

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

Monday, June 6, 2011
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audio recording of the 4:00 PM portion of this meeting
and a video recording of the 6:00 PM portion of this meeting
are on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM - ROOM B-8

CALL TO ORDER - 4:00 PM

ROLL CALL

Present: Shaw, Harper (arrived at 4:03 PM), Hansen, Carchio, Bohr, Dwyer, and
Boardman
Absent: None

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

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

PowerPoint communication submitted for Study Session Item No. 1 by Stanley Smalewitz, Director of Economic Development entitled Joint Study Session City Council/Community Development Block Grant.

Communication submitted by Elsa Greenfield, CSP, dated April 7, 2011 from Oak View School Principal Joyce Horowitz.

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

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

Shirley Dettloff, representing the AltaMed Community Care Health Clinic, asked for Council's continued support of the clinic and the necessary services it provides, calling it a "life-saving" decision. (00:09:50)

Michele Essex and Norma Lopez representing the Children's Bureau (Oak View Family Resource Center), discussed the importance of retaining Council support for the Center. Ms.

Lopez described the services the Center offers including human service and after school recreational programs. (00:12:00)

Javier Romero, CSP Leadership Group, described how he and other kids have personally benefitted from programs provided through CSP. (00:16:13)

Maritza Sanchez, CSP Leadership Group, spoke in support of the Group's assistance for young people. She discussed of how after school programs help develop good human qualities, and described her participation. (00:18:21)

Elsa Greenfield, CSP Gang Prevention Program Director, discussed how the program serves approximately 500 families and provides support to prevent gang involvement and violence. She described how Oak View Elementary School test scores have improved, submitted a letter of support from Joyce Horowitz, Oak View Elementary School Principal, and urged Council to continue their support of the program. (00:19:35)

STUDY SESSION

1. Meeting of 5 Members of the Citizen Participation Advisory Board (CPAB) with City Council to review recommendations for the 2010/11 Action Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME)

Deputy Economic Development Director Kellee Fritzal gave a PowerPoint presentation dated June 6, 2011 and entitled *Joint Study Session City Council/Community Development Block Grant*, with titled slides: Study Session Items, HUD Allocation, CDBG Allocation Process, CDBG Category Allocations, CPAB Recommendations - Public Services, Staff Recommendations - Public Services, Recommendations - Public Improvements, 2011/12 Allocation, and Next Steps.

Members of the CPAB Board present were Peter Andres, Bill Correia, Robert Schwenk, Raisa Barkely, and Lew Stowers (no quorum).

Councilmember Boardman and CPAB members Barkley and Schwenk discussed CPAB's recommendation to remove funding from the Oak View Family Resource Center (CSP), the Center's revenue resources, the number of applications received this year, and funding for Alzheimer's Family Services Center. Police Chief Small described funding issues experienced by CSP and how their gang prevention programs are critical. Discussion ensued on reported growth of gang presence in south Huntington Beach. Councilmember Shaw questioned the poor economy's connection to gang activity.

Councilmembers Boardman and Dwyer voiced concerns with cutting funds for senior meals programs.

CPAB members Andres and Schwenk discussed the board's funding recommendation for intervention services offered by Interval House. Deputy Economic Development Director Kellee Fritzal explained that Interval House addresses domestic violence.

Mayor Pro Tem Hansen and CPAB member Andres discussed CPAB recommendations that were unanimous versus majority.

Councilmember Harper voiced support for Police Chief Small's comments about the importance of gang prevention.

Councilmember Shaw voiced concerns about funding new programs by cutting funds annually earmarked for established programs like senior meals.

Mayor Carchio questioned if CSP's gang prevention program and the Children's Bureau youth programs could be combined. Elsa Greenfield explained how each program's target is different, i.e., alternatives to gang involvement versus sports programs for younger children.

Councilmember Boardman recommended following staff's recommendations except: removing Interval House, reduce the AltaMed's HB Community Care Health Clinic support from \$40,000 to \$38,500, increase the Community Senior Service, Inc., Congregate Meals Program from \$5,000 to \$8,000, and following CPAB's recommendation for Alzheimer Family Center (\$6,124) and Home Delivered Senior Meals (\$10,000).

RECESS TO CLOSED SESSION

By consensus, the Council recessed to Closed Session.

