENCY: Adopt Resolution No. 393, "A Resolution of the Redevelopment Agency of the City of Huntington Beach Adopting the Statement of Investment Policy for 2011/2012." The motion carried by the following roll call vote:

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

5. Received and Filed the City Treasurer's October 2011 Investment Summary Report

A motion was made by Bohr, second Boardman to Receive and File the Monthly Investment Report for October 2011, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

6. Received and filed City Clerk's Quarterly Reports listings of Professional Service Contracts filed in the City Clerk's office between January 1, 2011 and September 30, 2011

A motion was made by Bohr, second Boardman to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period of January 1,

2011 through March 31, 2011;" and, receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period of April 1, 2011 through June 30, 2011;" and, receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period of July 1, 2011 through September 30, 2011." The motion carried by the following roll call vote:

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

7. Approved appointments and reappointments to the Citizens Participation Advisory Board (CPAB)

A motion was made by Bohr, second Boardman to approve the appointments of Mark Bertler, Tjoan-Houw Lim, and Zach Newkirk to the CPAB for a four-year term that expires September 30, 2015, as recommended by City Council liaisons Boardman, Harper and Shaw; and, approve the reappointment of John Baley, Raisa Barkley, Whitney Graham, and Carol Kanode for an additional four-year term that expires on September 30, 2015, as recommended by City Council liaisons Boardman, Harper and Shaw. The motion carried by the following roll call vote:

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

8. Approved the Atlanta Avenue Widening Project Relocation Plan and Grievance Procedures (Continued from November 21, 2011)

A motion was made by Bohr, second Boardman to approve the Atlanta Avenue Widening Project Relocation Plan; and, approve the Relocation Grievance Procedures for the City of Huntington Beach. The motion carried by the following roll call vote:

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

9. Approved Sole Source Procurement with Equarius Waterworks for Automated Meter installation program

A motion was made by Bohr, second Boardman to approve Sole Source Procurement with Equarius Waterworks for Automated Meter Installation. The motion carried by the following roll call vote:

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

10. Approved Budget Revision for the State's Pay-to-Play Alternative Redevelopment Program, Budget Revision for the Affordable Housing Reimbursement Fund, and Repayment of Loan between the Redevelopment Agency Merged and Southeast Coastal Project Areas

A motion was made by Bohr, second Boardman to increase General Fund appropriations by \$6,234,136 to make the required pay-to-play payment to the State required by AB1X 27;

and, increase Affordable Housing Fund appropriations by \$34,000 to pay for legal and administrative costs incurred to administer and enforce regulations associated with the Housing program and certain development agreements; and, increase Southeast Coastal Project Area (Fund 409) appropriations by \$302,489 to repay loans from Merged Project Area (Fund 305). The motion carried by the following roll call vote:

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

11. Authorized the Director of Public Works to execute an Easement Deed to the Orange County Flood Control District for upgrading the existing drainage channel located near the 405 Freeway and Edinger Avenue

A motion was made by Bohr, second Boardman to approve and authorize the Director of Public Works to execute the "Easement Deed" from the City of Huntington Beach to the Orange County Flood Control District. The motion carried by the following roll call vote:

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

12. Adopted Resolution No. 2011-97 approving the Local Coastal Program Amendment No. 11-001 and forwarding ten (10) entitlements previously approved by the City Council to the California Coastal Commission requesting certification

A motion was made by Bohr, second Boardman to approve Local Coastal Program Amendment No. 11-001 by adopting Resolution No. 2011-97 (Attachment No. 1), "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 11-001 and Requesting its Certification by the California Coastal Commission." The motion carried by the following roll call vote:

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

13. Adopted Resolution No. 2011-92 approving City-authorized agents to apply for and obtain Financial Assistance for Disaster and Emergency Relief

A motion was made by Bohr, second Boardman to adopt Resolution 2011-92, "A Resolution of the City Council of the City of Huntington Beach Authorizing Certain City Officials to Execute Applications and Documents to Obtain Disaster and Emergency Relief." The motion carried by the following roll call vote:

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

14. Adopted Resolution Nos. 2011-87 through 2011-91 requesting authorization by the City and approval from Cal Trans for temporary closure of streets for certain special events in 2012

