

**Minutes
City Council/Redevelopment Agency Meeting
City of Huntington Beach**

Tuesday, January 19, 2010
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
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM - ROOM B-8

CALL TO ORDER

Mayor Green called the Study Session portion of the City Council/Redevelopment Agency meeting to order at 4:00 PM and announced that pursuant to Resolution No. 2001-54, Councilmember Coerper has requested to be absent from tonight's meeting. Permission was granted.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
Absent: Coerper

ANNOUNCEMENT OF LATE COMMUNICATION - None.

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

STUDY SESSION

1. Study Session - Richard Santos, Senior Pension Actuary, California Public Employees Retirement System (CalPERS) provided an update on the status of CalPERS, and provided the status of the City's safety and non-safety retirement plans.

City Administrator Fred Wilson introduced Bob Wingenroth, Director of Finance, and Rick Santos, CFA, ASA, MAAA Senior Pension Actuary, CalPERS.

Mr. Santos provided a PowerPoint presentation entitled "The Impact of the Current Economic Environment - City of Huntington Beach January 19, 2010" that included the following topic slides: Summary, Why we are where we are?, Expected Return and Pension Costs, Asset Smoothing: Deferring the Gains and Losses, Asset Smoothing - Using a Smoothed Value, Asset Smoothing - New Method, New Method - Reducing the Risk, Asset Smoothing - Change Summary, Rate Projections, Funded Ratios, Recent PERS Investment Return, 2nd Tiers, CalPERS 2nd Tiers, and CFFR Proposal.

Discussion ensued about rate projections, undetermined factors that will affect the projected numbers, growth, asset losses, petition initiative (second tier funding), defined contributions, early retirement reasoning (no wage increase - no reason to stay), a 0% payroll growth that presents problems with rate projections, golden handshakes, and different portfolios with different levels of risk.

City Administrator Fred Wilson distributed a draft resolution regarding pension modifications. No action was taken on the resolution.

RECESS TO CLOSED SESSION

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

AYES:	Hardy, Bohr, Green, Dwyer, Carchio, and Hansen
NOES:	None
ABSENT/OUT OF ROOM:	Coerper

CLOSED SESSION

2. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Catherine Denise Cranford v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2008-001106397. Plaintiff, a former supervisor in the City's jail, has sued the City alleging violation of her right to privacy in releasing confidential medical information and has sued the City and another jail supervisor alleging sexual harassment and retaliation based on her sexual orientation.

3. Pursuant to Government Code Section 54956.9, 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; Orange County Superior Court Case No. 30-2008-00051261-CU-PT-CXC. This action arises out of allegations of violations of the California Environmental Quality Act ("CEQA"), violations of the City General Plan and the Quimby Act.

4. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Huntington Beach Neighbors (H.B. Neighbors) v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2009-00325686. This suit concerns a challenge to the legal adequacy of the Environmental Impact Report prepared for the amendment to the Downtown Specific Plan.

5. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Robert Orosco v. City of Huntington Beach; WCAB Case Nos. ADJ978937, ADJ339204, ADJ4678300, and ADJ4014897; Claim Nos. COHB 04 0017, COHB 04 0034, COHB 01 0078, and COHB 00 1082.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Green reconvened the City Council/Redevelopment Agency meeting at 6:02 PM, and announced that pursuant to Resolution No. 2001-54, Councilmember Coerper has requested to be absent from tonight's meeting. Permission was granted.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
Absent: Coerper

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

PLEDGE OF ALLEGIANCE - Led by Wolf Pack 506 Den 1.

INVOCATION - Mark Curry, Huntington Beach Interfaith Council.

ANNOUNCEMENT OF LATE COMMUNICATION

Communication submitted for the City Administrator's Report by Stanley Smalewitz, Director of Economic Development, dated January 15, 2010, entitled *Downtown Image Ad-Hoc Committee Status Update*.

Communications received on Public Hearing Item No. 3 regarding the reconsideration of the approval of the update to Specific Plan No. 5 – Downtown Specific Plan (DTSP) previously approved on November 2, 2009: Dennis Austin, Jennifer Plummer, Joe Pearson, Matt Nye and Linda DeLaet, Cory J. Briggs, of Briggs Law Corporation, and Mark Allen.