CLOSED SESSION

2. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy City Manager; Bob Hall, Deputy City Manager; Michele Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with all labor groups.

6:00 PM - COUNCIL CHAMBERS

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

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Mayor Pro Tem Hansen

INVOCATION - Provided by Tom Homen with the Huntington Beach Interfaith Council.

AWARDS AND PRESENTATIONS

Announcement - As part of the City's Human Relations Task Force recognition of federal diversity months, I would like to announce the month of June as Lesbian, Gay, Bisexual and Transgender month. The month of June was first proclaimed by President Clinton to recognize gays, lesbians, their families, and friends in commemoration of the Stonewall Inn uprising in Manhattan 42 years ago. America's diversity is our greatest strength and we must continue our

journey towards tolerance, understanding and mutual respect. On behalf of the City Council, we join in this annual commemoration.

Mayor Carchio introduced Jerry Wheeler, the new Chamber of Commerce President. President Wheeler introduced local artist Brett Walker with E-Vocal who described a piece of art made with 100% recyclable materials. President Wheeler also announced that the Green Expo will be held at the Central Library on Saturday, September 17, 2011.

Presentation - Mayor Carchio called on Broc Coward, Chair of the Children's Needs Task Force to present the Youth Character Awardees for 2011 to the following recipients: Tara Abrams, Allyson Bach, Kayla Cleland, Shelby Colburn, Jacob Gane, Adam Joe, Ashley Kincaid, Henry Lavacude-Cola, Natalie Lowenstein, Cody Rayburn, Maritza Sanchez, Kelsey Turk, and Savana Wood.

Presentation - Mayor Carchio called on Don Lamm, Development Services Consultant and member of the selection jury, to present the "Outstanding Planning Project" from the Orange County Section of the California Chapter of the American Planning Association. The award was received for the Beach and Edinger Corridors Specific Plan.

Presentation - Mayor Carchio called on Pegasus Teacher Pam Conti and Student Team Leader Finn Dobkin to receive a commendation for their outstanding work on their study to reduce trash pollution from the Santa Ana River into the ocean.

Presentation - Mayor Carchio called on members of the Huntington Beach Taste of HB event to present a check to the Friends of the Children's Library.

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/>).

Zoe Florence read a poem by Xavier Rudd entitled *Messages* about the importance of protecting our environment. (00:48:41)

Mike Grumet, Huntington Beach Kiwanis, spoke of celebrating their 50 year anniversary, their involvement in the Taste of Huntington Beach, and a concert on July 2nd at Old World that will include a performance by Amy Scruggs to benefit the H.B. Kiwanis Military Support Fund. (00:51:37)

Matthew "Clint" Orr, recognized "D" Day and his father's involvement. He also expressed disappointment in the City not supporting placement of a theater in the downtown. (00:54:32)

Iosefa Alofaituli, Huntington Beach Mercado Certified Farmer's Market, thanked Councilmembers Boardman and Shaw for attending their grand opening, and described the social benefits realized by the new Farmer's Market held weekly at Goldenwest College. (00:57:46)

Phil Burtis expressed concerns about government-applied fees, citing Assembly Bill 2398 that mandates manufacturers of carpet sold in California to establish a fee of 5 cents/yard to cover

costs associated with developing, operating and financing programs to comprehensively manage end of life carpet generated California. (01:01:28)

Karen Chepeka, Save Our Strays, expressed concerns about the County imposing kennel fees on local, non-profit organizations who operate pet adoptions through local businesses such as Petco and Petsmart. She also discussed the City's requirement for businesses who allow overnight kennel services to obtain a conditional use permit. (01:04:41)

Council, staff and Ms. Chepeka discussed what conditions trigger County kennel fees and permit requirements identified within the City's Zoning Code. Ms. Chepeka discussed the amount of time pets are actually kenneled within local businesses, and Council suggested that Ms. Chepeka fill out a blue card for follow-up.

Jeff Coffman, Surfrider Foundation, spoke regarding two beach clean up events held the previous weekend, and announced "A Day Without A Bag" at the Albertson's Grocery Store on Main Street and Yorktown Avenue on June 10th from 4-7pm. (01:12:41)

Shane Garcia, Surfrider Foundation, thanked Council for their support and discussed banning the use of single-use plastics. (01:14:48)

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

Reports were provided by Councilmembers Dwyer and Harper, and Mayor Carchio.

