

**Minutes**  
**City Council/Public Financing Authority Regular Meeting**  
**Successor Agency Special Meeting**  
**City of Huntington Beach**

Monday, September 17, 2012  
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/](http://www.surfcity-hb.org/government/agendas/)**

4:00 PM - ROOM B-8

CALL TO ORDER – 4:00 PM

ROLL CALL

Present: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr (arrived at 4:03 PM), and Boardman

Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

PowerPoint communication submitted by Lori Ann Farrell, Director of Finance, dated September 17, 2012 and entitled *Employee Tax Override & Pension Reform Overview*.

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

STUDY SESSION

1. Presentation by Lori Ann Farrell, Finance Director, regarding the Employee Tax Override and AB 340 Pension Reform Legislation

Finance Director Lori Ann Farrell presented a PowerPoint entitled *Employee Tax Override & Pension Reform Overview*, that included the following titled slides: Employee Tax Override Background, What Does the Tax Pay For?, Who Benefits From The Tax?, What does the General Fund Pay For? \$1.00, Addressing our Challenges, and History of City's Workforce.

A second portion of the presentation entitled *Potential Budget Scenarios of Tax Elimination - Assuming Current PERS Contributions*, included the following titled slides: Assumptions for

Budget Scenarios (for discussion purposes only).

Police Chief Ken Small presented *Potential Police Department Impact \$1.6M.*

Mayor Pro Tem Dwyer, Finance Director Farrell and Manager Wilson discussed how new development fees are not absorbed into the general fund, and are restricted for use on capital improvement and other non-personnel expenses.

Councilmember Carchio and Chief Small discussed eliminating six, non-sworn CSI officers, and how field officers would now be responsible for collecting crime scene data. Discussion ensued regarding investigations not being thorough. Police Chief Small also voiced disappointment with eliminating accident reporting and having no contact with residents.

Councilmember Shaw voiced concerns about eliminating positions, and Councilmember Bohr discussed how doing less with less negatively impacts maintenance, equipment, and raises chance of risk.

Councilmember Boardman and Chief Small discussed when the Police Department staff level was this low (40 years ago).

Fire Chief Patrick McIntosh presented *Potential Fire Department Impact \$885K.* Chief McIntosh and Councilmember Boardman discussed when Fire Department staffing level was this low (20 years ago).

Councilmember Shaw voiced concerns about eliminating urban search and rescue.

Library Services Director Stephanie Beverage presented *Potential Library Department Impact \$111K.* Councilmember Carchio and Director Beverage discussed how professionals are required for certain Library programs, and the unreliability of using volunteers in some positions. Councilmember Boardman and Director Beverage discussed reduced hours and service personnel at the Central Library, and Councilmember Shaw commented on the library being a safe place for kids, and a place for the unemployed to look for work. Councilmember Harper questioned closure hours on Sundays.

Community Services Director Paul Emery presented *Potential Community Services Impact \$340K.* Mayor Pro Tem Dwyer inquired, and Director Emery confirmed that Dog Beach will remain open. Councilmember Boardman and Director Emery discussed lifeguard boat cuts (3 to 1). Discussion ensued about restroom cleaning being reduced to one time per day. Councilmember Carchio voiced support for privatizing operation of the downtown Art Center.

Public Works Director Travis Hopkins presented *Potential Public Works Impact \$558K.* Director Hopkins explained how Public Works staff has been reduced by 60 positions over the past few years. Councilmember Boardman and Director Hopkins discussed regional water quality control board mandates, and work done by one, versus two staff

Finance Director Farrell presented *Potential Other Department Impacts \$751K.*

Councilmember Bohr voiced opposition to Measure Z, describing it as a self-afflicted wound. He stated his opinion that identified cuts are not scare tactics, and that the Measure will not

have a significant effect on pension reform.

Mayor Hansen reinforced his support for Measure Z, offering his opinion that identified cuts presented are indeed being used as scare tactics. He described the formation of the Measure, his original hopes to cap the tax, and to increase pension contributions by bargaining associations to a maximum level.

