

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

Monday, March 5, 2012  
4:00 PM - Room B-8  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

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

4:00 PM - ROOM B-8

The City Clerk recessed the 4:00 PM portion of the meeting to 5:00 PM due to lack of quorum. Council convened in the Council Chambers at that time.

CALL TO ORDER - 5:00 PM

ROLL CALL

PRESENT: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution) - None.

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEM (3 Minute Time Limit) - None.

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

1. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Citizens' Association of Sunset Beach v. The City of Huntington Beach; Orange County Superior Court Case No. 30-2010-00431832.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY  
MEETING - 6:01 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

PRESENT: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
ABSENT: None

PLEDGE OF ALLEGIANCE - Led by Councilmember Shaw

INVOCATION - Provided by Bob Ewing, First Christian Church

AWARDS AND PRESENTATIONS

Announcement - As part of the City's Human Relations Task Force recognition of federal diversity months, Mayor Hansen announced that March is Women's History month. On behalf of the City Council, we join in this celebration as we recognize the struggles and achievements of women throughout our history.

Presentation - Mayor Hansen presented a proclamation to Armida Brashears with the League of Women Voters for Sunshine Week, March 11-17, 2012.

Presentation - Mayor Hansen called on Jean Nagy from the Huntington Beach Tree Society to receive a proclamation in honor of Arbor Week, March 7-14, 2012.

Presentation - Mayor Hansen called on Police Chief Ken Small and Mothers Against Drunk Drivers (MADD) representative Edward Callirgos to recognize MADD Awardees. Mr. Callirgos honored the following five officers with who made 25-99 drunk driving arrests in 2011: Officer Wade Wilson (28 arrests), Officer Scott Kansaku (28 arrests), Officer Michael Dexter (34 arrests), Officer Bradley Smiley (49 arrests), and Officer Roman Altenbach (59 arrests).

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Communication for Council Committee Appointments Item No. 1 received from Mayor Hansen entitled *Blue Ribbon Committee*.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speakers' comments indicates their approximate starting time in the archived video located at [http:// www.huntingtonbeachca.gov/government/agendas/](http://www.huntingtonbeachca.gov/government/agendas/)).

Tim Geddes spoke in protest to the appointment of Vickie Talley to the Mobile Home Advisory

Board and expressed his opinion that Councilmember Harper had a perceived conflict of interest due to campaign support. (00:15:28)

Shari Engel spoke to Council about providing a permanent parking lot on the west side of Central Park at 17851 Goldenwest Street in Huntington Beach (ShIPLEY Nature Center). She distributed a *ShIPLEY Nature Center Parking Lot Timeline* of actions related to this subject. (00:18:20)

Mayor Hansen suggested that Ms. Engel fill out a blue card for follow-up.

Elise Hartman, Huntington Beach Art Center Foundation, announced *The Private Collection Tour* scheduled for Friday, March 30, 2012 from 6:30 to 9:30 PM. (00:21:31)

Jean Nagy spoke to Council about the Tree Society's efforts to upgrade the exterior of the ShIPLEY Nature Center. (00:24:15)

Jacob Zerba, Occupy Orange County, spoke to Council about the organization's efforts to get members of the public involved in positive change. (00:26:45)

Oliver Hart, Occupy Orange County, spoke to Council about the importance of free speech to promote social change. (00:30:00)

Matthew "Clint" Orr spoke to Council about having venues such as a duplex surf theater, dance hall, and Golden Bear night club downtown, and distributed a sketch of where he believes these venues should be located. (00:30:59)

An unknown speaker voiced concerns about a paper flyer placed on his car regarding residential disposal services and rates in Huntington Beach. (00:34:03)

David Rooks voiced concerns about West Coast Detox Services being located too close in proximity to residential homes and the Schroeder Elementary School. (00:35:50)

Councilmember Carchio requested that Mr. Rooks fill out a blue card for follow-up.

Elizabeth Gregory voiced concerns about West Coast Detox Services being located too close in proximity to residential homes and the Schroeder Elementary School in Huntington Beach.

Corrie Benson voiced concerns about West Coast Detox Services being located too close in proximity to residential homes and the Schroeder Elementary School. (00:42:10)

Tammie Wampler voiced concerns about West Coast Detox Services being located too close in proximity to residential homes and Schroeder Elementary School. (00:43:47)

Betsy Crimi, speaking on behalf of the Rancho Huntington Mobile Home Park Homeowner's Association, informed Council of the HOA's desire to work closely with the Mobile Home Advisory Board, and also expressed disappointment with Council's appointment of Vickie Talley to the Mobile Home Advisory Board. (00:45:29)

Ted Stout, Occupy Orange County, spoke to Council about freedom of speech and promoting positive social change. (00:48:57)

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

Mayor Pro Tem Dwyer spoke about the Art Center's *Staff Selects*, an event where three artists are selected as Artists in Residence to complete new work and introduce the public to their creative process during the month of March.