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

CITY MANAGER'S REPORT

Manager Wilson provided an update on the Solar Carport Project and Tree Replacement Program.

CONSENT CALENDAR

1. Approved and adopted minutes.

A motion was made by Hansen, second Bohr to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Regular Meeting of May 16, 2011, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

2. Received and Filed City Attorney's Office 2010 Annual Report.

A motion was made by Hansen, second Bohr to receive and file the City Attorney's Office 2010 Annual Report. The motion carried by the following roll call vote:

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

3. Approved three Utility Agreements with the State of California Department of Transportation (Caltrans) for the Beach Boulevard Resurfacing Project.

A motion was made by Hansen, second Bohr to approve and authorize the Mayor and City Clerk to execute "Utility Agreement No. 12-UT-1140;" and, approve and authorize the Mayor and City Clerk to execute Utility Agreement No. 12-UT-1144;" and, approve and authorize the Mayor and City Clerk to execute "Utility Agreement No. 12-UT-1149." The motion carried by the following roll call vote:

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

4. Approved and authorized execution of an agreement between the City of Huntington Beach and the City of Buena Park regarding use of the Buena Park Police Department's Firearms Training Facility.

A motion was made by Dwyer, second Shaw to approve and authorize the Mayor and City Clerk to execute an "Agreement for Use of Police Firing Range" between the City of Huntington Beach and the City of Buena Park. The motion carried by the following roll call vote:

Councilmember Dwyer pulled the item to question lack of a dollar amount. Police Chief Small explained that City cannot predict the number of hours the Buena Park facility will be used.

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

5. Approve project plans and specifications and award construction contract in the amount of \$131,530 to TA Pointer Enterprise for Water Well #2 Landscaping, CC-1398.

A motion was made by Hansen, second Bohr to approve the project plans and specifications for the Water Well #2 Landscaping on northwest corner of Edinger Ave. and Springdale St; and, accept the lowest responsive and responsible bid submitted by TA Pointer Enterprises Inc., in the amount of \$131,530; and, appropriate additional funds in the amount of \$25,000 from Proposition 42 Fund, Account No. 21985201.69300 to project account; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

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

6. Approved and authorized execution of two Maintenance and Professional Services Contracts for As-Needed Corrosion Engineering and Maintenance Services in an amount not to exceed \$300,000 per contract over a three year period to Corrpro and HDR Engineering, Inc.

A motion was made by Hansen, second Bohr to approve and authorize the Mayor and City Clerk to execute a "Maintenance and Professional Services Contract Between the City of Huntington Beach and Corrpro for As-Needed Corrosion Engineering and Maintenance

Services" not to exceed \$300,000; and, approve and authorize the Mayor and City Clerk to execute a "Maintenance and Professional Services Contract Between the City of Huntington Beach and HDR Engineering Inc. for As-Needed Corrosion Engineering and Maintenance Services" not to exceed \$300,000. The motion carried by the following roll call vote:

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

7. Adopted Resolution No. 2011-36 authorizing the submittal of an application for the Environmental Cleanup, Tier 1 Grant Program under Orange County Local Transportation Ordinance No. 3 for the McFadden/Edwards and Heil/Algonquin Catch Basin Retrofit Project.

A motion was made by Hansen, second Bohr to adopt Resolution No. 2011-36, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Funds from the Environmental Cleanup, Tier 1 Grant Program Under Orange County Local Transportation Ordinance No. 3 for the McFadden/Edwards and Heil/Algonquin Catch Basin Retrofit Project." The motion carried by the following roll call vote:

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

8. Approved and authorized execution of an agreement between the City of Huntington Beach and the United States Department of Navy regarding the use of the Seal Beach Naval Weapons Station (SBNWS) Small Arms Range.

A motion was made by Hansen, second Bohr to approve and authorize the Mayor and City Clerk to execute with the U.S. Department of the Navy the "Letter of Agreement Between Huntington Beach Police Department and Naval Weapons Station (NAVWPNSTA) Seal Beach for Use of Small Arms Range." The motion carried by the following roll call vote:

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

9. Approved as amended the West Orange County Water Board (WOCWB) proposed budget for Fiscal Year 2011/2012

Councilmember Shaw pulled the item to express concerns about expensive administrative costs associated with the West Orange County Water Board. He stated he would like Council to consider other forms of governance for the Huntington Beach pipelines, and staff will report back with ideas for savings.