#### RECESS TO CLOSED SESSION

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

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

#### CLOSED SESSION

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

3. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Kurt Svahn v. City of Huntington Beach, WCAB Case No. ADJ7360675; Claim No. COHB-10-0059.

4. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Thomas Wood v. City of Huntington Beach, WCAB Case No. ADJ6815795; Claim No. COHB-07-0141.

~~5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: Pacific Mobile Home Park, LLC v. City of Huntington Beach (Atlanta Widening Project), Orange County Superior Court Case No. 30-2011-00449749, Court of Appeal Case No. G047327, challenging the City's adoption of a mitigated negative declaration under CEQA for the Atlanta Avenue Widening Project.~~

~~6. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, Court of Appeal Case No. G047060, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for-rent mobile home park of 252 units for ownership purposes.~~

7. 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 Warren, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with MEO (Management Employees Organization).

8. Pursuant to Government Code § 54956.9, the City Council shall recess into closed session to confer with the City Attorney regarding the following lawsuit: *City of Huntington Beach v. Alvarez, et al.*, Orange County Superior Court Case No. 07CC02215. City condemning right-of-way to widen Garfield near its intersection with Delaware.

MAYOR HANSEN RECONVENED THE CITY COUNCIL AND PUBLIC FINANCING AUTHORITY REGULAR MEETING AND CALLED TO ORDER SUCCESSOR AGENCY SPECIAL MEETING – 6:22 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 Mayor Hansen

INVOCATION – Given by Mark Curry, Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Announcement - Mayor Hansen announced the recognition of "National Hispanic Heritage Month" which began on September 15 and continues through October 15. The observation began as a week in 1968 under President Johnson and was later expanded to a month in August 1998 by President Reagan. The date of September 15 is significant because it coincides with the Independence Day celebrations of several Latin American countries, including Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, as well as Mexico and Chile on September 16 and 18 respectively. Recognition of the Federal Diversity Month is a program of the City's Human Relations Task Force.

Presentation - Mayor Hansen called on the Chairs of Project Self Sufficiency (PSS) Foundation, Scott Neil and Mary Ann Cortez and PSS Coordinator Brigitte Beisner to present a commendation to Eagle Scout Tyler Vasquez for his work to gather food for the Project Self Sufficiency food bank.

Mayor's Award - Mayor Hansen called on Planning and Building Director Scott Hess to present the Mayor's Award to Senior Code Enforcement Officer Rich Massi.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn indicated that supplemental communications for Public Hearing Item Nos. 13 (Proposed FY 2012/13 Budget), and 14 (Pierside Pavilion Expansion) would be announced at the time of their associated public hearings.

PUBLIC COMMENTS (3 Minute Time Limit)

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

Robert Dettloff spoke to Council in opposition to the November 6, 2012 ballot Measure Z proposed retirement tax override. (00:21:09)

Karl Fees voiced concerns about noise issues with the Walmart Grocery store negatively affecting residents on Eastport in Huntington Beach. (00:24:15)

Mayor Pro Tem Dwyer and Planning and Building Director Scott Hess discussed conditions of approval related to product delivery, and Code Enforcement's efforts to visit the site to monitor noise levels. It was recommended that the speaker fill out a blue follow up card for follow up.

Councilmembers Carchio and Boardman voiced concerns about loud engines, and discussed how the Walmart Store at Beach and Talbert made efforts to shield bright lights, prohibit camping, and closed loading docks.

Councilmember Shaw wondered if the flood channel that runs between the Walmart property and residential to the south amplifies sound, and whether or not sound mitigation should occur.

Dennis Chapman thanked Council for their decision to save a historic tree at Main and Springfield at the July 16, 2012 Council meeting, but had concerns about CC-1297 and a presumed design flaw that creates risk at the intersection of Main and Springfield, and also removes four parking spaces. (00:33:32)

Debbie Cook spoke in favor of retaining an elected City Attorney, and provided support for Councilmember Item No. 22 - Receive and file RFQ responses for City Attorney services. (00:37:15)

John Earl spoke in opposition to outsourcing the City Attorney Department, and shared his opinion that Council has disregarded the intent of the City Charter. (00:40:00)

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

Councilmember Boardman announced the Sister City Delegation of Adults from Anjo Japan - Taiko Drum Performance on Friday, October 5, 2012 at 7:00 PM at the Central Library, and "the Cylinder, the Sphere, and the Cone" exhibit schedule to open at the Downtown Art Center on Saturday, September 22, 2012.

