

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

**Monday, July 1, 2013  
4:00 PM – Study Session  
6:00 PM – Regular Meeting  
Civic Center Council Chambers,  
2000 Main Street  
Huntington Beach, California 92648**

**An audio recording of the 4:00 PM portion of this meeting,  
and a video recording of the 6:00 PM portion of this meeting  
is on file in the Office of the City Clerk and is archived at  
[www.surfcity-hb.org/government/agengas/](http://www.surfcity-hb.org/government/agengas/)**

**4:00 PM - ROOM B-8**

**CALL TO ORDER – 4:00 PM**

**ROLL CALL**

Present: Sullivan, Hardy, Harper, Boardman (arrived at 4:08 PM), Carchio,  
Shaw (arrived at 4:15 PM), and Katapodis  
Absent: None

Pursuant to City Charter Section 310 (a), City Clerk Joan L. Flynn requested, and was granted permission, to be absent.

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS** (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Robin Estanislau announced supplemental communications that were received following distribution of the City Council agenda packet:

~~Notice of Absence received from Mayor Boardman indicating that she will not be attending the Study Session portion of the regular meeting.~~ Manager Wilson announced that Mayor Boardman would be attending the Study Session.

Notice of Absence received from City Clerk, Joan L. Flynn requesting permission to be absent pursuant to City Charter Section 310 (a).

PowerPoint presentation for Study Session Item No. 1 submitted by Janeen Laudenback, Interim Director of Community Services, dated July 1, 2013, entitled *Huntington Beach Senior Center in Central Park*.

PowerPoint presentation for Study Session Item No. 1 submitted by Lori Ann Farrell, Director of Finance, dated July 1, 2013, entitled *Huntington Beach Senior Center - Discussion of Potential Funding Resources*.

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

Ralph Bauer, former Mayor and member of the Huntington Beach Council on Aging (COA), spoke in support of the proposed Senior Center in Huntington Central Park. He discussed a potential appeal of recent Court findings, and encouraged the Council and others to recognize and honor the ballot approval of the project by Huntington Beach registered voters.

J.D. Miles, COA member, discussed the COA's support of the project, and encouraged Council to continue their support as well.

**STUDY SESSION**

**1. The Community Services Department presented a project overview on the Huntington Beach Senior Center in Central Park. Information from the Finance Department was also included on the funding of the project.**

Interim Community Services Director Janeen Laudenback provided a PowerPoint entitled *Huntington Beach Senior Center in Central Park* that included the following titled slides: Senior Center Project Site, Background, Project Description, Current Status, Next Steps, Project Schedule, and Local Funding Opportunities.

Director of Finance Lori Ann Farrell continued with a PowerPoint presentation entitled *Huntington Beach Senior Center – Discussion of Potential Funding Resources* that included the following titled slides: Additional Funding Options, Discussion of Potential Funding Sources, Background, Potential Funding Sources, Existing 30 Yr Debt Service Schedule, Interim Funding Options, Other Potential Funding Sources, External Funding Sources, Capital Funding Campaign, and Questions.

Mayor Boardman and Interim Director Laudenback discussed the types of fees the project would generate.

Councilmember Hardy and Director Farrell discussed appropriate use of funds received from Hoag Hospital, and structuring of bonds.

Mayor Boardman and Councilmembers Shaw and Hardy expressed concerns about park in-lieu fees, and discussed proportioning their use with Manager Wilson.

City Attorney Jennifer McGrath reminded Council of an appeal hearing scheduled for July 3rd. Councilmembers Carchio and Sullivan voiced frustration about appeals filed on a decision made by registered voters. Councilmember Carchio suggested that Council take any and all actions necessary to move forward and proceed with the project.

**2. Planning staff reviewed the goals and approved development projects within the Beach and Edinger Corridors Specific Plan area.**

Planning Manager Mary Beth Broeren discussed evolution of the Beach and Edinger Corridor Specific Plan, including the events that took place to bring development conceptions to life, status of area projects, quality of architecture, and expected next steps.

Councilmember Carchio recognized the quality of staff and developers who have and continue to work hard for a quality development.

**3. Pacific City Retail presentation provided by Lindsay Parton, DJM Capital Partners, Inc. of the proposed plans to redesign the commercial portion of the Pacific City site.**

Lindsay Parton, DJM Capital, distributed a booklet that included color sketches of the proposed development, and provided a presentation that included titled slides: Our Vision, View from Pacific Coast Highway, View from 2nd floor Interior Courtyard, and Urgency to Start. He also informed Council of Apple's interest in the project.

Councilmember Shaw discussed his preferred architecture.