PowerPoint communication for Public Hearing Item No. 3 submitted by Scott Hess, Director of Planning and Building, dated January 19, 2010, entitled *Downtown Specific Plan – Minor Revisions and PowerPoint Presentation*.

Communication submitted on Consent Item No. 9 by Gino J. Bruno dated January 15, 2010, entitled *Slater Avenue Rehabilitation Project*.

Communication submitted on Consent Item No. 15 by Fred A. Wilson, City Administrator, dated January 14, 2010, entitled *Agreement to Jointly Deliver Orange County Cities Energy Efficiency Partnership Program* substituting a new agreement with Southern California Gas reflecting clerical corrections and adding the City of Fountain Valley.

Communications received on Consent Item No. 19 regarding the adoption of Resolution No. 2010-05 establishing standard conditions of approval for eating and drinking establishments with alcohol sales and/or live entertainment within the Downtown Specific Plan Area – District 1: Anonymous, Jennifer Conant, Blair Evans, Mike Seivert, Gregory S., Peter Rusch, Cofounder of So. Calif. Beer Pong, and Todd.

COMMUNICATIONS SUBMITTED DURING THE MEETING

Communication on Public Hearing Item No. 3 submitted by Richard Plummer, undated and untitled, that included a photograph of the Oceanview Promenade building and attached correspondences relating to the Downtown Specific Plan.

Communication on Public Hearing Item No. 3 submitted by Michael C. Adams Associates dated January 19, 2010, untitled, addressing proposed revisions to the Downtown Specific Plan.

Communication submitted on Consent Item No. 19 by Richard Plummer dated January 19, 2010 regarding establishing standard conditions for restaurants serving alcohol.

AWARDS AND PRESENTATIONS

Presentation: Mayor Green called on Orange County Vista member Steve Lemler to make a presentation on the 2-1-1 system.

Steve Lemler provided a PowerPoint presentation entitled "A Vital Community Resource called 2-1-1" that highlighted the Orange County 2-1-1 program that links Orange County residents to community health and human services and support.

Mayor's Award: Mayor Green called on Human Resources Director Michele Carr to present the Mayor's Award to Patricia Albers, Senior Administrative Analyst.

Michelle Carr, Director of Human Resources, presented the Mayor's Award to Patricia Albers, Senior Human Resources Analyst. Director Carr described Patricia's accomplishments since coming to Huntington Beach in June 2004, specifically her role in implementing the NeoGov automated application system, her flexibility, and becoming certified in a variety of Human Resource programs.

PUBLIC COMMENTS (3 Minute Time Limit)

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

Betsy Snare spoke to Council about the Huntington Beach Equestrian Center, describing activities offered at the Center and Therapeutic Riding School. She also discussed public trail rides, services and trainers on hand, animal education, and her satisfaction in boarding her horse at the Center. (00:17:13)

Ken Deagle, spoke on behalf of the *Relay for Life* American Cancer Society fundraising program, announcing the Relay event on May 15 and 16, 2010 at Huntington Central Park. He voiced hopes for a cancer-free society fifty years from now, and encouraged the public to attend a kick-off event on February 26, 2010 at the Waterfront Hilton Resort. (00:20:00)

Kim Kramer, representing the Huntington Beach Downtown Residents' Association (HBDRA), spoke of their support for reducing dwelling units per acre to 45 and capping new units to 268, consistent with the EIR, and a library subdistrict with a 99-seat theater. He also spoke in support of Agenda Item No. 19 (entertainment permits downtown), and allowing for a one-year review process by the Chief of Police and Director of Planning for downtown conditional

use permit conditions of approval, and Agenda Item No. 32 (new entertainment permits).
(00:21:45)

Jessica Montoya, a Robinwood neighborhood resident, spoke regarding a local coyote problem and request for fence repair near McFadden and Bolsa Chica. She described a coyote attack on her dog and voiced concerns about safety in the surrounding area. (00:23:42)

Councilmember Bohr called on Chief Small to respond. Chief Small stated that the issue will be addressed at the February 16 Study Session where representatives from the Council and local Animal Control will speak. He also discussed partnering with neighborhood programs, and requested that the speaker fill out a blue card for contact purposes.