Councilmembers Bohr, Carchio, Hansen and Shaw reported attending the League of California Cities Conference in San Diego.

Mayor Pro Tem Dwyer announced the Art of the Brew event scheduled to take place in the Art Center on September 20, 2012.

Councilmember Harper reported attending a Southern California Association of Governments (SCAG) meeting.

## CITY MANAGER'S REPORT

City Manager Fred Wilson informed Council that a county-wide test of the OC Alert Notification System is scheduled to take place on September 20, 2012.

## CONSENT CALENDAR

### 1. Approved and adopted minutes

A motion was made by Carchio, second Boardman to approve and adopt the correction to the May 15, 2006 minutes, the minutes of the City Council/Public Financing Authority Regular Meeting of July 16, 2012, the minutes of the City Council/Public Financing Authority Regular Meeting of August 6, 2012, the City Council/Public Financing Authority Regular Meeting and the Successor Agency Special Meeting of August 20, 2012, and the City Council/Public Financing Authority Special Meeting of August 27, 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, Dwyer, Hansen, Carchio, Bohr, and Boardman  
NOES: None

### 2. Received and filed City Clerk's Quarterly Report listing of Professional Service Contracts filed in the City Clerk's office between January 1, 2012, and June 30, 2012

A motion was made by Carchio, second Boardman to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted by the Office of the City Clerk During the Period of January 1, 2012, and March 31, 2012;" and, receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period of April 1, 2012, and June 30, 2012." The motion carried by the following roll call vote:

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

### 3. Received and Filed the City Treasurer's July 2012 Investment Summary Report

A motion was made by Carchio, second Boardman to receive and file the Monthly Investment Report for July 2012, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

### 4. Adopted Successor Agency Resolution No. 2012-04 authorizing the City Treasurer, Alisa Cutchen, to make deposits and withdrawals on behalf of the City Council of the City of Huntington Beach as the Successor Agency to the Redevelopment Agency in the State Treasurer's Local Agency Investment Fund (LAIF)

A motion was made by Carchio, second Boardman to adopt Resolution No. 2012-04, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Authorizing Investment of Monies in the Local Agency Investment Fund." The motion carried by the following roll call vote:

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

5. Received and Filed the City Attorney's 1st Quarter Report - January 1, 2012, through March 31, 2012

A motion was made by Carchio, second Boardman to receive and file the City Attorney's 1st Quarter Report - January 1, 2012, through March 31, 2012. The motion carried by the following roll call vote:

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

6. Approved appointments to the Children's Needs Task Force

A motion was made by Carchio, second Boardman to reappoint student representative Ryan Chin to a second term of September 2012 to June 30, 2013; and, appoint student representatives, Aurora Johnson, Vy Ly, and Kristin Snapper to first terms of September 2012 to June 30, 2013. The motion carried by the following roll call vote:

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

7. Authorized issuance of a Request for Information (RFI) for Naming Rights and Partnership Opportunities

Councilmember Boardman pulled the item to voice concerns about certain locations retaining the names they were originally given (historical significance), and staff uniforms being branded. Discussion ensued about the level of branding by corporations that support City services/venues, and making sure that names are carefully considered.

Don Schulte, Active Network, addressed concerns and discussed unique ways for Huntington Beach to participate in media, marketing and promotional opportunities.

Discussion ensued on the EDC's role to weigh recommendations and bring them to Council.