Councilmember Harper explained the need for meetings and how hourly rates may be too elevated. Councilmember Shaw suggested that staff attend WOCWB meetings, and Councilmember Boardman and Public Works Director Travis Hopkins discussed functions of the WOCWB.

A motion was made by Shaw, second Hansen to approve the Fiscal Year 2011/12 proposed WOCWB budget in the amount of \$166,500 **as amended by looking at other forms of government to reduce costs paid for per diem for the Councilmembers' participation (request staff to assess and report back)**. The motion carried by the following roll call vote:

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

PUBLIC HEARING

10. Considered Appeal of Planning Commission Denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 (Pacific Mobile Home Park Subdivision - Conversion from Resident Rental to Ownership).

Principal Planner Jennifer Villasenor gave a PowerPoint presentation dated June 6, 2011 and entitled *Appeal of Tentative Tract Map No. 17397 Coastal Development Permit No. 10-017* that included the following titled slides: Request, Site Zoning and History, Project Request Overview, Huntington St. Encroachments, Analysis - Appeal, and Recommendation.

Councilmember Dwyer and Planner Villasenor discussed resolution of a similar request and how in this case, the tract map creates new property lines, and requires physical changes to the lot.

Mayor Carchio opened the public hearing.

City Clerk Flynn read into the record names of interested parties who submitted written comments on the item:

Communications received for Public Hearing Item No. 10 regarding the appeal of the Planning Commission's Denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 (Pacific Mobile Home Park Subdivision – Conversion from Resident Rental to Ownership): Mary Jo Baretich, Michael Hiser, Andrea Hiser, Merle Moshiri, John F. Scott, Marinke Horack, Patricia M. Goodman, Sue Hodgson, Summer Jeter, Ron Malvitz, Cynthia L. Kelber, Shari R. Marshall, Sandy Taylor, J. R. Sturgen, John M. McGregor, Fred Marshall, Lirio M. Baiges, Chanel West, Linda Leeman, Leonard Heller, Resident Space 12, Resident Space 11, Resident Space 15A, Resident Space 10A, Nancy Meeks, Jane S. Jones, and Sharon Dana.

Mary Jo Baretich, Cabrillo Mobile Home Park, spoke in support of the Planning Commission's denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017. (01:41:08)

Tim Geddes spoke in support of the Planning Commission's denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017. (01:44:22)

Sharon Dana, Huntington Shorecliff Mobile Home Park, spoke in support of the Planning Commission's denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017. (01:45:55)

Kimberly DeSante, spoke in opposition to the Planning Commission's denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017. (01:49:04)

David Shaw spoke in support of the Planning Commission's denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017. (01:51:00)

Clarke Fairbrother, Applicant/Newport Pacific, spoke in opposition to the Planning Commission's denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017. (01:52:06).

Jim Hodson, Applicant, Pacific Mobile Home Park, spoke in support of the requested subdivision, opposing the Planning Commission's denial of Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017. (01:55:43).

Councilmember Boardman questioned average lot size and the value of lots in today's real estate market.

Maria Laurienzo spoke in support of the applicant's request to subdivide the lot, but voiced concerns about the park owner's choice of attorneys due to related experiences shared by residents of the Shorecliff Mobile Home Park. (02:00:40)

Burt Mazelow, RT Kling and Associates, spoke in support of the request to subdivide the property and responded to Councilmember Boardman's request for lot size information. He pointed out what he felt were lot line errors in the staff report, and how lot sizes can vary 3-6 inches depending on existing property conditions. (02-03-46).

Mark Alpert, representing Pacific Mobile Home Park owners, expressed concerns about the City's interpretation of lots encroaching into the right-of-way (ROW). (02:05:55)

Discussion ensued regarding conditions identified in Section 66427.5 that include Option 1 - applicant must submit a map that shows no encroachment on the City's ROW; or, Option 2 - applicant present a map that shows a configuration of lots within the ROW (they do not own the property).

