

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

Monday, June 7, 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/](http://www.surfcity-hb.org/government/agendas/)**

4:00 PM - COUNCIL CHAMBERS

CALL TO ORDER – 4:02 PM

ROLL CALL

Present: Carchio, Coerper (arrived at 4:04 pm), Hardy, Green, Bohr, Dwyer, and Hansen  
(arrived at 4:04 pm)  
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION

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

PowerPoint communication submitted by Paul Emery dated June 7, 2010, titled *Sunset Beach Annexation Study*.

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

(The number following the speaker's comments reflect the approximate point in the archived audio file located at [http://huntingtonbeach.granicus.com/ViewPublisher.php?view\\_id=2](http://huntingtonbeach.granicus.com/ViewPublisher.php?view_id=2)).

Lyman K. Lokken, Sunset Beach resident, voiced concerns related to how annexation of Sunset Beach will affect taxation, parking, sand replenishment, lifeguards, and park maintenance (greenbelt). He also voiced concerns related to dredging Sunset Harbor and agreements with public safety agencies. (00:02:09)

Julie Lurie, Sunset Beach resident, discussed the sphere of influence and how a majority of property owners and registered voters surveyed wish to pursue incorporation, urging Council to allow Sunset Beach residents time to develop local control. (00:05:30)

Jack Markovitz, Sunset Beach resident, voiced concerns about annexation, cuts in services already experienced by residents, and the challenges Huntington Beach will face during

this economic downturn. He questioned Huntington Beach devoting resources to a community interested in incorporation. (00:07:56)

Renee Ellerbroek, Huntington Beach resident, spoke against annexation citing concerns about the issue not being brought before the people for a vote, and the City's limited resources. She also discussed the greenbelt near the beach, questioned revenue projections related to property taxes, and the portion earmarked for the Orange County Sanitation District. She also objected to Sunset Beach residents not paying utility taxes.

Greg Griffin, President of the Sunset Beach Community Association, thanked Council for allowing time for the annexation study to be published. He discussed how Sunset Beach residents want independence, and explained how the residents' request to incorporate will be considered by Local Agency Formation Commission (LAFCO) on August 20, 2011. (00:14:15)

Mike Van Voorhis, Sunset Beach resident, described Huntington Beach as a wonderful neighbor and discussed issues important to Sunset Beach residents that were addressed in the annexation study including keeping the community fire station, undergrounding of utilities, and stopping undesirable businesses. He also voiced concerns about parking meters. (00:16:14)

Phyllis Maywhort, Sunset Beach resident, spoke in favor of annexation. She described her perception of the Willdan Feasibility Report and voiced concerns about 1,250 residents being able to support incorporation. She also voiced concerns about existing medical marijuana dispensaries and tattoo parlors, hoping that becoming part of Huntington Beach will bring in different businesses. (00:19:05)

Larry Crandall, Sunset Beach resident, requested that Council allow Sunset Beach time for incorporation. (00:21:10)

Dr. Anthony Nobles, Sunset Beach resident, spoke in favor of incorporation. He questioned LAFCO policy that suggests that Huntington Beach has the power to annex regardless of public opinion, with the support of a County analysis. (00:21:49)

Wayne J. Quint Jr., President of the Association of Orange County Deputy Sheriffs, spoke in opposition to annexation. He discussed utility tax and stated that the matter calls for a vote. (00:24:59)

## STUDY SESSION

1. A review of the Sunset Beach Annexation Study Report was completed by Ralph Andersen & Associates.

John Goss, Ralph Anderson and Associates, presented a PowerPoint titled *Sunset Beach Annexation Study Fiscal/Operational Analysis*, with slides topics: Purpose, Why Change the Status Quo?, Implications of Annexing Sunset Beach, Revenues, General Fund = \$795,510, Other Municipal Revenues = \$439,855, Restricted Road Funds = \$176,555, Revenue Summary, Expenditures, Actual Expense Projection = \$664,140, Annexation Revenue/ Expenditure Summary, One-Time Expenditures, Potential CIP One Time Expenses, Public Service/ Infrastructure Impacts, Summary, Sunset Beach Community Association is Concerned with a Number of Issues, Annexation Benefits to Sunset Beach, Key Incorporation Issues

Raised in the Sunset Beach Commissioned Report, Annexation Process, Timeline and Questions.

