

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

Tuesday July 6 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 - ROOM B-8

The City Clerk recessed the 4 00 PM portion of the meeting to 4 30 PM due to a lack of quorum

CALL TO ORDER - 4 33 PM

ROLL CALL - (Councilmember Devin Dwyer requested permission to be absent pursuant to Resolution No 2001-54)

Present           Carchio Coerper Hardy Green Bohr and Hansen  
Absent            Dwyer

**ANNOUNCEMENT OF LATE COMMUNICATION**

Pursuant to the Brown Open Meetings Act City Clerk Joan Flynn announced late communications relating to the Study Session that were received by her office following distribution of the City Council agenda packet

PowerPoint communication submitted by Jim Engle Director of Community Services dated July 6 2010 and entitled *Strategic Plan Goal Replacement Plan for Critical Health & Safety Equipment Marine Safety/Beach Ops Police and Fire*

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

**STUDY SESSION**

1 Marine Safety Police and Fire made a presentation on critical health and safety equipment needed in their operations This addresses one of the objectives set forward by City Council in its Strategic Plan

Jim Engle Director of Community Services stated that a PowerPoint presentation entitled *Strategic Plan Goal Replacement Plan for Critical Health & Safety Equipment - Marine Safety / Beach Ops Police and Fire* would be presented by members from the Public Safety divisions of

## Marine Safety Police and Fire

Marine Safety Chief Kyle Lindo presented slides entitled Marine Safety and Beach Ops Critical Needs Lifeguard Towers Front-end Loader Pier Deck Plates Cost Summary and Potential Funding Sources

Police Captain Dave Bunetta presented slides entitled Police Computer Aided Dispatch (CAD) / Records Management System (RMS) Upgrade SIRE Document Imaging Vehicle Replacement Air Support Unit Portable Radios Ballistic Vests and Potential Funding Sources

Fire Chief Patrick McIntosh presented slides entitled Fire Emergency Ambulance Firefighter Turnouts Self-Contained Breathing Apparatus and Potential Funding Sources

Council and staff discussion centered on the following

- Sponsorship/marketing opportunities for lifeguard towers (signage requirements coastal development permit issues past advertising for Simple Green)
- Constraints on document storage for Police records (third party locations contracting server space imaging old information and storing on secured server preparing for paperless storage cloud storage outsourcing of servers maintaining security and confidentiality)
- Warranty on ballistic vests (Kevlar component bid process vendor liability recycling vest material)
- Breathing apparatus (trade-in value)
- Emergency ambulance (trade-in value)
- Citywide marketing policy

## RECESS TO CLOSED SESSION

A motion was made by Coerper second Bohr to recess to closed session The motion carried by the following roll call vote

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

## CLOSED SESSION

2 Pursuant to Government Code § 54956.9 the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuit Roberts et al v City of Huntington Beach et al Orange County Superior Court Case No 30-2009 00323224 In this case Plaintiffs allege that City Employees conspired with Plaintiff's husband also a City employee to cover up husband's physical abuse of Plaintiffs

3 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 MEA MEO MSOA HBFA and FMA

6 00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING - 6 06 PM

ROLL CALL - (Councilmember Devin Dwyer requested permission to be absent pursuant to Resolution No 2001-54)

Present Carchio Coerper Hardy Green Bohr and Hansen  
Absent Dwyer

CLOSED SESSION REPORT BY CITY ATTORNEY - None

PLEDGE OF ALLEGIANCE - Led by Councilmember Gil Coerper

INVOCATION - Given by Reverend Allison English

MOMENT OF SILENCE TO HONOR THE PASSING OF TEN MEMBERS OF THE 3/1 MARINE BATTALLION DURING THE MONTH OF JUNE

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown Open Meetings Act Assistant City Clerk Robin Lugar announced late communications received following distribution of the Council agenda packet

Communications received on Agenda Item No 9 - proposed land use entitlements for The Ridge property a 22-unit single-family planned unit development