David Mercier spoke to Council about overnight parking for homeless who reside in recreational vehicles. (00:28:10)

Mayor Green informed Mr. Mercier of overnight accommodations for the homeless.

Winona Hudak, spoke to Council about the homeless being prohibited from collecting recyclable material from public waste dispensaries to support themselves. She also complained about her motor home being towed from the front of a friend's house while her cat was in it. (00:30:13)

Richard Plummer spoke to Council about Agenda Item No. 19 (entertainment permits downtown), and his support for slowing down the nightclubs. He discussed a need to clarify districts affected by the resolution, and maintaining a list of restaurant uses downtown. (00:32:05)

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

Councilmember Carchio announced a fundraising event to benefit earthquakes victims in Haiti at Zack's at Pier Plaza on Sunday, January 24, 2010 from noon to 4:00 PM.

Mayor Green read a message she received from City staff member Kathy Nelson about the U.S. Census being underway, and how to identify a U.S. Census worker.

CITY ADMINISTRATOR'S REPORT

City Administrator Wilson introduced Deputy Economic Development Director Kellee Fritzal, who presented an update on recommendations made by the Downtown Image Ad Hoc Committee. Ms. Fritzal provided a PowerPoint presentation entitled *Downtown Image Committee Status Update*, with topic slides that included Image Committee, Public Safety Recommendations, Maintenance Recommendations, Cultural Recommendations, and Business Variety/Nightlife Recommendations.

In response to an inquiry by Councilmember Dwyer, staff provided an update on bollard placement in the downtown.

1. Information Services Director Jack Marshall and Community Relations Officer Laurie Payne presented the City's new website design which was launched to the public during the Council Meeting.

City Administrator Fred Wilson introduced Jack Marshall, Director of Information Services. Director Marshall, Community Relations Officer Laurie Payne, and Web Analyst Tony Porter demonstrated the City's new website design.

Mayor Green suggested that staff consider posting downtown permit activity on the City's website.

CITY TREASURER'S REPORT

2. (City Council) Reviewed and accepted Shari L. Freidenrich, City Treasurer's Investment Summary Report of City Investment Portfolio, Bond Proceeds, Deferred Compensation, Retiree Medical Trust, and Supplemental Pension Trust Activity for November 2009.

City Treasurer Shari Freidenrich provided a brief PowerPoint.

A motion was made by Carchio, second Bohr to accept the Monthly Investment Report for November 2009, 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:	Bohr, Green, Dwyer, Carchio, and Hansen
NOES:	None
ABSENT:	Coerper
OUT OF ROOM:	Hardy

PUBLIC HEARING

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

3. (City Council) Public Hearing held to reconsider approving Zoning Text Amendment (ZTA) No. 08-004, General Plan Amendment (GPA) No. 08-007, and Local Coastal Program Amendment (LCPA) No. 08-002 to update Specific Plan No. 5 - Downtown Specific Plan (DTSP) previously approved on November 2, 2009.

Councilmember Carchio recused himself from participating in the public hearing due to a possible conflict of interest.

Administrator Wilson introduced Associate Planner Jennifer Villasenor who made a PowerPoint presentation entitled *Downtown Specific Plan Reconsideration* which included topic slides: Background, Opportunity Sites Analysis: 7th & PCH, Opportunity Sites Analysis: 9th & PCH, Opportunity Sites Analysis: 5th Street - 3rd block, and Recommendation.

Mayor Green opened the public hearing.

City Clerk Joan Flynn announced receipt of the following late communications received by her

office following distribution of the Council agenda packet:

Communications received on Public Hearing Item No. 3 regarding the reconsideration of the approval of the update to Specific Plan No. 5 – Downtown Specific Plan (DTSP) previously approved on November 2, 2009: Dennis Austin, Jennifer Plummer, Joe Pearson, Matt Nye and Linda DeLaet, Cory J. Briggs, of Briggs Law Corporation, and Mark Allen.