Councilmember Harper spoke of attending a Southern California of Governments (SCAG) meeting on March 1.

Councilmember Carchio called on Chris Cole, Community Services Specific Events and Recreation Coordinator to discuss and present photographic slides from his vacation to Manly Australia where he represented Huntington Beach at the signing of a Memorandum of Understanding for a Sister City relationship between the two cities.

Mayor Hansen discussed a decision made by the Orange County Transportation Authority's (OCTA) Regional Planning and Highways Committee which Mayor Hansen Chairs, to approve full removal of the 19th Street/Banning Bridge from the County's Master Plan of Arterial Highways (MPAH). The Committee's recommendation will now be forwarded to the full OCTA Board for consideration. Councilmember Boardman thanked Mayor Hansen for his efforts to facilitate that decision.

### 1. Appointed Blue Ribbon Committee Members

Mayor Hansen announced the following appointments: Mick Totten, Karen Jackle, Bob Ewing, Doug Gahn, Jonathan Ford, Jennifer Thomas, Hart Keeble, and an unnamed representative from the Apartment Association of Orange County (AAOC) as Direct Appointees; and, Vincent Latora, Dianne Thompson, Patrick Brenden, Ken Dickerson, Keith Carlson, Crock Coward, and Debbie Cook as Council Appointees.

A motion was made by Carchio, second Bohr to approve Blue Ribbon Committee Appointments as submitted by Mayor Hansen of Mick Totten, Karen Jackle, Bob Ewing, Doug Gahn, Jonathan Ford, Jennifer Thomas, Hart Keeble, and an unnamed representative from the Apartment Association of Orange County representative (AAOC) - (Direct Appointees), and Vincent Latora, Dianne Thompson, Patrick Brenden, Ken Dickerson, Keith Carlson, Crock Coward, and Debbie Cook (Council Appointees). 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 shared that the 4th of July Board will manage the operation of ten fireworks booths by nonprofit organizations chosen by lottery. He indicated that more information on the nonprofit applications and sale and discharge of safe and sane fireworks can be found on the City's website.

## CONSENT CALENDAR

### 2. Approved and adopted minutes

A motion was made by Bohr, second Carchio to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting of February 21, 2012, 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, and Boardman  
NOES: None  
ABSTAIN: Dwyer

### 3. Received and Filed the City Attorney's Quarterly Report - July 1, 2011, through September 30, 2011

A motion was made by Bohr, second Carchio to receive and file the City Attorney's Quarterly Report for July 1, 2011, through September 30, 2011. The motion carried by the following roll call vote:

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

### 4. Adopted Resolution No. 2012-10 finding and declaring weeds and rubbish on specific properties to be a public nuisance and fixing the City Council meeting of May 7, 2012 as the Administrative Public Hearing date for protests and objections to the abatement thereof

A motion was made by Bohr, second Carchio to adopt Resolution No. 2012-10, "A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof." The motion carried by the following roll call vote:

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

### 5. Approved and authorized execution of Amendment No. 1 to Professional Services Contract with MuniServices, Inc. for Utility Users Tax Auditing and Monitoring Services

A motion was made by Bohr, second Carchio to approve and authorize execution of "Amendment No. 1 to Agreement between the City of Huntington Beach and MuniServices, LLC. for Utility Users Tax Compliance Review, Revenue Recovery and Consulting Services" performed through September 30, 2011. The motion carried by the following roll call vote:

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

### 6. Adopted Resolution No. 2012-12 extending and modifying the Management Employees' Organization (MEO) Memorandum of Understanding (MOU) by adopting a Side Letter of Agreement and authorize the City Manager to execute the Side Letter Agreement

A motion was made by Bohr, second Carchio to adopt Resolution No. 2012-12, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Management Employees' Organization (MEO), By Adopting the Side Letter Agreement;" and, authorize the City Manager to sign the Side Letter Agreement. The motion carried by the following roll call vote:

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

7. Adopted Ordinance No. 3934 amending Section 230.96 of the Huntington Beach Zoning Code and Subdivision Ordinance relating to Wireless Communication Facilities Approved for introduction February 6, 2012 and continued from February 21, 2012

A motion was made by Bohr, second Carchio to adopt Ordinance No. 3934, "An Ordinance of the City of Huntington Beach Amending Section 230.96 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Wireless Communication Facilities." The motion carried by the following roll call vote:

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

#### PUBLIC HEARING

8. Approved 2011 Housing Element Progress Report and its forwarding to the California State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR)

Principal Planner Jennifer Villasenor provided a PowerPoint presentation entitled *Housing Element Progress Report* that included the following titled slides: Request, 2011 Building Permit Activity, Regional Housing Need (RHNA) progress, Housing Program Status & Additional Housing Project Info., and Recommendation.