City Council and staff discussion focused on the following points:

- Residents who support/oppose annexation based on their location (inland or beach side of Sunset Beach)
- Can Huntington Beach annex just the inland side of Sunset Beach? (LAFCO prefers all)
- Conducting beach maintenance operations during the day versus evening
- Potential one-time expenses in a challenged economy
- County dredging activity
- Signage
- Appointing a Sunset Beach liaison
- Parking permits
- Police substation at Warner Fire facility
- Utility Users Tax
- Weekly Rentals
- Utilization of water in Linear park
- Animal care
- Sand replenishment
- Lifeguards
- Grandfathering codes for existing businesses (Specific Plan in place)
- Modifying regulations over time
- Crime statistics/enforcement reported by the Orange County Deputy Services Association
- Number of Sunset Beach residents who support incorporation (majority)
- Explanation of LAFCO Peer Review by Joyce Cross

Council discussed postponing a firm decision on the item to allow time for a comprehensive financial analysis and the County peer review.

A motion was made by Hardy, second Bohr to agendize a vote on annexation for the July 19, 2010 regular meeting, and make information available to the public at least two weeks prior. The motion carried by the following roll call vote:

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

RECESS TO CLOSED SESSION

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

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

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: 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.

3. Pursuant to Government Code Section 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding a potential lawsuit and settlement negotiations: Stephan D. Rose, Inc. and related persons and entities, which include MIG/Purkiss-Rose, RSI; TMAD Engineers and TMAD Taylor & Gaines Engineers and, Kim Quon, an individual, and Studio 7, Inc. regarding service contracts.

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: Linda Suraci v. City of Huntington Beach; WCAB Case No. ADJ6842338; Claim No. COHB-08-0119.

5. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuit: NextG Networks of California v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00119646, which involves NextG's project to locate its wireless telephone antennas in the public right-of-way.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING - 6:04 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
Absent: None

PLEDGE OF ALLEGIANCE - Led by Councilmember Gil Coerper, with colors presented by the Installation Support Group California Military Reserves

INVOCATION - Given by Reverend Susannah Bair, Sangha Center for Spiritual Living

ANNOUNCEMENT OF LATE COMMUNICATION - None.

COMMUNICATIONS RECIEVED DURING THE MEETING

Informational piece received from Jenelle Froisland, Southern California Edison (SCE) dated June 7, 2010 and entitled *Southern California Edison 2010 State of the Utility*.

Informational piece received from Jenelle Froisland, Southern California Edison (SCE) undated and entitled *Southern California Edison 2010 State of the Utility City of Huntington Beach Key Messages*.

Undated informational folder on *Lessons in Recycling* received from Sue Gordon, Rainbow

Disposal.

Undated design sketch and estimated cost information on ceramic tile and mosaic rounds that illustrate the life cycle of the Monarch Butterfly received from Leslie Gilson.

## AWARDS AND PRESENTATIONS

Announcement - As part of the City's Human Relations Task Force recognition of federal diversity months, Mayor Green announced the month of June as Gay and Lesbian Pride month. The month of June was first proclaimed by President Clinton to recognize gays, lesbians, their families, and friends in commemoration of the Stonewall Inn uprising in New York City 41 years ago. America's diversity is our greatest strength and we must continue our journey towards tolerance, understanding and mutual respect. On behalf of the City Council, we join in this annual commemoration.

Presentation - Mayor Green called on Col. Miguel Howe to present certificates of appreciation to supporters of the Future Soldiers Event held April 24, 2010. Mayor Green was joined by Councilmembers Carchio and Coerper to participate in recognizing the following current and future leaders:

First Battalion 558 Infantry Military Explorer Post BSA: CW-2 Stan Serr, Cadet CPL Raban, Cadet CPL MacWillie, Cadet CPL Edwards, Cadet CPL Spruill, Cadet PVT Cunningham, Cadet PVT Fuga, Cadet PVT Ruyf, Cadet PVT Hogan, Cadet PVT Valentin, Cadet PVT Wright, Cadet PVT Lee, Cadet PVT M. Choi, Cadet PVT Rodriquez

Search and Rescue Explorers Post: C/O Eric Ramsey, Advisor Jake Fitzgerald, Huntington Beach Police Department

Explorers: Jordan Allen, Charles Anderson, Cody Dahlen, Tyler Fischer, Matias Icaza, Anders Pimentel, Kamaldeep Singh, Zachary Williams, Nathan Wooten

Col. Howe recognized the support of the Huntington Beach Firefighters' Association, Marine Safety Division, Mayor Green, Councilmembers Coerper and Carchio, and restaurant owner Mike Ali. He also introduced LTC Thomas Hansbarger.