PowerPoint communication for Public Hearing Item No. 3 submitted by Scott Hess, Director of Planning and Building, dated January 19, 2010, entitled *Downtown Specific Plan – Minor Revisions and PowerPoint Presentation*.

Clerk Flynn also announced receipt of the following communications during the meeting:

Communication submitted by Richard Plummer, undated and untitled, a photograph of the Oceanview Promenade building and attached correspondences relating to the Downtown Specific Plan.

Communication submitted by Michael C. Adams Associates dated January 19, 2010, untitled, addressing proposed revisions to the Downtown Specific Plan.

Karen Heidt spoke about controlled housing and controlled rents, urging Council to support mixed use plans and provide for traffic safety. (01:18:55)

Matt Nye requested Council reduce downtown density and publish the project online. He also urged Council to listen to downtown residents, reconsider the downtown specific plan, and find consensus among residents and other downtown associations. (01:21:58)

Angela Reinsberger requested that Council postpone tonight's hearing to fully consider all recommendations made by the Downtown Ad Hoc Subcommittee. She voiced concerns related to safety, growth, and proliferation of bars downtown, and stated support for building stricter conditions into the DTSP for future bar establishments. (01:24:48)

Andrew Stupin, Fifth Street business and property owner, spoke in support of the DTSP. He discussed his opinion on why third block development has failed, and how Fifth Street owners need help developing their lots. (01:26:55)

Ron McLin thanked Council for reconsidering the DTSP, discussed first floor mixed use on Fifth Street, and his opinion that increasing density will not benefit the downtown. He also discussed parking issues and does not support allowing for four stories on the Fifth Street block. (01:30:14)

Dave Sullivan complimented Public Works for responding to recent hazardous conditions caused by the weather. He voiced concerns about perceived problems in the downtown, including too many bars and his opinion that guests staying at local, high-priced hotels should not be subject to witnessing intoxicated people and sidewalk t-shirt sales when they visit the downtown. (01:33:24).

Mary Boddy reiterated a need for the 99-seat theater in the downtown. She discussed the recognition of *SURFCITYUSA*, and theater patrons using beach parking. (01:36:37)

Richard Plummer voiced concerns about the Downtown Ad Hoc Committee's full list of recommendations not being considered. He explained how only certain recommendations were presented on August 17, and urged Council to postpone action until receiving all the Image Committee has to offer. He also urged Council not to allow building above three stories. (01:39:00)

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

Mayor Green stated her opinion that residential density of 45 dwelling units per acre still offers an incentive to develop property.

A motion was made by Green, second Hardy to (straw vote) to accept a portion of Alternative Action #1 - a maximum residential density of 45 dwelling units per acre and a residential unit cap of 268 new units.

Councilmember Bohr discussed the extenuating factors that drive density.

A substitute motion was made by Hansen, second Bohr to - Approve Zoning Text Amendment No. 08-004 (Resolution No. 2009-61), General Plan Amendment No. 08-007 (Resolution No. 2009-62), Local Coastal Program Amendment No. 08-002 (Resolution No. 2009-63), and CEQA Findings of Fact and Statement of Overriding Considerations with a maximum residential density of 50 dwelling units per acre lots with a site area of 3 or more 25-foot wide lots in District 1. (No change to the November 2, 2009 Council adopted DTSP Update), **as amended by late communication to revise the following pages of the DTSP: 1) In Book 1, Page 2-12, Height of Building Definition - Revise building height definition to read, "the vertical distance above the highest adjacent street level measured to the highest point of the average height of the highest gable of a pitched or hipped roof;" 2) Book 1, Page 3-4, Section 3.2.4, Encroachments - Revise provision to read, "No permanent private encroachment shall occur in the public right-of-way (ROW) or onto public property unless otherwise approved by the Director of Public Works and the Director of Planning and Building;" 3) Book 1, Page 3-47, Section 3.3.1.15, Storefronts - Delete provision #1 which reads, "14' minimum ground floor plate height, as measured from the adjacent sidewalk, for all development that is not exclusively residential; and as stated during the meeting, District 1 to have a maximum building height of 45 feet," and as amended in Hansen's motion to not exceed four stories on building sites that have a minimum net area of 8,000 square feet.** The motion carried by the following roll call vote:

AYES:	Dwyer, Bohr, and Hansen
NOES:	Green, and Hardy
ABSTAIN:	Carchio
ABSENT:	Coerper

CONSENT CALENDAR

4. (City Council/Redevelopment Agency) Approved and adopted minutes.