A motion was made by Bohr, second Boardman to adopt Resolution No. 2011-87, "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. 2011-88, "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. 2011-89, "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. 2011-90, "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. 2011-91, "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July." The motion carried by the following roll call vote:

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

15. Adopted Resolution No. 2011-93 expressing support for a Groundwater Replenishment System Initial Expansion, and adopted Resolution No. 2011-94 expressing support for a Prado Basin Feasibility Study

A motion was made by Bohr, second Boardman to adopt Resolution No. 2011-93, "A Resolution of the City Council of the City of Huntington Beach Expressing Support for the Groundwater Replenishment System Initial Expansion," and, adopt Resolution No. 2011-94, "A Resolution of the City Council of the City of Huntington Beach Expressing Support for the Prado Basin, CA Feasibility Study." The motion carried by the following roll call vote:

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

16. Adopted Resolution No. 2011-95 amending the City of Huntington Beach Flexible Benefit Plan to comply with IRS Notice 2011-5

A motion was made by Bohr, second Boardman to adopt Resolution No. 2011-95, "A Resolution of the City Council of the City of Huntington Beach Adopting Amendment to the City of Huntington Beach Flexible Benefit Plan in Compliance with the IRS Notice 2011-5." The motion carried by the following roll call vote:

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

17. Approved and authorized the Chief of Police to execute a one-year Memorandum of Understanding with the City of Anaheim, related to the "Avoid the 26" DUI Grant.

A motion was made by Bohr, second Boardman to approve and authorize the Chief of Police to execute a one year agreement with the City of Anaheim by entering into the "Memorandum of Understanding Relating to Avoid the 26 - Driving Under The Influence Campaign Project for Orange County." The motion carried by the following roll call vote:

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

18. Approved and authorized the Mayor and City Clerk to execute Cooperative Agreements with the Orange County Transportation Authority for Traffic Signal Synchronization Projects.

A motion was made by Bohr, second Boardman to approve and authorize the Mayor and City Clerk to execute Cooperative Agreement No. C-1-3021 approving participation by the City of Huntington Beach in the Regional Traffic Signal Synchronization project along Goldenwest Street; and, approve and authorize the Mayor and City Clerk to execute Cooperative Agreement No. C-1-3022 approving participation by the City of Huntington Beach in the Regional Traffic Signal Synchronization project along Talbert Avenue; and, approve and authorize the Mayor and City Clerk to execute Cooperative Agreement No. C-1-3023 approving participation by the City of Huntington Beach in the Regional Traffic Signal Synchronization project along Warner Avenue. The motion carried by the following roll call vote:

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

19. Approved the Bond Reductions for Signal Landmark's Brightwater Development Project

A motion was made by Bohr, second Boardman to authorize the Mayor to acknowledge and accept the Amount of Coverage Riders for the Faithful Performance and Labor and Materials Bond Nos. 2205220, 2205221, 2205222 and 2205224, and instruct the City Clerk to file the riders with the City Treasurer; and, instruct the City Treasurer to notify the surety, Insurance Company of the West, of this action. The motion carried by the following roll call vote:

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

20. Adopted Ordinance No. 3927 (Planning Commission Recommendation) amending Chapter 233 relating to Political Signs reducing the number of days political signs may be displayed (approved for introduction November 21, 2011)

A motion was made by Bohr, second Boardman to adopt Ordinance No. 3927, "An Ordinance of the City of Huntington Beach Amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Signs." The motion carried by the following roll call vote:

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

21. Approved and authorized execution of the Reimbursement Agreement with TRI Pointe Homes, LLC for Preparation of Environmental Documentation for Two Proposed Residential Developments at Former Wardlow and Lamb School Sites

A motion was made by Bohr, second Boardman to approve and authorize the Mayor and City Clerk to execute the "Reimbursement - Planning - Agreement Between the City of Huntington Beach and TRI Pointe Homes, LLC for Costs Incurred for CEQA Documentation for the Former Lamp and Wardlow School Sites" as prepared by the City Attorney in the amount of Ninety Eight Thousand Three Hundred Eighty Dollars (\$98,389). The motion carried by the following roll call vote:

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

22. Approved and authorized execution of an Amendment to the Professional Services Agreement with Michael Brandman Associates for Preparation of CEQA Documents for the former Wardlow School Site