Presentation - Mayor Green called on California State Military Reserves Installation Support Group Commander Colonel Pete Seitz to make a presentation to Specialist Tien Quach - Soldier of the Year.

Presentation - Mayor Green called on the Chair of the Children's Needs Task Force, Broc Coward, to announce the following 2010 Youth Character Award Honorees: Sarah Branoff, Jordan Charity, Celene Chavez, Dominic Coffey, Lauren Cox, Rachel Desjardin, Chelsey Finamore, Briana Gonzalez, Sarah Grant, Kim Hutain, Karina Lavancy, Jonathan Leon, Chase Lumsden, Bianca Maccabi, Jonathan Maginot, Michelle McLean, Kayli Morales, Emma Janai Olson, Michelle Theile, Riley Lynn Wester

Presentation - Mayor Green called on Erika Reardon and Ron McLin to present a check to the Huntington Beach Children's Library from the money raised at the annual Taste of Huntington Beach held April 25, 2010.

Presentation - Mayor Green called on Bob Smith, Chair of the Environmental Board, Jenelle Froisland of SCE, Sue Gordon of Rainbow Disposal, and Aaron Klemm, Energy Manager, City of Huntington Beach, to present the annual Environmental Board Awards. Those recognized included the Huntington Beach Landmark Recycling Club, and Kurt Mason. Jenelle Froisland also presented Mayor Green with an Energy Leader Award for the City's progress in energy savings.

Presentation - Mayor Green called on Sue Gordon from Rainbow Disposal to introduce the Huntington Beach Environmental Education Team and discuss the work they have done in the schools over the last two years. Ms. Gordon recognized Tom Livengood, Linda Moulton Patterson, Ron Shenkman, Bruce Schumann, Debra Jubinsky, Jim Sankee, and Bonnie Bruce.

#### PUBLIC COMMENTS (3 Minute Time Limit)

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John McGovern and Billy O'Connell represented the Public Works Commission to speak about Sections 614 and 617 of the City Charter (Agenda Item No. 11). Speaker McGovern recognized Police and Fire services as a priority, along with a reasonably maintained infrastructure. He also discussed how the decision to include debt service in the 617 15% general fund reimbursement was never reviewed by the Commission or City Council prior to implementation. (02:44:46)

Richard Harlow, Chair of the Charter Review Commission, spoke regarding Agenda Item No. 11 (Charter Review). He stated that all fifteen (15) members of the Commission support the recommendations as presented, and specifically discussed a Manager/Council Form of Government, Measure C, and Article 617 Infrastructure. (02:48:09)

Shirley Dettloff, Vice Chair, Charter Review Commission member, spoke regarding Agenda Item No. 11 (Charter Review). She urged Council to provide final approval of the straw vote actions taken on May 17, and discussed a Manager/Council form of government and voter support of Article 617 - Infrastructure. (02:52:40)

Mark Bixby, Charter Review Commission Member, spoke regarding Agenda Item No. 11 (Charter Review). He offered support for the Mayoral rotation, Manager Form of Government, exclusion of debt service for Section 617 - Infrastructure, and favors placing the modified Charter on a ballot as one item. He also voiced support for listing changes to Measure C versus a summary. (02:54:40)

Joe Shaw spoke in support of Agenda Item No. 11 (Charter Review), and the Charter Review Commission's recommendations to bring a modified City Charter to the voters in November. (02:57:27)

Marsha Waldman spoke regarding Agenda Item No. 7 (City Sponsorship), specifically senior program sponsorship and financial needs for senior services. (02:58:47)

Dianne Thompson spoke regarding Agenda No. 11 (Charter Review), specifically Section 617 - Infrastructure, urging Council not to pass along financial debt to the future citizens of Huntington Beach. (03:01:44)

Jenelle Froisland, SCE, spoke regarding the State of the Utility and three main categories including service reliability, helping customers and communities, and environmental commitment and leadership. (03:02:51)

An unnamed individual speaking on behalf of Lee Rankin showed a video of Gibbs Butterfly Park and discussed the Park's popularity with families. (03:05:15)

Leslie Gilson asked the City for financial assistance to fund new mosaic tiles proposed for the Gibbs Butterfly Park and which support the City's public art element.