A motion was made by Hansen, second Dwyer to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of December 21, 2009, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Hardy, Bohr, Green, Dwyer, Carchio, and Hansen
NOES: None
ABSENT: Coerper

5. (City Council) Approved and authorized the Mayor and City Clerk to execute a License Agreement with Southern California Edison for access through LeBard Park, to repair and maintain transmission lines and towers.

A motion was made by Hansen, second Dwyer to approve the "License Agreement By and Between the City of Huntington Beach and Southern California Edison" and, authorize the Mayor and City Clerk to execute the agreement. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

6. (City Council) Adopted Resolution No. 2010-01 authorizing the Mayor and City Clerk to execute an Operational Area Agreement, including addendums, with the County of Orange and local agencies for the implementation of the Standardized Emergency Management System (SEMS) regulations.

A motion was made by Hansen, second Dwyer to adopt Resolution No. 2010-01, "A Resolution of the City Council of the City of Huntington Beach Approving An Operational Area Agreement Between the County of Orange and Local Agencies for the Implementation of the Standardized Emergency Management System (SEMS) Regulations;" and, authorize the Mayor and City Clerk to sign an Operational Area Agreement with addendums between the County of Orange and political subdivisions for the implementation of SEMS. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

7. (City Council) Adopted Resolution No. 2010-02 accepting Orange County Taxi Administration Program (OCTAP) Steering Committee's approval of a revised set of regulations to further protect the health, safety, and welfare of persons utilizing taxicab services in member agencies' jurisdictions.

A motion was made by Hansen, second Dwyer to adopt Resolution No. 2010-02, "A Resolution of the City Council of the City of Huntington Beach Adopting Revised Orange County Taxi Administration Program Regulations." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

8. (City Council) Approved and authorized the Mayor and City Clerk to execute Amendment No. 1 to the professional services contract with David Volz Design extending the term of the original

agreement to January 2, 2011 for landscape architectural services on Phase 1 of the Bartlett Park Environmental Assessment and Conceptual Plan.

A motion was made by Hansen, second Dwyer to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and David Volz Design for Landscape Architectural Services." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

9. (City Council) Adopted Resolution No. 2010-03 authorizing the Mayor and City Clerk to execute Program Supplement No. N039 to Master Agreement No. 12-5181R with the State of California for Slater Avenue Construction Improvements.

A motion was made by Hansen, second Dwyer to adopt Resolution No. 2010-03, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement No. N039 to Master Agreement No. 12-5181R for Slater Avenue Construction Improvements." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

10. (City Council) Appointed Fire Chief Patrick McIntosh as the City's board member to the Orange County-City Hazardous Material Emergency Response Joint Powers Authority, alternate board member to the Central Net Operations Joint Powers Authority, and alternate board member to the Metro Cities Fire Authority Joint Powers Authority; and, appointed Division Chief/Operations Eric Engberg as the City's alternate board member to the Orange County-City Hazardous Materials Emergency Response Joint Powers Authority.

A motion was made by Hansen, second Dwyer to appoint Fire Chief Patrick McIntosh as the City's board member to the Orange County-City Hazardous Materials Emergency Response Joint Powers Authority and Division Chief/Operations Eric Engberg as the City's alternate board member; and, appoint Fire Chief Patrick McIntosh as alternate board member to the Central Net Operations Joint Powers Authority; and, Appoint Fire Chief Patrick McIntosh as alternate board member to the Metro Cities Fire Authority Joint Powers Authority. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

11. (City Council) Approved separate professional service contracts with RGA Environmental, Inc. and Ninyo and Moore, each in an amount not to exceed \$350,000 with five year terms for performance for as-needed hazardous materials inspection and testing services.