A motion was made by Hansen, second Bohr to authorize issuance of a Request for Information (RFI) for Naming Rights and Partnership Opportunities. The motion carried by the following roll call vote:

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

8. Approved City's response to the Orange County Grand Jury Report on NESI-ASCON Toxic Dump Site

A motion was made by Carchio, second Carchio to approve and authorize each Councilmember and the City Manager to sign a letter to The Honorable Thomas J. Borris, Presiding Judge of the Superior Court of Orange County, in response to the findings and recommendations in the 2011-2012 Orange County Grand Jury report on the NESI ASCON Toxic Dump Site. The motion carried by the following roll call vote:

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

9. Awarded Contract in the amount of \$124,000 to Concept 4 Construction Inc. for Construction of ADA Improvements - Various Sites, MSC #482, #481 and #484

A motion was made by Carchio, second Boardman to accept the lowest responsive and responsible bid submitted by Concept 4 Construction Inc. in the amount of \$124,000; 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, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

10. Adopted Resolution No. 2012-60 extending the Surf City Lifeguard Employees' Association (SCLEA) Memorandum of Understanding (MOU) by adopting a Side Letter of Agreement and authorizing the City Manager to execute the Side Letter Agreement

A motion was made by Carchio, second Boardman to adopt Resolution No. 2012-60, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Surf City Lifeguard Employees' Association (SCLEA) , 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, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

11. Adopted Ordinance No. 3957 adopting a Development Agreement with 21002 HB, LLC (Property Owner) (Development Agreement No. 12-001) Approved for introduction August 20, 2012

A motion was made by Carchio, second Boardman to adopt Ordinance No. 3957, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach and 21002 HB, LLC (Property Owner) (Development Agreement No. 12-001)." The motion carried by the following roll call vote:

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

12. Approved Response to Orange County Grand Jury Report on "The Dissolution of Redevelopment: Where Have We Been? What Lies Ahead?"

A motion was made by Carchio, second Boardman to approve and authorize the Mayor to sign the attached letter to The Honorable Thomas J. Borris, Presiding Judge of the Superior Court of Orange County, in response to the findings and recommendations in the 2011-2012 Orange County Grand Jury report on "The Dissolution of Redevelopment: Where have we been? What Lies Ahead?" The motion carried by the following roll call vote:

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

PUBLIC HEARING

13. Public Hearing CONTINUED TO A SPECIAL MEETING OF MONDAY, SEPTEMBER 24, 2012 AT 6:00 PM to consider adopting Resolution No. 2012-65 to adopt a Budget for the City for Fiscal Year 2012/2013

Council discussed continuing the item with public hearing open to a special meeting on Monday, September 24, 2012 at 6:00 PM.

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

A PowerPoint communication submitted by Lori Ann Farrell, Finance Director, dated September 17, 2012 and entitled City of Huntington Beach Proposed Budget Fiscal Year 2012/2013.

A PowerPoint communication submitted by Travis Hopkins, Public Works Director, undated and entitled FY 2012/2013 Capital Improvement Program.

Clerk Flynn indicated one citizen had signed up to speak, and Mayor Hansen opened the public hearing.

Richardson Gray urged Council to preserve the Main Street Library, and voiced concerns about certain City staff and outside parties who support its redevelopment.

A motion was made by Hansen, second Bohr to CONTINUE WITH PUBLIC HEARING OPEN TO A SPECIAL MEETING OF MONDAY, SEPTEMBER 24, 2012 AT 6:00 PM the Proposed Fiscal Year 2012/2013 City Budget appropriation of \$294,654,838 as outlined in the Proposed Budget document and all revisions contained in the Exhibits of the Budget Resolution; and, adopt Resolution Number 2012-65, "A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2012/2013;" and, authorize the Professional Services included in the Fiscal Year 2012/2013 budget to be representative of the services projected to be utilized by departments in Fiscal Year 2012/2013; and, accept revisions to the Proposed Budget Document received by City Council on July 16, 2012, as described in the report. The motion carried by the following roll call vote:

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

14. Approved Mitigated Negative Declaration No. 11-007, Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007 and Variance No. 11-005 (Appeal of Planning Commission's Denial - Pierside Pavilion Expansion)

Principal Planner Ethan Edwards provided a PowerPoint presentation entitled *Pierside Expansion (Appeal)*, dated September 17, 2012, that included titled slides: Aerial Map, Project Request, Analysis, Analysis - Suggested Mods, Restaurants / Alcohol Shared Parking, General Plan / Local Coastal Program, Design Guidelines, Compatibility, Variance / Parking, EPA Carts, Planning Commission Action, and Staff Recommendation.