Mayor Pro Tem Harper and Mr. Parton discussed the nature of the market, financing, managing construction costs, and DJM's ability to move forward now. Mr. Parton referred to use of three separate developers, and using the current window of opportunity to reach DJM's goal of opening in 2015.

Councilmember Hardy and Planning and Building Director Scott Hess discussed the project timeline, and the likelihood of it coming before the Planning Commission in August.

Mayor Boardman read the following statement: *Pursuant to Government Code Section 54957.6.a, the Council takes this opportunity to publicly introduce and identify designated labor negotiator Fred Wilson, City Manager who will be participating today in Closed Session discussions regarding labor negotiations with POA, HBFA and MEA.*

**RECESS TO CLOSED SESSION – 5:05 PM**

A motion was made by Carchio, second Katapodis, to recess to Closed Session on Item Nos. 4-6.

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

**CLOSED SESSION**

4. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Lampley v. City of Huntington Beach, Orange County Superior Court Case No. 30-2012-00558630. In this case, Plaintiff El Veasta Lampley claims that on April 3, 2010 she fell and injured herself on uneven pavement on Derbyshire Lane, south of Adams Avenue in the City of Huntington Beach.

5. Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Bob Hall, Assistant City Manager; Michele Warren, Director of Human Resources, Lori Ann Farrell, Director of Finance, and Peter Brown, LCW regarding labor negotiations with POA, HBFA and MEA.

6. Pursuant to Government Code Section 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense

Fund v. The City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2012-00570541. In this second lawsuit challenging the Senior Center, a public interest advocacy organization alleges that the City violated CEQA, City Charter Section 612 (Measure C), and the City's General Plan in approving the Senior Center.

**6:00 PM – COUNCIL CHAMBERS**

**RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:06 PM**

**CLOSED SESSION REPORT BY CITY ATTORNEY - None**

**ROLL CALL**

Present: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis  
Absent: None

**PLEDGE OF ALLEGIANCE** – Led by Councilmember Carchio

**INVOCATION** - The Invocation was provided by the Reverend Susannah Bair, Huntington Beach Church of Religious Science and Huntington Beach Interfaith Council.

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

At the request of Councilmember Carchio, a moment of silence was observed in memory of the nineteen Arizona Firefighters who recently lost their lives while on duty.

**AWARDS AND PRESENTATIONS**

**Presentation: Mayor Boardman called on Councilmember Dave Sullivan, the City's representative to the Santa Ana River Flood Protection Agency (SARFPA), to introduce Executive Director Herbert Nakasone to present an update regarding Agency activities.**

Councilmember Sullivan introduced the Chairwoman of the Santa Ana River Flood Protection Agency and Former Mayor Cathy Green and Executive Director Herbert Nakasone for a presentation.

Chairwoman Green introduced Mr. Kevin Onuma of the Orange County Flood Control District. Mr. Nakasone provided background information on SARFPA including the agency's primary purpose and details of an on-going flood protection feasibility study.

Mr. Onuma, Flood Control Manager for the County of Orange, provided a brief background on the study and funds required to bring existing facilities up to current standards. He addressed the study area, main channels within the study area and reported that the core study will look at existing conditions, develop improvement alternatives and do an economic analysis to look at the benefits and costs of improvements within the water shed. He addressed the start of the study and reported that because of the intermittent and inadequate funding received, it is now in its tenth year. Mr. Onuma reported that it will take approximately \$752,000 in Federal funding to complete the study and that the Orange County Flood Control District will provide matching

funds. He addressed benefits of the study and current flood insurance policies. He noted savings from reductions in the flood plain areas to residents who currently pay for flood insurance.

Mr. Nakasone addressed actions that can be taken by SARFPA members to move the project forward and advocate for Federal funding. He reported on projects currently under way by the County that will reduce the flood plain and offered to respond to questions from Council.

Mayor Pro Tem Harper expressed his appreciation and commented on the importance of the project to the City of Huntington Beach and others in the County of Orange.

In response to an inquiry from Councilmember Shaw regarding Congressman Dana Rohrbacher's support of the matter, Mr. Nakasone reported that he is aware of the project and noted the intention to meet with him in the near future.

Chairwoman Green reported that Congresswoman Loretta Sanchez is enthusiastically in favor of the study and the project in conjunction with Congressman Rohrbacher.

Councilmember Sullivan suggested that residents encourage their Congressmen to lend support to the project.

Mayor Boardman expressed her appreciation on behalf of Council.

**Presentation: Mayor Boardman called on Community Services Supervisors John Valinsky and Chris Slama to recognize the Huntington Beach Kiwanis for their continued support of Community Services Department Programs.**

Recreation Supervisor Chris Slama provided background of the Huntington Beach Kiwanis Club and addressed their efforts in supporting the community including children, senior citizens and military personnel. He expressed his appreciation on behalf of the Huntington Beach Community Services Department.