A motion was made by Hansen, second Dwyer to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and

RGA Environmental, Inc. for Hazardous Materials Inspection and Testing Services;" and, approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and Ninyo and Moore Geotechnical and Environmental Science Consultants for Hazardous Materials Inspection and Testing Services." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

12. (City Council) Approved a Sole Source request for the purchase of aircraft parts not to exceed \$70,000 from Heli-Mart, Inc.

A motion was made by Hansen, second Dwyer to waive the formal bidding requirement per Municipal Code Section 3.02.080(b)(4), Sole Source Goods and Services exemption; and, authorize the use of Heli-Mart, Inc. as Sole Source for the purchase of aircraft parts. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

13. (City Council) Received and filed the 2008/09 Consolidated Annual Performance and Evaluation Report (CAPER) submitted to the Department of Housing and Urban Development (HUD) reporting the progress made in the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and American Dream Downpayment Initiative (ADDI) Programs between October 1, 2008 to September 30, 2009.

A motion was made by Hansen, second Dwyer to approve to receive and file the 2008/09 Consolidated Annual Performance and Evaluation Report (CAPER). The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

14. (City Council) Approved and authorized the Mayor and City Clerk to execute Amendment No. 1 to the professional services contract between the City and Nuvis Landscape Architecture and Planning for landscape architectural services for increased compensation of \$49,000, and adding one year to the term of performance for Edison Youth Sports Complex Reconfiguration Phase 1.

Councilmember Carchio pulled the item to inquire about the contract's \$49,000 increase for landscaping. Community Services Director Jim Engle explained changes outside of the original project scope, and Southern California Edison's (SCE) involvement in property decisions.

A motion was made by Carchio, second Hardy to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Nuvis Landscape Architecture and Planning for Landscape Architectural Services." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

15. (City Council) Approved and authorized the Mayor and City Administrator to execute an agreement with Southern California Edison Company to jointly deliver the 2010-2012 Orange County Energy Leader Partnership Program; and, an agreement by and among The City of Costa Mesa, The City of Huntington Beach, The City of Westminster, and the Southern California Gas Company to jointly deliver the Orange County Cities Energy Efficiency Partnership Program.

A motion was made by Hansen, second Dwyer to approve and authorize the Mayor and City Administrator to execute "Agreement to Jointly Deliver the 2010-2012 Orange County Energy Leader Partnership Program Between the City of Huntington Beach and Southern California Edison Company;" and "Agreement to Jointly Deliver the 2010-2012 Orange County Cities Energy Efficiency Partnership Program by and among the City of Costa Mesa, the City of Huntington Beach, the City of Westminster, and the Southern California Gas Company" **as amended by late communication identifying the following summary of changes: 1) The term Utility is replaced with Southern California Gas Company or (SCG); 2) The term Partnership is replaced by Program throughout the document; 3) The dates 2010-2012 describing the Program are deleted; 4) Record retention requirements are reduced from 10 to 5 years; 5) The term Project is replaced with Project or Measure; 6) Fountain Valley is added to the Partnership program; 7) Public Goods Charge (PGC) is replaced with Gas Surcharge Funds; and 8) Formatting and Fonts were updated to be uniform throughout the document.** The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

16. (City Council) Approved and authorized the Mayor and City Clerk to execute a three year Professional Services Contract in the amount of \$250,000 between the City and Digital Energy, Inc. for Municipal Solar Projects - feasibility, design, environmental review, entitlements and bid support.

A motion was made by Hansen, second Dwyer to Approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and Digital Energy, Inc." for solar feasibility, designs, environmental reviews, entitlements and solar power purchase agreement (PPA) bid support services. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

17. (City Council) Adopted Resolution No. 2010-04 designating the Huntington Beach Recovery Zone in accordance with the American Recovery and Reinvestment Act of 2009 for the purposes of issuing taxable Recovery Zone Economic Development Bonds and tax-exempt Recovery Zone Facility Bonds.