A motion was made by Bohr, second Boardman to approve and authorize the Mayor and City Clerk to execute the "Amendment #1 to Agreement Between the City of Huntington Beach and Michael Brandman Associates for Preparation of CEQA Documents for the Former Wardlow School Site" to increase the contract amount by \$6,000 to a total contract amount of \$75,278.00 and extend the contract term beyond the three year Municipal Code limit to terminate on December 22, 2013 due to unique circumstances that make rebidding the project impractical; and, approve an appropriation of \$6,000 from the General Fund to the Planning and Building Department Professional Services Account 10060201.69365 for the Professional Services contract between the City and Michael Brandman Associates, which is funded by a reimbursement agreement. The motion carried by the following roll call vote:

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

23. Approved and authorized execution of an Amendment to the Professional Services Agreement with Michael Brandman Associates for Preparation of CEQA Documents for the Lamb School Site

A motion was made by Bohr, second Boardman to approve and authorize the Mayor and City Clerk to execute the "Amendment #1 to Agreement Between the City of Huntington Beach and Michael Brandman Associates for Preparation of CEQA Documents for the Former Lamb School Site" to increase the contract amount by \$3,500 to a total contract amount of \$74,312.00 and extend the contract term beyond the three year Municipal Code limit to terminate on December 22, 2013 due to unique circumstances that make rebidding the project impractical; and, approve an appropriation of \$3,500 from the General Fund to the Planning and Building Department Professional Services Account 10060201.69365 for the Professional Services contract between the City and Michael Brandman Associates, which is funded by a reimbursement agreement. The motion carried by the following roll call vote:

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

24. Approved and authorized execution of the Amendment Number One to the Services Agreement for public safety helicopter support between the City of Huntington Beach and the City of Costa Mesa extending the original agreement through June 30, 2012

A motion was made by Bohr, second Boardman to Approve "Amendment Number One To Services Agreement For Public Safety Helicopter Support Between the City of Huntington Beach and the City of Costa Mesa" extending the original agreement through June 30, 2012. Further, authorize the City Manager to execute and approve this agreement and any other short term amendments to the services contract. The motion carried by the following roll call vote:

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

NOES: None

PUBLIC HEARING

25. CONTINUED TO JANUARY 17, 2012 Request to approve for introduction Ordinance No. 3929 approving a development agreement between the City of Huntington Beach and Bella Terra Villas, LLC for a ten year term for The Village at Bella Terra mixed use project. Continued from November 21, 2011.

(Continued unopened from November 21, 2011)

A motion was made by Dwyer, second Carchio to approve request to continue Ordinance No. 3929 approving Development Agreement No. 2008-001 to January 17, 2012. The motion carried by the following roll call vote:

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

26. Approved the Agreement to transfer funds for FY2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Chief Small explained the grant and was available for questions - received \$34K to upgrade software and security on mobile digital computers.

Mayor Hansen opened the public hearing. With no one present to speak, the public hearing was closed.

A motion was made by Shaw, second Harper to approve and accept the agreement to transfer funds for FY2011 Edward Memorial Justice Assistance Grant (JAG) program between the County of Orange and the City of Huntington Beach; and, authorize the City Clerk and the Mayor to execute on the City's behalf the "Agreement to Transfer Funds for 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program" between the County of Orange and the City of Huntington Beach; and, approve the appropriation and expenditure up to \$31,405 to be fully reimbursed by the grant from the Department of Justice via the County of Orange. The motion carried by the following roll call vote:

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

27. Adopted Resolution No. 2011-96 approving and certifying the final Environmental Impact Report (EIR) No. 10-003 (Beach and Warner Mixed Use Project - Appeal of Planning Commission's Approval)

Principal Planner Rosemary Medel provided a PowerPoint presentation entitled *Beach and Warner Mixed Use Project Appeal of Planning Commission Approval - Environmental Impact Report No. 10-003*, with titled slides Request: EIR, Project Site, Planning Commission Action, Appeal of Planning Commission Action, Appeal No. 1: (Reasons for Appeal, Significant Changes to the EIR, School Impact Fees/Overcrowding, Parking Analysis and Conclusion), Appeal No. 2: (Scope of EIR No. 10-003), and Recommendation.

The Council had no questions.

Mayor Hansen opened the public hearing.

City Clerk Joan Flynn read into the record receipt of a supplemental communication from William Vaughn, Jr., dated December 14, 2011 (Beach/Warner EIR).