Comments/Questions:

Councilmember Boardman and Planner Edwards discussed additional approval from the Coastal Commission to add Visitor-Serving Commercial on the project's first floor.

Mayor Hansen opened the public hearing.

City Clerk Joan Flynn read into the record the following supplemental communications received by her office following distribution of the Council agenda packet: Communications received by Gary Baker, Barry Cole, William A. and Bonnie S. Copeland, Bill Garrisi (2) - and an approximately 1,100 page report which is on file in the City Clerk's Office, Thomas E. McCann, Mark Miller, R&S Stookey, Robert L. Mayer, Jr., CEO, The Robert Mayer Corporation, Karen Jackle, President, Huntington Beach Tomorrow, Steve Daniel of the Rocky Mountain Chocolate Factory, Jeffrey M. Oderman, Rutan and Tucker, LLP, and Jeff Smith, Vice President, Govplace.

Patrick Winters, Nadel Architects, Inc. (Project Architects), provided a slide presentation titled *Outline of Main Presentation Points, Pierside Pavillion Addition and Renovation*, and distributed large scale drawings that depicted Site Plan, Landscape, 3D Massing, South / East Elevations, North / West Elevations, P1 and P2 Parking Plan, First, Second, Third and Fourth Floor Plan, Roof Plan, and Site Photos. (01:17:16)

David Abu, Pier Colony Resident, spoke in opposition to the proposed expansion and voiced concerns about compromising the view corridor. (01:23:55)

Jeff Smith, Pier Colony Resident, spoke in opposition to the proposed expansion and provided a PowerPoint presentation entitled *Pier Colony Homeowners - Comments on the Pierside Pavilion Expansion Project*, with titled slides: 1988 - Conditional Use Permit 88-7 for the Pierside Project, 1988 DTSP Section 4.2.15 on Street Variance, View Corridor Upholding, Street Definition, Examples of 3rd Street Widths, The HB Coastal Element, and In Summary. (01:27:51)

Bill Garrisi, Pier Colony Resident, spoke in opposition to the proposed expansion and continued to present PowerPoint titled slides: Issues with the Pierside Project, Staff Arguments against the Corridor, Requirement of a View Corridor, Width of a View Corridor, Tract Map 14133, December 1989, Record of Survey, 09/1990, Summary, and Issues with the Pierside Project. (01:31:21)

Tom McCann, Pier Colony Resident, spoke in opposition to the proposed expansion and provided a slide presentation that depicted photos of residents who will lose their view corridor, and voiced concerns about restricted fire department access to Pier Colony. (01:35:00)

Gary Baker, Pier Colony resident, voiced opposition to the proposed expansion voicing concerns related to noise, fire lane, parking, public view corridor, open space, and shadowing. He urged Council to uphold the Planning Commission's denial of the proposed project. (01:38:38)

Rob Bryant, Pierside Colony, spoke in opposition to the proposed expansion and voiced concerns about the developer placing a sign on the Pierside Pavillion property that advertises a 600 to 6,000 square foot expansion before the project is approved. (01:42:08)

Cecelia Andrade, Havianas, spoke in support of the proposed expansion because of its anticipated consumer draw that will support her custom shoe business. (01:45:55)

Tom Shields, Spark Restaurant, spoke in support of the proposed expansion and the anticipated benefits it will bring to his restaurant business. (01:49:14)

Thomas D. Mauriello, Pier Colony Homeowners' Association Counsel, spoke in opposition to the proposed expansion, and named impacts that he felt would require an environmental impact report be prepared. (01:50:18)

Jonno Wells, CEO Surfline Wavepack, spoke in support of the proposed expansion for increased revenue, and discussed better use of the vacant plaza space because it currently attracts undesirables. He also provided support for elevators as a safety measure. (01:53:30)

Grace Winchell, former City Councilmember, urged Council to deny the project as currently proposed. She discussed the downtown plan, its design guidelines, visitor serving amenities, view corridors, light and air movement, and actions related to the vacation of Third Street. (01:55:32)

Debbie Cook spoke in opposition to the proposed expansion and described her experience with redevelopment of the downtown while serving as a Planning Commissioner, and then Councilmember. (01:59:25)

