

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

Monday, February 1, 2010
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/**

5:30 PM - Council Chambers - Closed Session
6:00 PM - Council Chambers - Regular Business Meeting

CALL TO ORDER

Mayor Pro Tem Hardy called the Study Session portion of the City Council/Redevelopment Agency meeting to order at 5:33 PM and announced that pursuant to Resolution No. 2001-54, Councilmember Bohr has requested to be absent from tonight's meeting. Permission was granted.

ROLL CALL

Present: Carchio, Coerper, Hardy, Green (arrived at 5:35 p.m.), Dwyer, and Hansen
Absent: Bohr

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced receipt of a Notice of Absence from Councilmember Bohr dated February 1, 2010.

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

RECESS TO CLOSED SESSION

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

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

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: Douglas Young, a minor, et al. v.

City of Huntington Beach; Orange County Superior Court Case No. 30-2008-00113686. This suit concerns a minor who was riding his waveboard when it struck a crack in the pavement causing him injuries.

2. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; and Bob Wingenroth, Director of Finance, regarding labor negotiations with MEO, MEA, PMA, HBPOA, HBFA, FMA, MSOA, SCLEA, and Non-Associated.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Green reconvened the City Council/Redevelopment Agency meeting at 6:08 PM and announced that pursuant to Resolution No. 2001-54, Councilmember Bohr has requested to be absent from tonight's meeting. Permission was granted.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

Present: Carchio, Coerper, Hardy, Green (arrived at 5:35 p.m.), Dwyer, and Hansen
Absent: Bohr

PLEDGE OF ALLEGIANCE - Led by Girl Scout Junior Troop 529.

INVOCATION - Led by Rabbi Steve Einstein, Huntington Beach Interfaith Council.

ANNOUNCEMENT: Mayor Green announced that Huntington Beach will recognize February as National African American History Month.

AWARDS AND PRESENTATIONS

Mayor Green called on Community Services Director Jim Engle to present a proclamation to Mike Adams, President of the Huntington Beach Art Center Foundation, for the Foundation's hard work during the last 20 years. Mayor Green read excerpts from the proclamation, recognizing Foundation members Robert Goodrich, Diana Casey, and Gerald Chapman.

President Adams recognized Foundation members Janeen Laudenback, Gayle Skerrit, Teresa Hartman, Mary Lou Shattuck and Kate Hoffman, and discussed the group's efforts to raise over \$2 Million dollars. Mr. Adams presented the City with a check in the amount of \$10,000 from the Huntington Beach Art Center Foundation.

Diana Casey thanked the Board, and asked Council for continued support of the Art Center.

Mayor Green called on Sylvia Garrett to present the results of the fundraising efforts to preserve the Community Aquatic Programs at Huntington Beach High School. Ms. Garrett discussed the past efforts of the community to raise over \$2 million to rebuild and reopen the Huntington Beach High School pool. She also announced that the community raised the \$8,500.00

necessary to keep the aquatics program open for another year. On behalf of the "Swim-a-thon," she presented a check in the amount of \$8,972.00 to the City.

Mayor Green called on Fire Captain Marty Ortiz to present a check to the Boys and Girls Club of Huntington Valley from the Huntington Beach Fire Association's Annual Great Balls of Fire Golf Tournament.

Captain Ortiz discussed the HBFA's past involvement with local charities, and presented a check in the amount of \$50,000 to the Boys and Girls Club of Huntington Valley. Shirley Dettloff accepted the check on behalf of the Boys and Girls Club, and described how the funds will support building a new facility on the campus of Goldenwest College.

ANNOUNCEMENT OF LATE COMMUNICATION

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

A Notice of Absence received from Councilmember Keith Bohr requesting permission to be absent pursuant to Resolution No. 2001-54.