John Briscoe voiced concerns about a road (Belcito Drive) that leads into the development crossing over Ocean View Little League property, and in his opinion, causes the EIR to be inadequate. He also voiced concerns about neighborhood density (double and triple occupancy). (01:18:30)

Planning Commissioner Mark Bixby, representing himself and not the official view of the Planning Commission, spoke in support of the Beach/Warner specific plan, but stated that it falls short in the area of parking and is insufficient because it does not include a parking analysis. (01:21:26)

Councilmember Harper and staff discussed ownership of Belcito Drive.

Robert Bergman, Appellant, Bergman and Dacy representing the Ocean View School District, provided a PowerPoint entitled *Appeal of Planning Commission Approval of Environmental Impact Report No. 10-003*, with slides Introduction, Significant Problems with the EIR, School Impact Fees, and Student Demographics. (01:24:33)

William Loose, Superintendent of the Ocean View School District, spoke in opposition to certification of the EIR and voiced concerns about how the project will affect Oak View School. (01:31:03)

Debbie Cotton, Ocean View School District Board of Trustees, acknowledged fellow trustees present, voiced concerns about lack of notice causing inability to provide adequate input on the EIR, and discussed action in 1990 involving complaints and pledge to sustain the Oak View School area in a manageable condition. (01:33:33)

Councilmember Harper questioned closing of the Park View site. Mr. Loose discussed the site's location, and how the project may trigger the opening of a school that has not been used as an elementary school for at least 20 years that will cost approximately \$2 million to restore, including the playground.

Councilmember Shaw asked about a consent decree and losses in the early 1990s. Discussion ensued about a School District Secretary failing to provide EIR response to comments period information to the Board, and possible civil rights issues impacted by the development. Planning Manager Mary Beth Broeren explained how the District did not initially disclose the decree, and Mayor Hansen questioned the speaker's claim that a staff secretary stated that the EIR would have no impact to the District.

Councilmember Carchio questioned the density issue.

Councilmember Boardman and Mr. Loose discussed current enrollment, and school district representatives responded to Councilmember Carchio's inquiries about capacity at

nearby elementary schools.

Councilmember Boardman commented on a February 2011 letter from the Superintendent.

Mayor Hansen closed the public hearing.

Councilmember Harper and Transportation Manager Bob Stachelski discussed ownership and disposition of Belcito Drive, including how it was built by the City on City property in the 1970s, and how a land swap agreement between the City and the School District was not separated out and remained open. Manager Stachelski stated that the City maintains the street, denied claims that the Ocean View School District has a legal right to close the street, and that removing it from public use would require a different type of environmental review.

Mayor Pro Tem Dwyer and Planning Manager Broeren discussed possible vacation of the property by the OVSD. Discussion ensued on the public hearing process, density data, 2010 Census information, student generation rates, use of improper baseline data, the City's preparation of the Notice of Preparation (NOP), analysis of the EIR's Response to Comments, traffic analysis, and circulation of the EIR.

OVSD representatives stated the EIR should be re-circulated, and voiced concerns about multiple families living in one household not being accounted for in the reported density figures and student generation rates.

Councilmember Boardman and staff discussed impact fees, reported student generation rates, and parking requirements, specifically street parking.

Councilmember Shaw and Manager Broeren discussed how Specific Plan parking standards are based on industry standards and other factors, not on assumed housing capacity (multiple families in small units).

Mayor Hansen discussed the vision of the Beach/Edinger Corridor Specific Plan and social engineering to get people out of cars.

Councilmember Carchio questioned a speaker's claim about the number of complaints reported online about the project developer. Mr. Tom Shift from Dacron was certain of general, rather than specific complaints reported to the Better Business Bureau.

Councilmember Harper spoke of transit-friendly development, and the overall vision of the Beach/Edinger Corridor Specific Plan.

Mayor Pro Tem Dwyer voiced support for public transportation and discussed parking in the Beach/Edinger Corridor Specific Plan.

Councilmember Boardman spoke in support of mass transit and a shared parking concept.