Rodi Perez, Pierside Kiosk Operator, spoke in support of the proposed expansion and how it will help support/ improve his business. (02:02:29)

Jerry Wheeler, President and CEO of the Huntington Beach Chamber of Commerce, spoke in favor of the proposed expansion because it will increase revenue, enhance shopping and dining downtown, provide professional office space and create new jobs. (02:04:43)

Mike Sheldon spoke in favor of the proposed expansion. (02:08:11)

Linda D. Couey, Huntington Beach Tomorrow, urged Council to honor past obligations, reject the proposal as presented, and support the Planning Commission's denial of the project. (02:09:56)

Laila Morcos, Pier Colony property owner, shared her concerns about investing in her residence that brought sunlight, a view, privacy, and especially how the proposed expansion will reduce her view of the pier. She asked that Council thoroughly examine the proposal, and wondered who, if the project is approved, will compensate her for lost privacy and sunlight, and increased noise. (02:12:00)

Mark Bixby, Planning Commission Vice Chairman, was supportive of staff's efforts to bring a deficient proposal into compliance with historical plans. He discussed past decisions that demonstrated intent to preserve the view corridor, and how the Downtown Specific Plan is contingent on Pierside. He also indicated that the applicant's original plans included a hand written note about a 60' view corridor. (02:14:29)

Robert Stookey spoke in opposition to the proposed expansion and voiced concerns about its size and appearance, and his opinion that the building as proposed is not compatible with the downtown. (02:17:42)

Jeff Oderman, Rutan and Tucker, LLP, spoke in favor of the proposed expansion and described his past experience with developing the downtown and the creation of Pierside Pavillion. (02:20:35)

Mike Adams, Consultant, discussed creation of the Downtown Specific Plan in the early 1980s in relation to right-of-way and view corridor retention, explaining that view retention was not considered a critical factor in past reviews of the Downtown Specific Plan. (02:23:49)

Joe Daichent, Applicant, discussed the proposed expansion and discussed concerns related to the view corridor. He responded to private view concerns by Pier Colony residents, submitted large scale drawings that depicted Ground, Second, Third, Fourth and Roof Level Floor Plans, East and South Elevations, and a list of revised conditions of approval. (02:28:06)

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

Mr. Daichent outlined six suggested modifications that addressed setback of rooftop mechanical equipment, mechanical screening, substituting Design Review Board with Planning Director review, amending restaurant hours to match those associated with the adjacent Spark Restaurant, modify roof top variables, and modifying kiosk locations.

Councilmember Boardman and Planner Edwards discussed noise studies related to mechanical screening without a setback and the suggested modifications to roof top variables.

Mayor Pro Tem Dwyer, Planning Director Hess and Planner Edwards discussed how the revised plan improves the rooftop mechanical housing, but agreed that the upper story deck walls needed improvement.

Councilmember Bohr questioned, and Deputy Attorney Mike Vigliotta confirmed that the City Attorney's Office supports a legal position related to only four Planning Commissioner's voting on the project.

Questions/comments related to the following:

Formation of the building  
Visitor-Serving Commercial  
Massing of elevations facing Pier Colony  
Variance height (staff requesting 6 foot reduction)  
Support provided by the downtown businesses

Councilmember Boardman was opposed to the expansion due to the negative impacts to neighboring Pierside Colony residents.

Councilmember Shaw recognized the applicant's efforts to modify the project as a compromise, but felt more could be done.

Councilmember Harper expressed support for the development.

Councilmember Carchio and the applicant discussed what was being done to resolve the sound issue.

Staff was agreeable to the applicant's suggested revisions 1, 2, and 3 identified in supplemental communications, but suggested alternatives to 4 (rooftop dining hours), 5 (variance height to 62 ft.), and 6 (number of carts/cart placement on Main Street and Pacific Coast Highway).