A motion was made by Hansen, second Dwyer to approve and adopt Resolution No. 2010-04, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Creation of a Recovery Zone Under the Provisions of the American Recovery and Reinvestment Act of 2009 for the Purpose of Issuing Recovery Zone Bonds Under Section 1400U-2, and 1400U-3 of the Internal Revenue Code of 1986, As Amended." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

18. (City Council) Received and Filed City of Huntington Beach Strategic Plan Objectives Update.

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

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

19. (City Council) Adopted Resolution No. 2010-05 establishing standard conditions of approval for eating and drinking establishments with alcohol sales and/or live entertainment within the Downtown Specific Plan Area - District 1, as recommended by City staff and the Downtown Image Committee.

Councilmember Hansen and Police Chief Small discussed how the new resolution affects businesses that currently have entertainment permits, and the City's goal of obtaining the right, eclectic mix. Councilmember Hansen thanked the Chief for his attention and responsiveness to residents, and his opinion that the resolution is proceeding in the right direction.

A motion was made by Hansen, second Hardy to adopt Resolution No. 2010-05, "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." The motion carried by the following roll call vote:

AYES: Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSTAIN: Carchio
ABSENT: Coerper

20. (City Council) Adopted Resolution No. 2010-06 modifying salary and benefits for Non-Represented employees as it relates to the eligibility statement in the selection options of the Public Employee Retirement system.

A motion was made by Hansen, second Dwyer to adopt Resolution No. 2010-06, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

ORDINANCES FOR INTRODUCTION

21. (City Council) Approved for introduction Ordinance No. 3863 amending Chapter 2.52 of the Huntington Beach Municipal Code (HBMC) relating to a Police Department procedure to ensure the City's Municipal Code is in accordance with current legislation affecting municipalities.

City Attorney Jennifer McGrath described the ordinance as a clean-up document for state law consistency.

A motion was made by Hardy, second Bohr to after the City Clerk reads by title, approve for introduction Ordinance No. 3863, "An Ordinance of the City of Huntington Beach Amending Chapter 2.52 of the Huntington Beach Municipal Code Relating to a Police Department Procedure." The motion carried by the following roll call vote:

AYES: Hardy, Bohr, Green, Dwyer, and Hansen
NOES: None
ABSENT: Coerper
OUT OF ROOM: Carchio

22. (City Council) Approved for introduction Ordinance No. 3865 amending chapter 9.68 of the Huntington Beach Municipal Code (HBMC) relating to curfew, in order to provide consistency with current enforcement practices.

Police Chief Small discussed curfew law and enforcement practices, issuing civil citations, and formalizing current practices, explaining that the ordinance does not change curfew law, rather, enables staff to use civil citations for enforcement.

In response to Councilmember Carchio, Chief Small described parental cooperation as generally good.

A motion was made by Hansen, second Bohr to after City Clerk reads by title, approve for introduction Ordinance No. 3865, "An Ordinance of the City of Huntington Beach Amending Chapter 9.68 of the Huntington Beach Municipal Code Relating to Curfew." The motion carried by the following roll call vote:

AYES: Hardy, Bohr, Green, Dwyer, Carchio, and Hansen
NOES: None
ABSENT: Coerper

ORDINANCES FOR ADOPTION

23. (City Council) Adopted Ordinance No. 3853 amending Chapter 3.03 of the Huntington Beach Municipal Code (HBMC) relating to Professional Services Contracts. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after the City Clerk reads by title, adopt Ordinance No. 3853, "An Ordinance of the City of Huntington Beach Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services Contracts." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

24. (City Council) Adopted Ordinance No. 3854 amending Chapter 14.52 of the Huntington Beach Municipal Code (HBMC) relating to Water Efficient Landscape Requirements to comply with state law. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after the City Clerk reads by title, adopt Ordinance No. 3854, "An Ordinance of the City of Huntington Beach Amending Chapter 14.52 of the Huntington Beach Municipal Code Relating to Water Efficient Landscape Requirements." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