Councilmember Carchio suggested that in light of the City's budget situation, the speaker solicit sponsorship from private sector sources. (03:08:50)

Jean Nagy spoke in support of establishing an All Volunteer Tree Society, discussed how trees raise property values, and voiced concerns about not being recognized as a green city. She stated her opinion that the Beautification, Landscape and Tree Committee (BLT) is diminishing by retirements and limited resources, and voiced concerns about old irrigation systems within City parks. (03:15:20)

Tim Stuart, Charter Review Commission Member, spoke in support of Agenda Item No. 11 (Charter Review), thanked fellow Commissioners, and urged Council support. (03:16:21)

Blair Farley spoke regarding Agenda Item No. 11 (Charter Review), specifically Section 612 - Measure C. He voiced concerns about cost estimates not adequately reflecting that voters approved in 1994, discussed difficulties in voting on a conceptual project, and the importance of environmental review being done first to protect citizens. (03:19:03)

Gary Kutscher spoke in support of Agenda Item No. 11 (Charter Review) and the language proposed for Article 617 - Infrastructure, but voiced concerns about the original intent of Measure FF approved by the voters in 2002 that did not address debt repayment. (03:21:10)

Kreg Muller, President of the Huntington Beach Police Officers Association (HBPOA), voiced concerns related to the State of the City, and spoke in support of the 617 - Infrastructure Fund. He urged Council to consider how removing debt repayment from Section 617 will affect City services, including public safety.

Councilmember Dwyer and Speaker Muller discussed how to correct/incorporate an identified \$6 million dollar infrastructure fund deficit into future budgets.

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

Councilmember Dwyer announced the appointment of Eric Peterson to the Finance Board. Eric will replace Tom Corkett who resigned due to relocation. Councilmember Dwyer thanked Tom for his service, and also announced that the Downtown Art Center will host its 10th annual auction on Friday, June 11.

Councilmember Bohr submitted a written AB 1234 report that is on file in the City Clerk's Office.

CITY ADMINISTRATOR'S REPORT - None.

## CONSENT CALENDAR

### 1. Approved and adopted minutes.

A motion was made by Carchio, second Coerper to approve and adopt the minutes of the City Council/Redevelopment Agency/ Public Financing Authority regular meeting of May 3, 2010, and the City Council/Redevelopment Agency/Public Financing Authority regular meeting of May 17, 2010, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

### 2. Received and filed the City Clerk's Quarterly Report Listing of Professional Service Contracts filed in the City Clerk's Office between January 1, 2010, through March 31, 2010.

A motion was made by Carchio, second Coerper 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 to the Office of the City Clerk during the period of January 1, 2010, through March 31, 2010.*" The motion carried by the following roll call vote:

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

### 3. Approved and authorized execution of Amendment No. 1 to the Lease Agreement between the City of Huntington Beach and the Public Cable Television Authority (PCTA) for the use of the HBTB-3 Facility located on the Lower Level of City Hall.

A motion was made by Carchio, second Coerper to approve and authorize the Mayor and City Clerk to execute "*Amendment No. 1 to Lease Agreement Between the City of Huntington Beach and the Public Cable Television Authority*" for the use of the HBTB-3 facility located on the lower level of City Hall. The motion carried by the following roll call vote:

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

### 4. Approved and authorized execution of a Professional Services Contract between the City of Huntington Beach and Gibbs, Giden, Locher, Turner & Senet for as-needed legal services

A motion was made by Carchio, second Coerper to approve *Professional Contract Between the City of Huntington Beach and Gibbs, Giden, Locher, Turner & Senet* to provide as-needed legal services; and, authorized the Mayor and City Clerk to execute the contract. The motion carried by the following roll call vote:

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

### 5. Approved the West Orange County Water Board (WOCWB) proposed budget for Fiscal Year 2010/2011, with the Huntington Beach share in the amount of \$49,933

A motion was made by Carchio, second Coerper to approve Fiscal Year 2010-11 West Orange County Water Board proposed budget in the amount of \$112,500, with the Huntington Beach share in the amount of \$49,433. The motion carried by the following roll call vote:

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

NOES: None

6. Approved project specifications, awarded and authorized execution of a contract in the amount of \$125,642 to B & T Works, Inc. for Residential Tree Petition Streets, MSC 471