Recreation Supervisor John Valinsky commented on the benefits and services provided by donations of the Kiwanis Club to the Edison Community Center.

Mr. Slama expressed the gratitude of Recreation Supervisor Kirsten Martinez, who was unable to attend the meeting this evening, to the Kiwanis Club for their efforts in the Annual Easter Hunt. He addressed the Fishing Derby event and called on Kiwanis Foundation representatives who were presented with a Certificate of Appreciation for their efforts and generosity.

**Presentation: Mayor Boardman called on Interim Community Services Director Janeen Laudenback to receive a proclamation for "Parks Make Life Better!" Month and also recognized our community partners from the County of Orange and the State of California.**

Director Laudenback commented on "Parks Make Life Better!" month and acknowledged park staff in attendance. She presented a video and invited staff to honor partners from the County of Orange and the State of California. They acknowledged Brian Stetter from the California State Department of Parks and Recreation and James Wooten from Orange County Parks and Regional Trails and presented them with a proclamation in appreciation for their partnership with

the City.

**Presentation: Mayor Boardman called on Southern California Edison Regional Manager Jenelle Godges to present an update on SCE Summer Readiness Efforts.**

Southern California Edison Regional Manager Jenelle Godges presented a short video regarding options available, due to the closure of the San Onofre Power Plant. She provided a presentation on the company's efforts with San Onofre and reported that Edison is working diligently to prepare for the hot summer months and for future energy needs in the region. She acknowledged conservation efforts by customers and noted information and programs available on their website for residents and businesses and offered to respond to questions from Council.

Councilmember Katapodis inquired regarding anticipation of rolling blackouts.

Ms. Godges reported that the company expects to have sufficient loads for customers and expressed concerns with coupling heat wave days and not allowing their equipment to cool down.

Councilmember Carchio requested a brief update on the AES power plant.

Ms. Godges reported she does not have the information available and encouraged the contacting of AES.

Mayor Pro Tem Harper expressed his appreciation for the update.

Ms. Godges commented on the need to replace the power previously offered by the San Onofre Power Plant.

**Presentation: Mayor Boardman called on Anjo, Japan Sister City President Carmen Erber and board members to introduce the exchange students from our Sister City.**

Carmen Erber, President of the Sister City Association and board members introduced the exchange students from the City's Sister City, Anjo, Japan. She reported receiving documentation of the two city's thirty-year relationship and addressed the benefits of the program. Ms. Erber introduced Board Member Mary Thompson for a presentation.

Ms. Thompson presented Huntington Beach host students and their respective counterparts from Anjo, Japan who presented information regarding their families, interests and life in Anjo, Japan.

Anjo students shared a picture story for the benefit of the assembly.

Mayor Boardman presented the delegation with mementos of the City.

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Robin Estanislau announced supplemental communications received following distribution of the City Council agenda packet:

Notice of Absence received from Joan L. Flynn, City Clerk, requesting permission to be absent pursuant to City Charter Section 310 (a).

Communication for Consent Item No. 8 received from Richardson Gray, dated July 1, 2013, entitled *Adopt Resolution 2013-24, Downtown Alcohol Regulations*.

### **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 portion of the meeting.

Richardson Gray commended Council and Police Chief Small for the new proposed alcohol regulations for downtown, and encouraged Council to adopt them. He reported that the area has almost eight times the number of bars recommended by the Alcohol Beverage Control (ABC), referenced a prior request for a study related to alcohol sales and urged Council to address the matter. He stated that the over concentration of bars in the area contributes to increasing crime and drug problems throughout the City and in City schools. (01:14:30)

Philip John Johnson expressed concerns with the increasing use of indecent swimwear on the City's beaches. He encouraged Council to look into the matter and work with the Police Department in this regard. (01:17:05)

In reply to Councilmember Hardy's inquiry regarding inappropriate beach wear, City Attorney Jennifer McGrath commented on previous consideration of the matter including the possibility of requiring specific styles of bathing suits. Councilmember Hardy invited Mr. Johnson to fill out a card for additional information as to what to do in cases of illegal activity.