A motion was made by Bohr, second Hansen to approve Mitigated Negative Declaration No. 11-007 with findings and mitigation measures; and, approve Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007 and Variance No. 11-005 with findings and conditions of approval, as amended to include the following modifications proposed by the applicant:

1. Remove suggested modification on any setback of rooftop mechanical equipment (and all associated screening)
2. Allow mechanical screening up to 10' in height per DTSSB
3. Amend new restaurant hours of operations Sunday through Thursday: 10:00 PM patio closure, 12:00 AM restaurant closure; Friday-Saturday: 12:00 AM patio, and restaurant 1:00 AM closure with a one-year review by the City Council (conditional) - alcohol only with food service
4. Variance No. 11-005 to follow the applicant's request per the drawings, which are as follows: Top of roof deck = 68' - 0" at edge; Top of Parapet = 71' - 6"; Top of Mechanical Screen Wall = 76' - 0"
5. EPA 11-007 revise and approve cart locations per the applicant's submitted plan. Remove conditions regarding spacing between trees and carts.

The motion carried by the following roll call vote:

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

15. Adopted Resolution No. 2012-61 revising the City's Emergency Medical Services Fee Schedule

Fire Chief Patrick McIntosh provided an overview of the request, and Jane Cameron, FireMed Coordinator, provided a PowerPoint presentation dated September 17, 2012 and entitled Revision of the City's FireMed Fee Schedule for Emergency Medical Services, with titled slides: Overview, Staff Recommendations, Summary, and Recommendation.

Mayor Hansen opened the public hearing, and with no one present to speak on the item, closed it.

Mayor Pro Tem Dwyer and Fire Chief McIntosh discussed how recent studies indicated a fee adjustment to be consistent with Consumer Price Index (CPI) adjustments in the marketplace.

A motion was made by Shaw, second Boardman to adopt Resolution No. 2012-61, "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, Hansen, Carchio, and Boardman  
NOES: Harper, and Dwyer  
OUT OF ROOM: Bohr

16. Public Hearing held - adopted Resolution No. 2012-62 approving an Annual Assessment within the Huntington Beach Hotel/Motel Business Improvement District (BID) for Fiscal Year 2012-13

Mayor Hansen opened Public Hearing Item Nos. 16, 17 and 18 concurrently.

Richardson Gray indicated that the comments he provided for the City budget public hearing were relative to this discussion. (03:54:55)

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

Luis Gomez, Real Property Agent, provided a PowerPoint presentation entitled Huntington Beach Business Improvement Districts - FY 2012-2013, with the following titled slides: Renewal Process and Public Hearing, Written Protests, Auto Dealers BID 2012-2013, BID Members, Proposed 2012-2013 Budget and Goals, Recommended Action; Downtown BID 2012-2013, Proposed Assessments for 2012-2013, Downtown BID Boundary, Proposed 2012-2013 Budget and Goals, Recommended Action; Hotel/Motel BID 2012-2013, Proposed Budget and Goals, Hotel/Motel BID Members, and Recommended Action.

The City Clerk announced no protests were received on this item.

A motion was made by Shaw, second Dwyer to conduct the Public Hearing; and, adopt City Council Resolution No. 2012- 62, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District for Fiscal Year 2012-13." The motion carried by the following roll call vote:

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

17. Public Hearing held - adopted of Resolution No. 2012-63 approving an Annual Assessment within the Huntington Beach Downtown Business Improvement District for Fiscal Year 2012-2013

The City Clerk announced no protests were received on this item.

A motion was made by Shaw, second Dwyer to conduct the Public Hearing; and, adopt City Council Resolution No. 2012-63, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Downtown Business Improvement District for Fiscal Year 2012-2013." The motion carried by the following roll call vote:

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

18. Public Hearing held - adopted Resolution No. 2012-64 approving an Annual Assessment within the Huntington Beach Auto Dealers Business Improvement District (BID) for Fiscal Year 2012-2013

The City Clerk announced no protests were received on this item.

A motion was made by Shaw, second Dwyer to conduct the Public Hearing; and, adopt City Council Resolution No. 2012-64, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District for Fiscal Year 2012-2013." The motion carried by the following roll call vote:

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

#### ADMINISTRATIVE ITEMS

19. Approved and authorized execution of the Second Amendment to the Owner Participation Agreement (OPA) with Pierside Pavilion, LLC

Moved by consensus to follow Item No. 14 on the Agenda.