A motion was made by Carchio, second Coerper to approve the project specifications; and, accept the lowest responsible bid submitted by B & T Works, Inc. in the amount of \$125,642.50; 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: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen

NOES: None

7. Approved Delegation of Authority to the City Administrator or his/her designee to approve administrative items related to in-kind sponsorship of City events

A motion was made by Carchio, second Coerper to approve delegation of authority to the City Administrator or his/her designee to approve administrative items related to in-kind sponsorship of City events. Administrative items will be approved as to form by the City Attorney. The motion carried by the following roll call vote:

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

NOES: None

8. Approved two Professional Services Contracts each in an amount not to exceed \$300,000, with Nuvis and RJM Design Group, Inc. for As-Needed Professional Design/Landscape Architect Services

A motion was made by Carchio, second Coerper to approve and authorize the Mayor and City Clerk to execute the "*Professional Services Contract between the City of Huntington Beach and Nuvis for As-Needed Professional Design/ Landscape Architectural Services;*" and, approve and authorize the Mayor and City Clerk to execute the "*Professional Services Contract between the City of Huntington Beach and RJM Design Group, Inc. for As-Needed Professional Design/ Landscape Architectural Services.*" The motion carried by the following roll call vote:

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

NOES: None

9. Adopted Resolution Nos. 2010-34 and 2010-35 that call for and consolidate with the County to conduct the General Municipal Election for City Officers to be held on November 2, 2010

A motion was made by Carchio, second Coerper to adopt Resolution No. 2010-34, "*A Resolution of the City Council of the City of Huntington Beach, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 2, 2010 for the Election of Certain Officers as Required by the Provisions of the Charter;*" and, adopt

Resolution No. 2010-35, "A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 2, 2010 with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code." The motion carried by the following roll call vote:

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

10. Adopted Resolution No. 2010-40 amending the citywide schedule of charges for facility rentals and recreation services relating to The Strand Park Structure

A motion was made by Carchio, second Coerper to adopt Resolution Number 2010-40, "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2009-70 Entitled 'A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Schedule for Charges For Facility Rentals and Recreation Services' and Repealing Resolution 2007-60 and all Supplemental Resolutions Thereto." (Supplemental Fee Resolution No. 4) The motion carried by the following roll call vote:

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

THE FOLLOWING AGENDA ITEM WAS TAKEN OUT OF ITS ORIGINAL ORDER

#### ORDINANCES FOR ADOPTION

12. Adopted Ordinance No. 3882 amending Chapter 13.48 of the Huntington Beach Municipal Code limiting the areas of operation for remote or radio controlled vehicles in City parks. Approved for introduction May 17, 2010.

A motion was made by Coerper, second Green to after City Clerk reads by title, adopt Ordinance No. 3882, "An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Parks." The motion carried by the following roll call vote:

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

#### ADMINISTRATIVE ITEMS

11. Adopted **amended** Resolution No. 2010-41 ordering submission of a revised City Charter for voter approval at the November 2, 2010, General Municipal Election; and, adopted **amended** Resolution No. 2010-42 setting priorities for filing a written argument

Councilmember Coerper and Raphe Sonenshien discussed the proposed changes to the Charter preamble.

Discussion ensued on the Mayor rotation process as presented in Section 306 - Mayor Pro Tempore.

A motion was made by Hardy, second Bohr to take a straw vote to amend language in Section 306 - Mayor Pro Tempore to read; "no council member shall serve a second term as Mayor or Mayor Pro Tem before each elected member of the Council has served a term as Mayor." The motion was superseded by an alternate motion.

A substitute motion was made by Hansen, second Coerper to take a straw vote to disregard new language presented for Section 306 - Mayor Pro Tempore and remain with the language in the current Charter. The motion carried by the following roll call vote:

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

Councilmember Coerper reiterated his request to modify Section 300 and allow City Council members to serve three consecutive terms. There was no second to his request.

A motion was made by Coerper, second Hansen to take a straw vote to accept Section 400 - City Manager Form of Government, but remove the Chief of Police from the City Manager's ability to appoint, demote, suspend or remove from office without Council approval (Section 401(a)).