Bridget Kaub suggested an amendment to the proposed changes to the Community Services Commission (Item No. 15). She stated that it does not benefit the community to exclude the Huntington Beach City School District, stressed the importance of corroboration with School Board Members and suggested adding two appointees as well as including the six school districts. (01:19:36)

Mark Bixby voiced support for the alcohol resolution on the Consent Calendar including each of the proposed conditions but expressed concerns with language inconsistencies within the resolution, vague deviations or amendments, potential infringements and alterations of land-use policies in the Coastal Zone. Additionally, he felt that alcohol issues exist all year long and that therefore, fines should be doubled all year long. (01:22:21)

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 Boardman announced an upcoming opening reception of a summer exhibition, "Custom Culture II" at the Arts Center on July 13, 2013 from 7:00 PM to 9:00 PM. Additionally, she reported that the Golden West College Theater Arts Department is presenting Rogers and

Hammerstein's, "A Grand Night for Singing", July 13, 2013 at 2:00 PM and 7:30 PM including a sing-a-long. As liaison for the Preserve Wintersburg Task Force, Mayor Boardman reported hosting two Members of the National Park Service for a tour of the site. She reported that the Task Force is having a fundraiser on Monday, July 29, 2013, at Mama's on 39<sup>th</sup>.

Councilmember Katapodis reported attending the "Wags and Wine" event on June 23, 2013, where he acted as a judge for the dog competition. He commented positively on the event and reported attending the Fourth of July Executive Board sponsor appreciation party held at the Hilton Hotel on June 28, 2013.

### **CITY MANAGER'S REPORT**

City Manager Fred Wilson deferred to Huntington Beach Police Chief Ken Small and Fire Chief Patrick McIntosh for a presentation of fireworks "Do's and Don'ts".

Chief Small reported that residents can legally stake out their spot for the Fourth of July parade beginning at 7:00 AM on July 3, 2013. He reported that fireworks went on sale today through the Fourth of July and noted that State-approved fireworks cannot be legally discharged until July 4, 2013 between noon and 10:00 PM. Discharging fireworks outside of the designated times is a violation of the Municipal Code which will result in a citation with a \$500 fine. He added that discharging illegal fireworks will result in a \$500 fine as well. He reported that the City's website has additional information regarding the use of fireworks in the City and encouraged residents to visit the website.

Huntington Beach Fire Chief Patrick McIntosh noted increases in the amount of illegal fireworks activity and asked for the community's help in keeping them off the streets. He noted no fireworks are allowed on the beach side of PCH and noted other areas where they are not allowed. He reported that fireworks stands will be passing out flyers listing the rules and areas where they are allowed and not allowed.

Mayor Boardman encouraged residents to make sure pets are tagged or micro-chipped in case they get loose during the holiday.

### **CONSENT CALENDAR**

Councilmember Carchio pulled Items No. 3, 5, 7 and 8 for separate discussion and consideration.

#### **1. Approved and adopted minutes of June 17, 2013**

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting of June 17, 2013, as written and on file in the office of the City Clerk.

The motion carried with the following roll call vote:

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

**2. Approved four reappointments to the Library Board of Trustees with terms to expire in June 2017**

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to approve reappointment of Betty Croteau for a second four year term effective July 1, 2013, through June 30, 2017; and, approve reappointment of Dionne Cox, Don Lewis and Ben Miles for a third four year term effective July 1, 2013, through June 30, 2017.

The motion carried with the following roll call vote:

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

**3. Approved Youth Board appointments and reappointments with terms to expire in June 2014**

Councilmember Carchio pulled this item for separate discussion and consideration. He expressed his appreciation to all of the outgoing members of the Youth and Government Board for their support of the "Be a Buddy, Not a Bully" program and making it such a success.

A motion was made by Councilmember Carchio, second by Councilmember Sullivan as recommended by City Council liaisons Joe Shaw and Jill Hardy, approve the reappointment of the following students to a one-year term on the Huntington Beach Youth Board with terms to expire June 2014: Austin Smith, Edison High School Representative; Emily Lee, Edison High School At-Large Representative; Samantha Sharkoff, Huntington Beach High School Representative; Lily Falzon, Ocean View High School Representative and Elliot Lee, Ocean View High School At-Large Representative; and as recommended by Council liaisons Joe Shaw and Jill Hardy, approve the appointment of the following students to a one-year term on the Huntington Beach Youth Board with terms to expire June 2014: Madison Feldman, Edison High School At-large Representative; Aurora Johnson, Huntington Beach High School At-large Representative; Dylan Kato, Marina High School Representative and Melissa Applebee, Marina High School At-Large Representative.

The motion carried with the following roll call vote:

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

**4. Authorized appropriation of funds for the Bella Terra Pedestrian Crossing Project**

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to authorize appropriation of \$100,000 to Infrastructure Fund expenditure account 31490001.82800 for the Bella Terra Pedestrian Crossing Project; and, authorize the Finance Director to appropriate additional funds in the future, as needed, up to a total of funds received from the developer(s), to fund the Bella Terra Pedestrian Crossing Project.

The motion carried with the following roll call vote:

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

**5. Approved and authorized execution of a professional services contract with DLR Group for the completion of plans and specifications for a new Senior Center in Huntington Central Park**

Councilmember Carchio pulled this item for separate discussion and consideration. He stated that the time has come to do something about the Senior Center and move forward with the project.