A motion was made by Harper, second Carchio to approve and authorize the Chair and Agency Secretary to execute "Second Amendment to the Owner Participation Agreement" with Pierside Pavilion, LLC. Including Exhibit A "Second Amendment to Agreement Affecting Real Property." The motion carried by the following roll call vote:

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

## ORDINANCES FOR INTRODUCTION

20. Approved for introduction Ordinance No. 3958 amending Chapter 2.101 of the Huntington Beach Municipal Code relating to the Allied Arts Board service limitations

A motion was made by Dwyer, second Hansen to after the City Clerk reads by title, approve for introduction Ordinance No. 3958, "An Ordinance of the City of Huntington Beach Amending Chapter 2.101 of the Huntington Beach Municipal Code Relating to the Allied Arts Board Service Limitations" by eliminating Chapter 2.101.100. The motion carried by the following roll call vote:

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

21. CONTINUED TO SPECIAL MEETING ON SEPTEMBER 24, 2012 a request to Approve for introduction Ordinance No. 3959 amending Chapter 2.76 of the Huntington Beach Municipal Code (HBMC) to add Chief Assistant City Attorney

A motion was made by Hansen, second Bohr to continue to a special meeting on September 24, 2012 request to approve for introduction Ordinance No. 3959, "An Ordinance of the City of Huntington Beach Amending Chapter 2.76 of the Huntington Beach Municipal Code Relating to Competitive Service Regulations." The motion carried by the following roll call vote:

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

## COUNCILMEMBER ITEMS

22. CONTINUED TO A SPECIAL MEETING ON SEPTEMBER 24, 2012 a request submitted by Councilmember Boardman - Outsourcing of the City Attorney's Office

A motion was made by Hansen, second Bohr to continue to a special meeting on September 24, 2012 request to: Receive and file the RFQ responses for City Attorney services that were received on August 31, 2012. I also recommend that the City Council review the responses to identify cost-saving opportunities, if any. The motion carried by the following roll call vote:

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

23. Approved as amended a request submitted by Mayor Pro Tem Dwyer - Consider Hiring Freeze until pension reform as described in AB 340 is implemented

An amended motion was made by Dwyer, second Harper to: Beginning immediately, the City of Huntington Beach impose a hiring freeze that covers all departments--both sworn and non-sworn, full time, and part time employees--that are eligible for the current pension system. This does not include temporary employment that may be necessary to fill an essential position needed prior to the implementation of the new pension plan described in AB 340. This hiring freeze is to sunset on January 1, 2013, or until such time the pension reform as described in AB 340 is implemented.

If at any time a position is deemed detrimental to the running of our city or the safety of our citizens by the City Manager, then the City Manager may place the position on the City Council's agenda for the next available Council Meeting, or if required, a Special Meeting, for the hiring of said position by a simple majority of the City Council. A second reading of the hiring of said position will not be required in light of the immediate necessity.

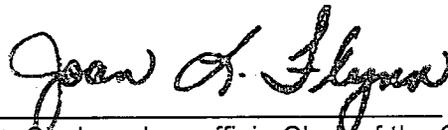
Exceptions identified by Dwyer include: those who have left former job due to job offers from Huntington Beach (Sr. Admin. Analyst) and City Engineer, Police Officer, Asst. Fire Marshal, Fire Inspector, and Ambulance Operators in the current hiring process. The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

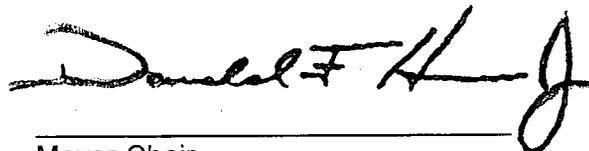
Comments were provided by Councilmembers Shaw, Harper, Dwyer, Carchio, Bohr, Boardman, and Hansen.

ADJOURNMENT at 10:44 PM to a special meeting held on Monday, September 24, 2012 at 5:00 PM, Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California; and then to the next regularly scheduled meeting of Monday, October 2, 2012, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:

  
City Clerk, PFA Secretary, Housing  
Authority Clerk  
Mayor-Chair