A motion was made by Carchio, second Dwyer to certify EIR No. 10-003 as adequate and complete in accordance with CEQA requirements by adopting Resolution No. 2001-96, "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report (SCH#2011011015) for the Beach and Warner Mixed Use Project. The motion carried by the following roll call vote:

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

28. Conducted a public hearing and approved the mid-term review of the Five-Year Implementation Plan (2009-2014) for the Huntington Beach Merged Redevelopment Project

Mayor Hansen opened the public hearing. With no one present to speak, the public hearing was closed.

A motion was made by Dwyer, second Carchio to conduct the public hearing; and, approve the Mid-term Review - Five-Year Implementation Plan (2009-2014) for the Huntington Beach Merged Redevelopment Project. The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

29. Approved for introduction Ordinance No. 3930 amending Chapter 13.08 the Huntington Beach Municipal Code relating to beach regulations to include Sunset Beach

City Manager Wilson explained that the ordinance was necessary to include Sunset Beach and initiate administrative clean up within City codes.

Councilmember Harper and Police Chief Small discussed boundaries related to smoking near residential units on Sunset Beach.

Councilmember Bohr and staff discussed why the description of open green space remains the same as currently identified in the Local Coastal Plan Amendment.

A motion was made by Carchio, second Bohr to after the City Clerk reads by title, approve for introduction Ordinance No. 3930, "An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Relating to Beach Regulations." The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

30. Approved request submitted by Mayor Hansen to direct the City Attorney to prepare an ordinance permitting the sale and use of state-approved safe and sane fireworks (excluding parks and beaches) on a two-year trial basis

Mayor Hansen explained his request to legalize the sale and discharge of safe and sane fireworks in Huntington Beach. He discussed timely delivery of the item to allow citizens a sensible ordinance before the holiday, his belief that Huntington Beach residents represent a responsible, thoughtful, and patriotic community, and if surrounding cities can manager fireworks, so can Huntington Beach.

A motion was made by Hansen, second Carchio to direct staff to prepare an ordinance permitting the sale and use of state-approved, "safe and sane" fireworks on a two-year trial basis. The ordinance shall include provisions to address specific areas where fireworks would be prohibited such as City beaches, City parks, environmentally sensitive areas, and the downtown business district. The ordinance shall also address areas of concern including permits, dates of sale, date and hours of discharge, fireworks stand locations, 24-hour security, and fees to offset City costs.

Councilmember Harper stated his opinion that safer roof materials now lessen the threat of home fires, and voiced support for drafting the ordinance.

Councilmember Carchio voiced support for the item and how it will benefit fundraising efforts for non-profit organizations.

Councilmember Boardman discussed her opposition to the item based on research, and deferred to Fire Chief McIntosh for comment. Chief McIntosh spoke of his experience in County and City fire fighting, and described circumstances to support his opinion that all fireworks are dangerous. Councilmember Boardman provided historical and statistical information through a PowerPoint presentation entitled *Should the council maintain our current fireworks ordinance?*

Councilmember Shaw spoke in opposition to the item.

Mayor Pro Tem Dwyer voiced support for the item.

Councilmember Boardman recommended that a citizen survey go out in the water bill to solicit community interest.

Chief Small expressed his opinion on why the ordinance should not be drafted.

Councilmember Bohr described his experience hearing firework activity near his home, and expressed support for a trial period, suggesting the City consider allowing "professional permit" fireworks.

The motion carried by the following roll call vote:

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

31. Approved as amended a request submitted by Councilmember Joe Carchio to direct the Human Relations Task Force to conduct a study of the issue of "bullying" in Huntington Beach and report findings to City Council

Councilmember Shaw suggested that the Human Relations Task Force consider forming a subcommittee on the issue of bullying.

A motion was made by Carchio, second Bohr to direct the Human Relations Task Force to form a Subcommittee including members of the school districts and the City Council to conduct a study of the issue of "bullying" in Huntington Beach and schools and prepare a report of their findings for the City Council. The report shall include a recommendation concerning whether

there is a need to adopt a local ordinance or policy for the schools to address this type of behavior. Staff in the Police Department shall assist the Human Relations Task Force in the preparation of this report. The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

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

ADJOURNMENT at 10:12 PM. The City Council, Redevelopment Agency, Public Financing Authority regular meeting of January 3, 2012 has been cancelled (approved by Council October 3, 2011) due to the holiday closure.

The next regularly scheduled meeting is Tuesday, January 17, 2012 at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:



City Clerk, Agency Clerk, Authority Secretary



Mayor-Chair