A motion was made by Councilmember Carchio, second by Councilmember Sullivan to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and DLR Group for Preparation of Plans and Specifications for Senior Center Building" in Huntington Central Park; approve utilizing funding in the amount of \$234,000 under HUD, EDI for plans and specifications related to the senior project; accept the EDI Grant #B09SPCA00130 award of \$142,500 from HUD for preparation for a new Senior Center; authorize the appropriation of \$142,500 from Grant #B09SPCA00130 for drawdown reimbursement in Fund 994 HUD EDI #130 as follows: \$28,500 in Account 99445102.69365 (Professional Services) and \$114,000 in Account 94945102.82800 (Other Improvements); and, authorize the appropriation of \$91,565 from Grant #B06SPCAS0090 for drawdown reimbursement in Fund 994 HUD EDI #90 Account 99445101.69365 (Professional Services).

Mayor Pro Tem Harper noted that he fully supports the item and the project. He referenced efforts by a group to appeal the matter and urged them to drop the appeal.

The motion carried with the following roll call vote:

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

**6. Approved and authorized the execution of a Memorandum of Understanding (MOU) agreement allowing the City to continue to utilize the County of Orange Mass Notification System (Alert OC) informing the public of emergency information**

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to approve and authorize the City Manager to execute the "Memorandum of Understanding Between The County of Orange and Participants For Use of Countywide Mass Notification System" for the period of July 1, 2013, to June 30, 2017, authorizing the City to utilize the County's Mass Notification System.

The motion carried with the following roll call vote:

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

**7. Approved and authorized execution of an amendment to the lease agreement with American Golf Corporation and the City for operation of Meadowlark Golf Course and to allow for demolition of the former grounds keeper residence on the premises**

Councilmember Carchio pulled this item for separate discussion and consideration. He wondered regarding past challenges with collecting rent at Meadowlark Golf Course and asked

whether they are up to date. Staff affirmed that they are up to date.

A motion was made by Councilmember Carchio, second by Mayor Pro Tem Harper to approve and authorize the Mayor and City Clerk to execute "Addendum to Lease Agreement" with American Golf Corporation to eliminate the monthly rent for the former groundskeeper residence and to allow for demolition of the house; and, approve re-directing an amount equivalent to the rent payments to complete certain capital improvements at the course as presented.

The motion carried with the following roll call vote:

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

**8. Adopted Resolution No. 2013-24 as amended modifying the City's regulations as they pertain to drinking establishments with alcoholic beverage sales and live entertainment located within the Downtown Specific Plan area Conditions of Approval for Alcohol Sales**

Councilmember Carchio pulled this item for separate discussion and consideration. He noted that among Council's primary goals is the enhancement and improvement of public safety and maintaining a favorable business atmosphere in the downtown area. He referenced the high number of alcohol-related traffic accidents in the City which ranked it number one in the State of California, and felt that implementing the recommended policies would help to ensure that identified goals are reached. Councilmember Carchio reported working with Chief Small and some of the downtown business owners in developing the proposed policies.

A motion was made by Councilmember Carchio, second by Councilmember Katapodis moved to adopt Resolution No. 2013-24, "A Resolution of the City Council of the City of Huntington Beach Establishing Conditions of Approval for Eating and Drinking Establishments With Alcoholic Beverage Sales and Live Entertainment" modifying the City's regulations as they pertain to drinking establishments with alcoholic beverage sales and live entertainment located within the Downtown Specific Plan area, District 1 (Exhibits A and B), amended to delete the term, "deviation" from Paragraph 3 of the Resolution.

Mayor Pro Tem Harper felt that the resolution would block any venue, like the Golden Bear, from being able to reopen in the City. He indicated that the constraints presented would not conform to how venues that have live music do business and that he will vote against the matter.

Councilmember Shaw noted that there are no plans for such venues in the downtown area as well as the lack of space to do so. He stated that similar businesses would be allowed in other areas of the City and spoke in support of the matter.

Mayor Boardman pointed out that this only pertains to establishments in District 1.

Planning and Building Director Scott Hess presented the boundaries of District 1.

Mayor Boardman addressed concerns regarding approval of deviations and amendments by Council and usurping the power of staff. She addressed the approval process, agreed that the term, "deviation" needs further clarification and suggested its removal.

Councilmember Carchio and Councilmember Katapodis agreed to the suggested amendment.

Mayor Boardman commented on prohibition of additional off-sale of alcohol and City Attorney Jennifer McGrath reported that the issue will be brought before Council as a separate resolution in the near future.