Council Comments/Questions:

Mayor Pro Tem Dwyer and Planner Villasenor discussed how dissolution of the Redevelopment Agency will impact regional housing requirements and receipt of tax dollars. Planner Villasenor explained what may occur if housing numbers are not met, how sites and opportunities must be identified, and the role of the Southern California Association of Governments (SCAG).

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

A motion was made by Shaw, second Carchio to approve the "Annual Element Progress Report, Housing Element Implementation" and forwarding it to the California Department of Housing and Community Development and the Governor's Office of Planning and Research. The motion carried by the following roll call vote:

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

9. Adopted Resolution No. 2012-11 revising the City's FireMed Fee Schedule for Emergency Medical Services

Fire Chief Patrick McIntosh introduced FireMed Coordinator Jane Cameron who provided a PowerPoint presentation entitled *Revision of the City's FireMed Fee Schedule for Emergency Medical Services* that included the following titled slides: Overview, Staff Recommendations, Summary, and Recommendation.

Mayor Pro Tem Dwyer asked staff to describe the program and what it provides to its annual subscribers.

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

A motion was made by Carchio, second Bohr to adopt Resolution No. 2012-11, "A Resolution of the City Council of the City of Huntington Beach Setting Advanced Life Support, Basic Life Support, Emergency Ambulance Transportation, Medications and Specialized Supply Fees to be Charged by the Fire Department of the City of Huntington Beach." The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

10. Approved the Assignment and Amendment of Franchise Agreement between the City and DCOR, LLC and approved for introduction Ordinance No. 3935 amending Ordinance No. 3354 which granted a Petroleum Pipeline Franchise

City Manager Wilson explained updates made to the franchise agreement, and called on Kellee Fritzal, Deputy Director of Economic Development to provide a PowerPoint presentation entitled *DCOR, LLC Pipeline Franchise*, with titled slides: History of franchise, HBMC changes in 2010, Major Changes to DCOR Franchise, Major Changes to Franchise, and Comments/Questions?

A motion was made by Harper, second Dwyer to approve the "Assignment and Amendment of Franchise Agreement between the City and DCOR, LLC pursuant to City's Pipeline Franchise Ordinance;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3935, "An Ordinance of the City of Huntington Beach Amending Ordinance No. 3354 Which Granted an Oil Pipeline Franchise." The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Boardman requested that the meeting be adjourned in memory of Lois Vacker, an active member of community who volunteered her time to the Bolsa Chica Land Trust, local Audubon Society, and Wetlands and Wildlife Care Center.

Councilmember Carchio reported attending the Chamber of Commerce Annual Dinner, Olive

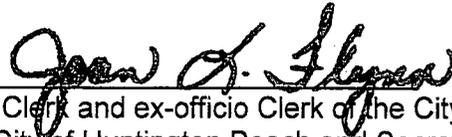
Crest's Volunteer Group - Town, Gown, and Apron - Annual Sweetheart Brunch, Retired Senior Volunteer Program (RSVP) Graduation, and Fountain Valley Little League Pancake Breakfast/Opening Ceremonies. He also discussed placement of Huntington Beach Little League Championship banners at the Bella Terra.

Mayor Pro Tem Dwyer offered condolences to Councilmember Boardman for the recent loss of her brother.

Councilmember Harper addressed accusations made during public comments about his stand on private property rights and rent control in relation to decisions he has made regarding Mobile Home Parks. He also informed the public of a recent newspaper article published that depicts fire maps and topography showing hazard zones for fireworks across the County and indicated that Huntington Beach has the right topography for the safe use of safe and sane fireworks.

Mayor Hansen reported attending the Chamber's Annual Dinner and open house, Read-A-Thon in celebration of Dr. Seuss' Birthday, Eagle Scout Court of Honor for Zachary Hoskins and Kevin Johnson, and opening ceremonies for Huntington Beach Girls' Softball.

ADJOURNMENT - At 7:33 PM in memory of Lois Vacker to the next regularly scheduled meeting of Monday, March 19, 2012 at 4:00 PM, Huntington Beach 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 Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:

  
City Clerk, Authority Secretary  
Mayor-Chair