PowerPoint communication submitted for Agenda Item No. 1 (City Administrator's Report) from Bob Wingenroth, Director of Finance, dated February 1, 2010, and entitled *City Council Budget Update*. Communication submitted on Agenda Item No. 2 (City Treasurer's Report) by Shari L. Freidenrich, City Treasurer, submitting a replacement page for the Summary of City Investment Portfolio.

PowerPoint communication submitted for Agenda Item No. 3 (Public Hearing - Fire Code Amendments) by the Fire Department, dated February 1, 2010, and entitled *Fire Code Amendments*.

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>).

Ken Deagle spoke to Council about his involvement in the American Cancer Society's *Relay for Life* fundraising event. He announced a kickoff party on February 26, 2010 at the Waterfront Hilton, and that the 24-hour walk will take place near Alice's Restaurant in Huntington Central Park on May 15 and 16, 2010. He announced the Relay for Life website address as www.relayforlife.org/huntingtonbeachca, and encouraged the Council to access the site for information. (00:19:27)

Discussion ensued about the City's past involvement, and City Clerk Joan Flynn announced that those interested in participating with the City's team *HB United*, contact her office for more information.

Susan Peirce, President and co-founder of Red Bucket Equine Rescue, spoke in support of the Huntington Beach Equestrian Center. She described a situation involving ten starving horses, and how Mary Behrens, owner of the Equestrian Center, came to the rescue by setting up an

account with a local feed stored to feed the starving animals. Susan described her affection for Equestrian Center personnel, and requested that Council continue to support its operations. (00:24:08)

Councilmember Carchio expressed appreciation for Susan's voice in educating the public of what the Equestrian Center has to offer the community.

Roland Aldridge spoke in support of the Huntington Beach Equestrian Center and described how it connects people to a sense of reality, and to their respective heritages. (00:29:48).

David Quotman, 28-year resident, spoke in support of the Huntington Beach Equestrian Center. He is the third president of the Therapeutic Riding Center that offers riding programs for boys and girls who are afflicted by a number of challenging diseases. He asked Council for their continued support of the Center, and the Therapeutic Riding Center. (00:31:12)

Amadou Diallo, President of Alert Messaging Service, spoke to the Council about a text messaging service his company is willing to provide at no charge to mobile customers residing in Huntington Beach. He described a service similar to *OC Alert* that communicates to residents vital messages involving harmful weather conditions, fire threats, etc., suggesting that the City could alert residents of street closures, street sweeping, crime incidents, and other important information. (00:32:35)

Donna Brandt spoke in support of the Equestrian Center, and discussed how she boards a horse there and how her children are involved in Center activities. As an instructor and Board Member of the Therapeutic Riding Center, she discussed how the program services children and adults, and the physical and emotional therapy they receive from horses. She also mentioned an upcoming Kentucky Derby day fundraiser. (00:35:15)

Jacqueline Brandt spoke in support of the Equestrian Center by describing her enjoyment in participating in Center activities, riding her horse, and how her sister benefits from programs offered by the Therapeutic Riding Center. (00:37:34)

Dave Sullivan, President of the 3-1 Marine Foundation, expressed concerns about Marines embarking on a dangerous mission in Afghanistan. He also discussed a "wristband" fundraiser where members of the public buy a wristband for \$8.00 and are able to communicate with a member of the 3-1. He also announced that on March 13 at 8:30 a.m., the 3/1 5K Fun Run/Walk will take place at Pier Plaza with an entry fee of \$35.00, and that more information on the 3/1 can be accessed at www.HB4Marines.org. (00:39:07)

Richard Moore, speaking on behalf Ken Innouye and Fred Provencher of the Human Relations Task Force HB Reads One Book Program, addressed Council about the Program's upcoming activities including a Documentary Film Festival, book fair, children's book discussion, and an authors' visit. All pertinent information can be accessed through the HB Reads website at www.hbread.org. (00:42:50)

Madison Makoff spoke in support of the Huntington Beach Equestrian Center. She described how she loves to ride horses, and showed each Council Member a picture of her horse on her cell phone. (00:45:47)