Sandra Genis Planning Resources Kenneth Muzzy Jill Brennan Tom Livengood Ellie Waldrum Pete Melvin Margaret Carlberg Ron Lundgren Linda Moon Julian Vochelli Jacki King Peter Bloom of Bloom Biological Inc Laura Holdenwhite Marina Hornby Sandra Silverman Mike Martinez Anonymous Roger and Judi Rohrdanz Anne Myer Melanie Manning Andrew & Wendy Einhorn Phil Wilder Jeremy Groves Gary Hoffman Barney Ridder Isabelle Chasse Anonymous Barney Schlinger David Jostak Larry Geisse Neva Koon Joyce Dalman Kristen Bender Bridget Reeb Sandra Fazio Jean & Dennis Towgood Brian Goebel Shirley G Davis Eddie Garcia Hoai Phan Robert C Baker Jennifer Robins President Amigos de Bolsa Chica Jessica Montoya 618 Post cards (on file in the City Clerk s office)

Communication submitted by Scott Hess AICP Director of Planning and Building dated July 6 2010 entitled *The Ridge - Additional Public Comments*

PowerPoint communication submitted by Paul Emery Deputy City Administrator on Agenda Item No 10 dated July 6 2010 entitled *Utility Users Tax Modernization*

COMMUNICATIONS RECEIVED DURING THE MEETING

Communication submitted by Eileen Murphy for Agenda Item No 9 - The Ridge Project undated and untitled

Communication submitted by Virginia Bickford for Agenda Item No 9 - The Ridge Project dated July 6 2010 and titled "*Fair Argument for an EIR on ORA-86*"

A DVD video submitted by Mark Bixby with the Bolsa Chica Land Trust (BCLT) dated July 6 2010 for Agenda Item No 9 - The Ridge Project

A DVD PowerPoint submitted by Mark Bixby with the BCLT dated July 6 2010 for Agenda Item No 9 - The Ridge Project

A DVD PowerPoint submitted by Sandy Genis BCLT dated July 6 2010 and titled *The Ridge* for Agenda Item No 9 - The Ridge Project

#### AWARDS AND PRESENTATIONS

Presentation - Mayor Green called on Carmen Erber of the Sister City Association who introduced the eight students from Anjo and Waitakere and their Huntington Beach counterparts

#### ACTION ON THE FOLLOWING AGENDA ITEM WAS TAKEN OUT OF ITS ORIGINAL ORDER

11 Adopt Resolution No 2010-49 amending the Downtown Parking In-Lieu Fee and updating the Downtown Parking In-Lieu Fee Implementation Program - **CONTINUED TO JULY 21, 2010**

A motion was made by Hardy second Coerper to continue consideration of Resolution No 2010-49 A Resolution of the City Council of the City of Huntington Beach Adopting an In-Lieu Parking Fee and Implementation Plan for District 1 of the Downtown Specific Plan" to July 21 2010 The motion carried by the following roll call vote

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

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

(The numbers following the speakers 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))

My-Hoa Steger LaRouche Political Action Committee requested a reinstatement of the "Glass-Steagal" resolution and commented on the organization's disagreement with the federal financial bailout (00 33 41)

Maria Barragan LaRouche Political Action Committee introduced and presented a three-minute video on the implications of the Glass-Steagall Resolution (00 34 47)

Greg Griffin President Sunset Beach Community Association spoke in opposition to the annexation of Sunset Beach noted that residents want to incorporate Sunset Beach and the new City of Sunset Beach would look to potentially contract with the City of Huntington Beach for certain services He noted his support for the Bolsa Chica wetlands (00 39 37)

Councilmember Coerper requested to move the proposed annexation of Sunset Beach from the July 29 2010 City Council meeting to the August 2 2010 City Council meeting

A motion was made by Coerper second Carchio to move the proposed annexation of Sunset Beach from the July 29 2010 City Council meeting to the August 2 2010 City Council meeting  
The motion carried by the following roll call vote

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

Leslie Markovitz spoke in opposition to the annexation of Sunset Beach believes that Sunset Beach can incorporate and be successful noted she owns and operates a business in Huntington Beach concerned about stretching existing Huntington Beach resources even further and mentioned Council placing Sunset Beach in their 'sphere of influence' (00 43 17)

Bob Campregher Huntington Beach resident spoke in opposition to the annexation of Sunset Beach and expressed concern about the Sunset Beach residents inability to vote on this matter (00 45 26)