The motion as amended carried with the following roll call vote:

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

**9. Adopted Resolution No. 2013-25 confirming conformance of the City's Circulation Element with the Orange County Master Plan of Arterial Highways (MPAH) and Mitigation Fee Program to be eligible for participation in the Combined Transportation Funding Program (CTFP)**

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to adopt Resolution No. 2013-25, "A Resolution of the City Council of the City of Huntington Beach Concerning the Status of the Circulation Element and Mitigation Fee Program for the City of Huntington Beach."

The motion carried with the following roll call vote:

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

**10. Adopted Resolution No. 2013-28 adopting the Personnel Commission Bylaws; and, approved recommendations by Council Liaisons Joe Carchio and Jim Katapodis to re-appoint Katherine Elford and Philip Inglee for a second term, and to appoint Dianne Thompson to the Personnel Commission**

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to adopt Resolution No. 2013-28, "A Resolution of the City Council of the City of Huntington Beach Adopting Personnel Commission Bylaws;" and, approve the re-appointments of Katherine Elford and Philip Inglee, and the appointment of Dianne Thompson with terms effective July 1, 2013, through June 30, 2015, as recommended by the Council Liaisons to the Personnel Commission.

The motion carried with the following roll call vote:

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

**PUBLIC HEARING**

**11. Adopted Resolution No. 2013-27 accepting modifications to Local Coastal Program Amendment (LCPA) No. 2-11; and, approved for introduction Ordinance No. 3981 adopting revisions to the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) as approved by the California Coastal Commission**

City Manager Wilson introduced the item and deferred to staff for a report.

Principal Planner Jennifer Villasenor presented details of the report addressing background, description of the matter, previous approval of various amendments, approval by the Coastal Commission with modifications and actions required at this time. She provided a summary of the modifications relative to prohibited signs, analyses and findings and recommendations.

Mayor Boardman opened the public hearing.

Interested parties were invited to address Council on this item. There was no response and Mayor Boardman closed the Public Hearing.

A motion was made by Councilmember Sullivan, second by Councilmember Katapodis to adopt Resolution No. 2013-27, "A Resolution of the City Council of the City of Huntington Beach Which Acknowledges Receipt of the Coastal Commission Action and Accepts and Agrees to Local Coastal Program Amendment No. 2-11 As Modified;" and, after the City Clerk reads by title approve for introduction Ordinance No. 3981, "An Ordinance of the City Council of the City of Huntington Beach Amending Section 233.10 of the Huntington Beach Zoning and Subdivision Ordinance Thereof to Conform to LCP Amendment No. 2-11 Made By the California Coastal Commission."

The motion carried with the following roll call vote:

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

**12. Approved Development Agreement No. 13-001 and approved for introduction Ordinance No. 3982 adopting Development Agreement with Elan Huntington Beach, LLC**

City Manager Wilson introduced the item and deferred to staff for a report.

Principal Planner Rosemary Medel presented details of the report including background, the Development Agreement, description of the project, analysis, findings and recommendations.

Mayor Boardman opened the public hearing.

Interested parties were invited to address Council on this item. There was no response and Mayor Boardman closed the Public Hearing.

Mayor Pro Tem Harper wondered regarding approval of the development and the required action at this time.

Planning and Building Director Hess addressed the purpose of the Development Agreement specifying that 10% of the units will be affordable housing.

Councilmember Hardy clarified that the Agreement is simply confirmation that the developer is conforming to affordable housing requirements.

A motion was made by Councilmember Katapodis, second by Councilmember Carchio to

approve Development Agreement No. 13-001 with findings for approval which includes "Affordable Housing Agreement Restrictions-Rental (Declaration of Conditions, Covenants and Restrictions for Property);" and, after the City Clerk reads by title approve for introduction Ordinance No. 3982, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach and Elan Huntington Beach LLC (Developer) (Development Agreement No. 13-001)."

The motion carried with the following roll call vote:

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

**13. Adopted Resolution No. 2013-26 approving the issuance of the California Municipal Finance Authority Revenue Bonds (AMG Huntington Beach, LLC/Notthoff Engineering), Series 2013, in an aggregate principal amount not to exceed \$5,000,000 for the purpose of financing the acquisition and installation of manufacturing equipment and certain other matters relating thereto**

City Manager Wilson introduced the item and deferred to staff for a report. He noted that the City is acting as a conduit on the matter and has no related risk, obligation or liability.

Deputy Economic Development Director Kellee Fritzal presented details of the report including background, issuance of a bond for the firm to acquire and install manufacturing equipment, previous use of the bond and recommendations.

Mayor Boardman opened the public hearing.

Interested parties were invited to address Council on this item. There was no response and Mayor Boardman closed the Public Hearing.