Mr. Alpert addressed Councilmember Boardman's questions about lot values. He also disagreed with staff's opinion that the application does not comply with Code Section 66427.5, offering his opinion that internal lot lines are governed by the Department of Housing and Community Development, not the City. Discussion ensued on homes permitted under City jurisdiction.

With no one else present to speak on the item, Mayor Carchio closed the public hearing.

Councilmember Boardman asked and the applicant confirmed that the park owner has agreed to move, not sell lots that encroach into the ROW.

Mayor Carchio questioned if any members of Council were able to visit the site. Council declined.

City Attorney McGrath stated that no current plans are in place to widen Huntington Street, and explained why developers cannot subdivide and create a lot that encroaches into the ROW. Planner Villasenor explained how all existing structures define what the lot is and how this location cannot meet requirements identified in Code Section 66427.5.

A motion was made by Shaw, second Boardman to deny Tentative Tract Map No. 17397 and

Coastal Development Permit No. 10-017 with findings for denial. The motion carried by the following roll call vote:

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

11. Awarded and authorized execution of an agreement with AECOM Technical Services in the amount of \$3,069,487 to implement a Energy Saving Performance Contract; adopted Resolution No. 2011-37 authorizing a \$1,675,000 Inter-Fund Loan; and, appropriated \$300,000 for the rehabilitation of deferred maintenance items.

Energy Manager Aaron Klemm gave a PowerPoint presentation dated June 6, 2011 entitled *Energy Savings Performance Contract*, with titled slides that included: Energy Savings Performance Contracting, Scope of Work, Savings, Fund Sources, Inter-fund Loan, Gov't. Code 4217, HB Energy Successes, and Recommended Action.

Mayor Carchio opened the public hearing.

City Clerk Flynn read into the record communications received on the item:

PowerPoint communication for Public Hearing Item 11 submitted by Bob Hall, Deputy City Manager entitled *Energy Savings Performance Contract*.

With no one present to speak on the item, Mayor Carchio closed the public hearing.

A motion was made by Bohr, second Hansen to make the findings that the funds for the repayment of the financing are projected to be available from the funding that otherwise would have been used for purchase of energy; and, award and authorize the Mayor and City Clerk to execute the "Agreement for Program Management Services for Design and Build of Energy Conservation Measures" in the amount of \$3,069,487 with AECOM Technical Services; and, approve and adopt Resolution No. 2011-37 authorizing a \$1,675,000 inter-fund loan from the City's Water Fund to the City's General Fund for the purpose of funding the loan agreement; and, appropriate funds in the amount of \$300,000 for the rehabilitation of deferred maintenance items in the Civic Center, City Yard and Central Library parking lots, waive public bidding requirements, and authorize staff to procure contract services not to exceed \$300,000 under the provisions of Government Code 4217; and, authorize the City Manager to execute any subsequent documents approved as to form by the City Attorney necessary to advance, manage, and complete the project. The motion carried by the following roll call vote:

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

12. Continued to a date uncertain Mitigated Negative Declaration No. 10-07 and Coastal Development Permit No. 10-11 (Magnolia Oil Storage Tanks Demolition and Removal - continued from April 18, 2011, May 2, 2011, and May 16, 2011).

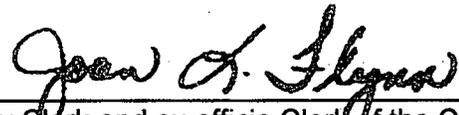
A motion was made by Boardman, second Shaw to continue Mitigated Negative Declaration No. 10-07 and Coastal Development Permit No. 10-11 to a date uncertain. The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

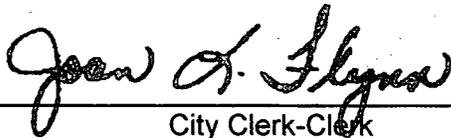
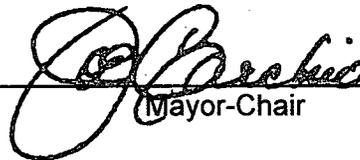
Comments were provided by Councilmembers Dwyer, Boardman, Shaw and Harper, Mayor Pro Tem Hansen, and Mayor Carchio.

ADJOURNMENT - at 8:56 PM to Monday, June 20, 2011, 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 and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk
Mayor-Chair