25. (City Council) Adopted Ordinance No. 3855 amending Chapter 2.33 of the Huntington Beach Municipal Code (HBMC) by eliminating the Building and Safety Department and combining those functions with the Planning Department, creating a new Planning and Building Department; approved and authorized the City Administrator to execute Amendment No. 1 to the Employment Agreement with Scott Hess; and, approved the Class Specification for the position of Director of Planning and Building. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after the City Clerk reads by title, adopt Ordinance No. 3855, "An Ordinance of the City of Huntington Beach Deleting Chapter 2.32 of the Huntington Beach Municipal Code and Amending Chapter 2.33 of the Huntington Beach Municipal Code Relating to the Building and Planning Departments." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

26. (City Council) Adopted Ordinance No. 3856 amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Titled Definitions. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after City Clerk reads by title, adopt Ordinance No. 3856, "An Ordinance of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None

ABSENT: Coerper

27. (City Council) Adopted Ordinance No. 3857 amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Titled Classifications. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after City Clerk reads by title, adopt Ordinance No. 3857, "An Ordinance of the City of Huntington Beach Amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance Titled Classifications." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

28. (City Council) Adopted Ordinance No. 3858 amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Titled Residential Districts. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after City Clerk reads by title, adopt Ordinance No. 3858, "An Ordinance of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled Residential Districts." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

29. (City Council) Adopted Ordinance No. 3859 amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Titled C Commercial Districts. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after City Clerk reads by title, adopt Ordinance No. 3859, "An Ordinance of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance Titled C Commercial Districts." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

30. (City Council) Adopted Ordinance No. 3860 amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Titled I Industrial Districts. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after City Clerk reads by title, adopt Ordinance No. 3860, "An Ordinance of the City of Huntington Beach Amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance Titled I Industrial Districts." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

31. (City Council) Adopted Ordinance No. 3861 amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Titled Site Standards. Approved for introduction December 21, 2009.

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT: Coerper

A motion was made by Hardy, second Dwyer to after City Clerk reads by title, adopt Ordinance No. 3861, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSENT/OUT OF ROOM: Coerper

32. (City Council) Adopted Ordinance No. 3862 amending Chapter 5.44 of the Huntington Beach Municipal Code (HBMC) relating to entertainment permits. Approved for introduction December 21, 2009.

A motion was made by Hardy, second Dwyer to after the City Clerk reads by title, adopt Ordinance No. 3862, "An Ordinance of the City of Huntington Beach Amending Chapter 5.44 of the Huntington Beach Municipal Code Relating to Entertainment Permits." The motion carried by the following roll call vote:

AYES: Dwyer, Green, Bohr, Hardy, and Hansen
NOES: None
ABSTAIN: Carchio
ABSENT: Coerper

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carchio reminded the public about the January 24 fundraiser at Zack's at Pier Plaza to benefits Haiti earthquake victims.

Councilmember Dwyer reported attending a celebration of life for Wes Bannister in Julian on Saturday, January 16, the new photography display at the Downtown Art Center on Friday, January 15, and announced the January 19th Art Walk in downtown Huntington Beach.

Mayor Pro Tem Hardy reported attending Patrick McGlade's Coast-to-Coast Run for Arthritis kick-off on January 2.

Mayor Green reported attending CERT training on Saturday, January 16, and requested that Acting Fire Chief Eric Engberg describe an exercise that tested the OC Alert system. Chief

Engberg cautioned people about current weather conditions, and noted that sand bags are available at the City yard.

Councilmember Dwyer and staff discussed a current power outage affecting an area near Brookhurst and Indianapolis.

Mayor Green announced that solar improvements made to her home reduced her monthly heating bill from \$299 to \$11.

ADJOURNMENT Council/Agency adjourned at 8:15 p.m. to a Special Meeting on Friday, January 29, 2010, at 8:30 AM at the Huntington Beach Central Library, Rooms C and D, 7111 Talbert Ave., Huntington Beach, California. The next regularly scheduled meeting will be Monday, February 01, 2010 at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

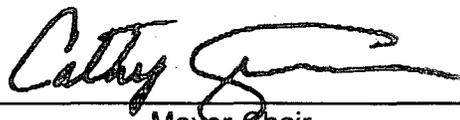


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:



City Clerk-Clerk



Mayor Chair