A motion was made by Mayor Pro Tem Harper, second by Councilmember Carchio to adopt City Council Resolution No. 2013- 26, "A Resolution of the City Council of the City of Huntington Beach Approving the Issuance of the California Municipal Finance Authority Revenue Bonds (AMG Huntington Beach, LLC), Series 2013, In An Aggregate Principal Amount Not To Exceed \$5,000,000 For the Purpose of Financing the Acquisition and Installation of Manufacturing Equipment and Certain Other Matters Relating Thereto" for the benefit of AMG Huntington Beach, LLC, doing business as Notthoff Engineering, a limited liability company organized and existing under the laws of the State of Delaware (the "Borrower"), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

The motion carried with the following roll call vote:

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

## COUNCILMEMBER ITEMS

### **14. Submitted by Councilmember Carchio – Directed City Attorney to return with a resolution increasing fines for alcohol related Municipal Code violations on major holidays and during the Huntington Beach U.S. Open Event**

Councilmember Carchio reported speaking with the Police Chief, the City Attorney and the City Manager regarding the matter and noted the problem needs to be addressed. He requested Council approval of the item.

A motion was made by Councilmember Carchio, second by Councilmember Shaw to direct the City Attorney to draft a resolution doubling the fines for alcohol-related violations of the Municipal Code on New Year's Eve, St. Patrick's Day, Cinco de Mayo, Fourth of July, and Halloween. Also, doubling the fines for alcohol-related violations of the Municipal Code on the beach during the specific event approved dates of the US Open of Surfing.

Mayor Pro Tem Harper requested clarification of the matter noting that most of the holidays are not Federal holidays and wondered if legal definitions of those holidays would need to be added to the Municipal Code.

City Attorney McGrath indicated that she can include the dates for those holidays within the Code.

The motion carried with the following roll call vote:

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

### **15. Submitted by Councilmember Shaw – Directed City Attorney to return with an ordinance changing the composition of the Community Services Commission from a total of eleven (11) members to a total of twelve (12) members**

Councilmember Shaw reported on the current composition of the Community Services Commission including related appointments and proposed to have seven Community Services Commissioners appointed by Council and have school representatives be non-voting members. He felt that the makeup of the Commission needs to reflect the goals and priorities of the current Council, the Mayor and residents of the City. He addressed potential conflicts of interest as schools look to develop school sites.

Mayor Pro Tem Harper felt that a more comprehensive discussion is necessary and that the matter merits additional discussion. He expressed concerns with signals that may be sent regarding how policy makers view their roles with the City and suggested deferring the item for further consideration.

Councilmember Carchio commented on his participation in the Commission and noted that it works very well. He indicated that he would hate to see the Commission turned into something political.

A motion was made by Councilmember Carchio to leave the Commission as it currently exists, but make school district representatives, non-voting. The motion failed for lack of a second.

Councilmember Hardy indicated that although specific school districts may not own park properties, there is a park connected with every school. She stated that she would like to see the memberships of the Huntington Beach and Union High School Districts maintained for a total of five (5) School Districts to be represented. She spoke positively about keeping seven (7), individually appointed, at-large members.

In response to Councilmember Sullivan's inquiry, City Attorney McGrath reported there are no other Commissions or Boards where the majority of the members are chosen by other entities than Council. She addressed appointment of at-large members by Council. Councilmember Sullivan commended Councilmember Shaw for bringing the item forward.

Councilmember Katapodis expressed support for Councilmember Hardy's recommendation.

A motion was made by Councilmember Hardy, second by Councilmember Katapodis, that the Community Services Commission be composed of seven (7) at-large members (one [1] appointed by each Councilmember), and five (5) school district representatives (one [1] each from the Ocean View, Fountain Valley, Westminster, Huntington Beach Union High and Huntington Beach School Districts).

In response to an inquiry by Mayor Pro Tem Harper regarding conflicts of interest by school district representatives voting on issues affecting school districts, City Attorney McGrath reported that legally, it would not rise to the level of a conflict of interest but that it would be a question of appearances. Mayor Pro Tem Harper asserted that there would not be a legal conflict of interest since there would be no personal gain. He felt that it would be an insult to school district representatives to strip them of their votes.

Councilmember Shaw commented positively on Councilmember Hardy's motion and expressed his support.

Councilmember Carchio noted that Council makes appointments to the Commission and reported there has been a vacancy in the Commission for several years. He felt that there have been deficiencies and spoke against excluding the school districts from voting.

Mayor Boardman noted that issue is not included in the motion.

Councilmember Carchio expressed his support.

In response to Councilmember Sullivan's inquiry, City Attorney McGrath reported that the timing for transition has not been determined but that she will consult with the City Manager regarding the matter addressing vacancies.