Mike Adams spoke in support of Agenda Item No. 7 regarding the Art Center Foundation

Consent Memorandum of Understanding. He described establishment of an endowment that he hopes will make the Downtown Art Center self sustaining. (00:47:20)

Gerry Chapman spoke in support of Agenda Item No. 7 regarding the Art Center Foundation Memorandum of Understanding, describing past hard work and events that helped to establish the Foundation. He also asked for Council's continued support of the Equestrian Center. (00:48:16)

Mayor Green announced that she is opening the business portion of the meeting in memory of former Supervisor Harriett Weider, indicating that her celebration of life took place on Sunday, January 31, 2010.

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

Councilmember Carchio thanked all who participated in the fundraiser for earthquake victims in Haiti held at Zack's at Pier Plaza on Sunday, January 24, 2010. He noted that in three hours, the event raised \$1,800.00.

Councilmember Coerper discussed attending the Haiti fundraising event, and thanked members from the Military Explorers, Search and Rescue, Treasurer Shari Freidenrich, and Clerk Joan Flynn for attending. He also encouraged the Huntington Beach Fire Authority to participate in next year's fundraising golf tournament for the 3-1 Marine Battalion.

Mayor Green and Mayor Pro Tem Hardy asked the public to view a short presentation on the Orange County Sanitation District's daily operations at its facility located in Fountain Valley.

Mayor Pro Tem Hardy submitted an AB 1234 Disclosure Reporting that will be made available in the City Clerk's Office.

CITY ADMINISTRATOR'S REPORT

1. (City Council) Reviewed and accepted the Finance Update for January 2010.

Bob Wingenroth, Director of Finance, provided a brief PowerPoint that offered information related to a projected \$4 million revenue shortfall for FY 2009/10.

A motion was made by Carchio, second Hardy to review and accept Finance Update for January 2010. The motion carried by the following roll call vote:

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

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 December 2009.

Treasurer Freidenrich provided a brief PowerPoint.

A motion was made by Carchio, second Coerper to review and accept the Monthly Investment Report for December 2009, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach, **as amended by late communication to replace the investment portfolio summary page**. The motion carried by the following roll call vote:

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

PUBLIC HEARING

3. (City Council) Public hearing held to approve for introduction Ordinance No. 3864 amending Chapter 17.56 of the Huntington Beach Municipal Code (HBMC) regarding fire access roads and mobile home park hydrant requirements.

City Administrator Fred Wilson welcomed Patrick McIntosh, the City's new Fire Chief. Chief McIntosh introduced Division Chief Bill Reardon to provide a PowerPoint presentation entitled *Fire Code Amendments* that included the following slide topics: Fire Apparatus Access Roads, Background, Statement of Issue, Recommendation, Mobile Home Park Fire Hydrant Requirements, Background, Statement of Issue, and Recommendation.

Division Chief Reardon and Councilmember Dwyer discussed 2001 research to support the Fire Department's recommendation to prohibit speed bumps in designated access roads, and also information related to enforcing existing requirements for fire hydrants, necessary to update the Fire Code.

Division Chief Reardon responded to Councilmember Coerper's concerns about removing speed bumps in certain locations by explaining how the request applies to newly developed or redeveloped parcels.

Mayor Green opened the public hearing.

Pursuant to the Brown "Open Meetings" Act, Clerk Flynn announced that the following late communication was submitted to her office following distribution of the Council agenda packet:

PowerPoint communication submitted for Agenda Item No. 3 (Public Hearing - Fire Code Amendments) by the Fire Department, dated February 1, 2010, and entitled *Fire Code Amendments*.

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

A motion was made by Carchio, second Hardy to after City Clerk reads by title, approve for

introduction Ordinance No. 3864, "An Ordinance of the City of Huntington Beach Amending Chapter 17.56 of the Huntington Beach Municipal Code Relating to the Fire Code" regarding fire access roads and mobile home park hydrant requirements. The motion carried by the following roll call vote:

Let the record show that Councilmember Dwyer requested to be recorded as voting "NO" to amending Section 1 of Ordinance No. 3864 - 17.56.090 CFC Section 503.2.3 Surface, Amended (Speed Limiting Features).