Discussion ensued on removing the Chief of Police from the other department heads in Section 401(a) - Powers and Duties. Council and Raphe Sonenshien discussed situations related to removing the Chief of Police including investigating impropriety or conducting a criminal investigation. Councilmember Carchio reiterated his proposal to exclude the Fire Chief in the list of department heads the City Manager can directly hire or terminate.

City Attorney McGrath proposed the following new language for Charter Section 401(a): (a) Appoint, promote, demote, suspend or remove department heads, officers and employees of the City except elective officers and the Police Chief. The Police Chief shall not be appointed or removed until the City Manager shall first have reviewed such appointment or removal with the City Council and have received approval for such appointment or removal by a majority vote of the full City Council.

The motion carried by the following roll call vote:

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

A motion was made by Hardy, second Green to take a straw vote to retain Section 401 - City Administrator Form of Government. The motion failed by the following roll call vote:

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

Discussion ensued on whether or not to accept Section 617 - Infrastructure as proposed, or have it remain status quo.

A motion was made by Dwyer, second Hansen to take a straw vote to approve Section 617 - Infrastructure as presented. A substitute motion was made.

Discussion continued on predicting how the City would fund future large dollar improvement projects, the short term effects of a two-tier pension system, financing debt through other general fund accounts, interpretation of infrastructure language approved by voters in 2002, building the 15% infrastructure repayment into annual budgets, and clarification of allowing debt repayment to maintain existing facilities versus new construction.

A substitute motion was made by Coerper, second Hardy to leave Section 617 – Infrastructure as it appears in the current Charter. The motion failed by the following roll call vote:

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

Councilmember Dwyer's original motion to approve Section 617 – Infrastructure as presented in the agenda packet was approved by the following roll call vote:

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

A motion was made by Hardy, second Coerper to support all remaining information as presented. The motion carried by the following roll call vote:

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

Discussion ensued on placing a summarized version of proposed changes to the Charter on the ballot including the locations members of the public could access the revised Charter in its entirety.

A motion was made by Coerper, second Hansen to adopt Resolution No. 2010-31 and present a summarized version of the entire City Charter as proposed on the ballot (one whole item). The motion failed by the following roll call vote:

Councilmember Bohr made a substitute motion to split Section 617 - Infrastructure as a separate ballot measure. Councilmembers Coerper and Hansen agreed to incorporate the substitution into the original motion. Discussion ensued on costs associated with filing two separate ballot measures.

A motion was made by Coerper, second Hansen to adopt Resolution No. 2010-41 "A Resolution of the City Council of the City of Huntington Beach Ordering Submission to the Qualified Electors of the City a Certain Measure Relating to the Revision and Restatement of the City Charter," **amended to direct staff to publish a summarized version of proposed Charter amendments and bifurcate Section 617 - Infrastructure from the complete document, resulting in two separate ballot measures.** The motion carried by the following roll call vote:

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

Mayor Green discussed reconsidering her vote on Section 617 to prevent it from being brought to the voters as a separate ballot item. Councilmember Dwyer volunteered to donate \$8,800 to fund bringing Section 617 to the voters as a separate ballot item. Discussion ensued on

timelines to submit written ballot arguments and impartial analysis.

Mayor Pro Tem Hardy volunteered to submit a rebuttal to the argument in favor of Section 617 - Infrastructure; Councilmember Bohr volunteered to support a written argument in favor of the proposed Charter amendments without Section 617, and rebut arguments in favor of Section 617; Councilmembers Dwyer and Hansen volunteered to support written arguments in favor of both ballot measures. Discussion ensued on the ballot argument process, including what outside organizations, groups, individuals Council chooses to participate in the ballot argument process.

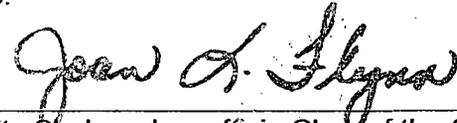
A motion was made by Hansen, second Dwyer to adopt an **amended** Resolution No. 2010-42, "A Resolution of the City Council of the City of Huntington Beach Setting Priorities for Filing a Written Argument Regarding two City Measures (The Adoption of a Revised and Restated City Charter and Section 617); and Directing the City Attorney to Prepare an Impartial Analysis of Said Measures" The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Councilmembers Carchio, Green and Dwyer.

ADJOURNMENT – at 10:56 PM to the next regular meeting of June 21, 2010 at 4:00 PM, Civic Center, 2000 Main Street, Huntington Beach, CA 92648.



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