Councilmember Hardy suggested appointing members to fill vacancies by Council seniority.

Staff suggested meeting with the City Attorney to develop the proper terms since some of the appointees are serving four (4) year terms and they might not coincide with Council terms for appointments.

City Attorney McGrath asked for an opportunity to meet with staff to explore the terms and return to Council with a proposed solution. She added that school district representatives serve

one (1) year terms and Council appointees serve four (4) year terms.

Councilmember Carchio suggested the possibility of having the three (3) Council liaisons making appointments as well as the Mayor and reducing terms from four (4) years to two (2) years.

Councilmember Hardy stated that she is more inclined to have appointments made by Council seniority and let that appointing Councilmember decide the term.

City Attorney McGrath stated that she will work on the language relative to establishing terms.

Councilmember Katapodis suggested directing staff to address the ideas presented and return to Council for action at a future meeting.

Councilmember Sullivan commented negatively on phasing the matter, felt that several of the current members would probably be reappointed and suggested moving forward with the matter as moved.

The motion carried with the following roll call vote:

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

NOES: Harper

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

Mayor Pro Tem Harper commented on implementation of the plastic bag ordinance, referenced an EIR and wondered if an EIR would be required to repeal the ban once it is in effect.

City Attorney McGrath stated that more-likely-than-not, it would be required because the reversal of impacts would need to be considered but stated that she would prefer to defer to staff for the response.

Mayor Pro Tem Harper suggested that staff bring the matter back to the next meeting in the form of a memorandum.

Mayor Boardman suggested that staff issue a short email to Council regarding the issue.

Mayor Pro Tem Harper commented on the Steel Russo Auto Auction and wondered why they did not operate in the City.

City Manager Wilson reported that they had appealed to the Coastal Commission and that the application is still pending and has not yet been scheduled.

Mayor Pro Tem Harper commented on regulatory roadblocks for businesses seeking to do business in the City. He addressed an upcoming hearing by the Air Quality Management District in Diamond Bar on July 12, 2013, regarding bonfire rings and urged residents to attend and participate in the meeting and have their voices heard. He commented on the upcoming Fourth of July holiday noting that State-approved fireworks are still allowed, referenced the result of "no action" by Council including banning all fireworks and urged residents to make their opinions known to Council.

Councilmember Carchio urged residents to only use approved "safe and sane" fireworks, support local charities and not use illegal fireworks. He announced a fire ring rally taking place on July 7, 2013, at Pacific Coast Highway and Beach Boulevard, hosted by Assemblyman Travis Allen, between 4:00 PM and 7:00 PM. Additionally, he reported attending the Project Self-sufficiency dinner, "Wags and Wine" and the Fourth of July Executive Board luncheon and commented positively on the events. He reported filling in for the Mayor at the California Municipal Revenue and Taxation Association and wished everyone a Happy Fourth of July.

Councilmember Sullivan reported attending the Fourth of July Executive Board luncheon and commented positively on the efforts of the Board and volunteers.

Councilmember Katapodis reported being the keynote speaker at the graduation of the Robert Mayer Leadership Academy and attending the El Viento graduation from Ocean View High School. Additionally, he attended a George Freeth dedication event, a ribbon-cutting for Chase Bank, the Fourth of July Executive Board luncheon and the Amigos de Bolsa Chica brunch and commented positively on the events. Additionally, Councilmember Katapodis commented on the Huntington Beach Police Department U.S. Police and Fire Games and listed medal winners.

Councilmember Shaw commented on his efforts in advocating for the Lesbian Gay Bisexual Transgender (LGBT) community and expressed his appreciation of the residents of Huntington Beach for their support. He noted that LGBT families share the same values as most families in the City and commented positively on the recent Supreme Court decision legalizing gay marriage in California and outlawing a portion of the Defense of Marriage Act (DOMA). He indicated his pride of the City and activists in Orange County for their support for all LGBT families.

Mayor Boardman stated that she was very happy with the recent Supreme Court decision. She thanked the tutors and students at the Reading Literacy program of the Library and acknowledged their work and efforts in changing people's lives. She attended the Fourth of July Executive Board luncheon and thanked all of the sponsors of the Fourth of July event. Additionally, she attended the Amigos de Bolsa Chica brunch as well as the Project Self-sufficiency recognition program and commented positively on the events and thanked those involved in supporting families.

## ADJOURNMENT

There being no further business to come before Council, Mayor Boardman adjourned the meeting at 8:48 PM.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, July 15, 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 of the City of Huntington Beach, and  
Secretary of the Huntington Beach Public  
Finance Authority

ATTEST:

  
\_\_\_\_\_  
City Clerk, Secretary

  
\_\_\_\_\_  
Mayor-Chair