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

4. (City Council) Public hearing held to consider Zoning Text Amendment (ZTA) No. 07-001 modifying the composition and scope of the Design Review Board (DRB) by amending Chapter 244 Design Review and associated chapters of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO); approve for introduction Ordinance No. 3866 (Planning Commission Recommendation) OR Ordinance No. 3873 (Staff Recommendation); and, approve for introduction Ordinance Nos. 3867 through 3872 (Planning Commission and Staff Recommendation).

Administrator Wilson introduced Associate Planner Rosemary Medel who provided a PowerPoint presentation entitled *Zoning Text Amendment No. 07-001 - Amending Chapter 244 Design Review (Design Review Board Composition and Scope)*, she provided the following title slides: Analysis and Recommendation.

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

A motion was made by Hansen, second Hardy to approve Staff Recommendation Action for Zoning Text Amendment No. 07-001 for 3-at large members, one Planning Commission member, and one Historic Resources Board member with findings for approval; and, after the City Clerk reads by title, approve for introduction Ordinance No. 3873, "An Ordinance of the City of Huntington Beach Amending Chapter 244 of the Huntington Beach Zoning and Subdivision Ordinance Titled Design Review". Also approve Planning Commission and Staff Recommended Action to after the City Clerk reads by titles, approve for introduction Ordinance No. 3867, "An Ordinance of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled Residential Districts;" and, Ordinance No. 3868, "An Ordinance of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance Titled Commercial Districts;" and, Ordinance No. 3869, "An Ordinance of the City of Huntington Beach Amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance Titled Industrial Districts;" and, Ordinance No. 3870, "An Ordinance of the City of Huntington Beach Amending Chapter 213 of the Huntington Beach Zoning and Subdivision Ordinance Titled Open Space District;" and, Ordinance No. 3871, "An Ordinance of the City of Huntington Beach Amending Chapter 214 of the Huntington Beach Zoning and Subdivision Ordinance Titled Public-Semipublic District;" and, Ordinance No. 3872, "An Ordinance of the City of Huntington Beach Amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance Titled Signs."

Councilmembers Carchio and Coerper expressed opinions of support for recommendations made by the Planning Commission. Mayor Pro Tem Hardy offered her opinion on why staff's recommendation made more sense and provides greater community involvement.

Councilmember Dwyer questioned why a representative from the Commission was not present to express an opinion, and stated his thoughts about preferring to have volunteers on the Design Review Board with experience.

Councilmember Hansen provided supporting ideas for adopting the staff recommended action.

Mayor Green offered support for the Planning Commission's recommendation.

Planning Manager Mary Beth Broeren explained that 4 of 5 members on the Design Review Board must have experience and training to be considered.

The motion failed by the following roll call vote:

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

A second motion was made by Carchio, second Coerper to approve Planning Commission Recommendation Action to approve Zoning Text Amendment No. 07-001 for four (4) at large members and one Planning Commission member with findings for approval; and, after the City Clerk reads by title, approve for introduction Ordinance No. 3873, "An Ordinance of the City of Huntington Beach Amending Chapter 244 of the Huntington Beach Zoning and Subdivision Ordinance Titled Design Review". Also approve Planning Commission and Staff Recommended Action to after the City Clerk reads by titles, approve for introduction Ordinance No. 3867, "An Ordinance of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled Residential Districts;" and, Ordinance No. 3868, "An Ordinance of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance Titled Commercial Districts;" and, Ordinance No. 3869, "An Ordinance of the City of Huntington Beach Amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance Titled Industrial Districts;" and, Ordinance No. 3870, "An Ordinance of the City of Huntington Beach Amending Chapter 213 of the Huntington Beach Zoning and Subdivision Ordinance Titled Open Space District;" and, Ordinance No. 3871, "An Ordinance of the City of Huntington Beach Amending Chapter 214 of the Huntington Beach Zoning and Subdivision Ordinance Titled Public-Semipublic District;" and, Ordinance No. 3872, "An Ordinance of the City of Huntington Beach Amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance Titled Signs." The motion failed by the following roll call vote:

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

A motion was made by Hansen, second Hardy to continue the item to the next regular meeting of February 16, 2010 The motion carried by the following roll call vote:

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

CONSENT CALENDAR

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

A motion was made by Coerper, second Hardy to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of January 19, 2010, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

6. (City Council) Received and filed the City Attorney's Quarterly Report of activity for July 1, 2009 through September 30, 2009.

A motion was made by Coerper, second Hardy to receive and file the City Attorney's Quarterly Report for July 1, 2009 through September 30, 2009. The motion carried by the following roll call vote:

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

7. (City Council) Approved and authorized the Mayor and City Clerk to execute a Memorandum of Understanding (MOU) between the City and the Huntington Beach Art Center Foundation for a five-year term with the option of an additional five years by mutual consent.

A motion was made by Coerper, second Hardy to approve the "Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Art Center Foundation," and authorize the Mayor and City Clerk to sign the Memorandum of Understanding. The motion carried by the following roll call vote:

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

8. (City Council) Approved and authorized execution of a three-year professional services contract with GRC Associates, Inc. in an annual amount not to exceed \$105,000 for administration of the Housing Rehabilitation Loan Program.

Councilmember Coerper pulled the item to receive confirmation that professional services contract amount of \$105,000 will not be gained through use of general fund monies. Staff confirmed.

A motion was made by Coerper, second Hardy to approve the three-year contract with GRC Associates, Inc. in the annual amount of \$105,000 for administration of the Housing

Rehabilitation Loan Program; and authorize execution of the contract by the Mayor and City Clerk. The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

9. (City Council) Approved for re-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. (Originally introduced January 19, 2010)

Police Chief Ken Small explained that the ordinance was being reintroduced to correct errors found in the City Clerk's Office.

A motion was made by Coerper, second Carchio 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: Carchio, Hansen, Hardy, Coerper, Green, and Dwyer
NOES: None
ABSENT: Bohr

ORDINANCES FOR ADOPTION

10. (City Council) Adopted 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. Approved for introduction January 19, 2010.

A motion was made by Coerper, second Carchio to after the City Clerk reads by title, adopt 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: Carchio, Hansen, Hardy, Coerper, Green, and Dwyer
NOES: None
ABSENT: Bohr

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carchio reported attending the League of Cities' Policy Committee meeting in Sacramento on Friday, January 22, 2010 with Mayor Pro Tem Hardy and Councilmember Coerper, the 2010 HB Chamber of Commerce Annual Dinner on Thursday, January 28, 2010, and the grand opening of Sprouts Market on Friday, January 29, 2010.

Councilmember Coerper reported attending the League of Cities' Policy Committee meeting in Sacramento on Friday, January 22, 2010, the Orange County League of Cities' meeting on

Wednesday, January 20, and the County of Orange Board of Supervisors' Reception Honoring outgoing 4th District Supervisor Chris Norby. He also announced that the US Army Advisory Board will soon meet.

Councilmember Dwyer reported attending a birthday luncheon for the City Administrator.

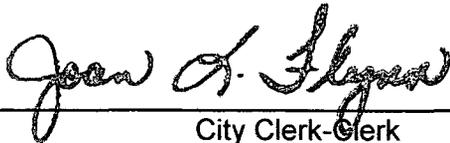
Mayor Green reported attending the Authors' Festival of Awards Ceremony at the Huntington Central Library.

ADJOURNMENT - Council/Agency adjourned at 8:03 p.m. to the next regularly scheduled meeting on Monday, February 15, 2010, at 6:00 PM, 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