Councilmember Hansen clarified that the matter to incorporate is decided by the Local Agency Formation Commission (LAFCO)

Tim Karpinski thanked Council for their denial of the Ward/Garfield RV Storage project He read from a letter sent to City staff for their professionalism in handling the matter (00 47 18)

Nobu Stillwell thanked Council for their denial of the Ward/Garfield Specific Plan - RV Storage project (00 48 52)

Dave Sullivan spoke regarding the 3/1 Marines Foundation and unit members who had recently passed and thanked all those who were supportive of the organization (00 49 28)

Councilmember Coerper thanked Mr Sullivan and requested information regarding the next 'packaging' program for the Marines

Councilmember Carchio thanked Mr Sullivan for his service and noted the difficulty experienced in the community in losing members of the 3/1 Marines

Janese E Johnson spoke in opposition to the annexation Sunset Beach commented on the unique qualities of the Sunset Beach community and the efforts of the community to preserve the green belt (00 56 13)

Jack Markovitz Sunset Beach Citizens for Cityhood and No on Annexation Committees spoke in opposition to the annexation of Sunset Beach and the efforts of the committees to educate Huntington Beach residents on the matter (00 59 41)

Councilmember Bohr discussed the Local Agency Formation Commission (LAFCO) initiative to place the annexation item on their own agenda which the City supported however he wanted to clarify that the City did not initiate placing the item on LAFCO's agenda

Susan Taylor spoke in opposition to the annexation of Sunset Beach and expressed concern regarding the level of police service Sunset Beach residents will receive if they are annexed by Huntington Beach (01 03 43)

Jay Myer Huntington Beach resident spoke in opposition to the annexation of Sunset Beach and expressed concern that the City Council acted contrary to the United States Constitution and that it is their moral obligation to allow the residents of Sunset Beach to decide on incorporation/annexation for them (01 05 13)

Larry Crandall voiced concerns regarding the large number of marijuana dispensaries in Sunset Beach a recent law enforcement action at such a dispensary spoke in opposition to annexation of Sunset Beach and requested the Council table' this matter until a further date (01 08 00)

Peggy Marinow spoke in opposition to the annexation of Sunset Beach and requested the opportunity to allow Sunset Beach residents the ability to vote on their own incorporation rather than annexation into the City of Huntington Beach (01 10 20)

Hedy Markovitz Huntington Beach resident spoke in opposition to the annexation of Sunset Beach and requested the Council allow the Sunset Beach residents to decide for their own incorporation (01 11 55)

Bill Sebring spoke in opposition to the annexation of Sunset Beach and distributed a Los Angeles Times article about Sunset Beach He congratulated the City on their Independence Day event and requested the Council give Sunset Beach residents the independence to decide whether to incorporate (01 13 10)

Councilmember Bohr requested a copy of the flyer distributed by the Sunset Beach committees

Graham Hoad spoke in opposition to the annexation of Sunset Beach noted that most Sunset Beach residents prefer self-governance questioned LAFCO's "small island" provision stated the City of Huntington Beach does not have to vote on the annexation and questioned the City's statement that increased Police services would need to be necessary if Sunset Beach was annexed (01 17 01)

Adrian Ioja resident and business owner in Huntington Beach spoke in opposition to the annexation of Sunset Beach and stated concerns about the lack of adequate services if Sunset Beach is annexed (01 20 06)

Diana Dodson Sunset Beach resident spoke in opposition to the annexation of Sunset Beach commented on the residents' efforts towards self-governance and in support of the Bolsa Chica Land Trust (BCLT) quest to save open space (01 21 40)

Councilmember Hansen stated that a final vote may never occur due to the potential of LAFCO's denial of the application for incorporation The Councilmembers each affirmed that the Council did not feel "pressure" and in fact the Council took a "backseat" approach to allow the Sunset Beach study to proceed

Scot Dodson Sunset Beach Community Association spoke in opposition to the annexation of Sunset Beach and questioned the alleged strategy to vote for annexation to beat the election in November (01 26 41)

Gretchen Hoad Sunset Beach Community Association Boardmember spoke in opposition to the annexation of Sunset Beach and questioned the comments by Councilmember Bohr relating to the "efficiency of service delivery to the residents of Sunset Beach through the annexation (01 29 11)

Tim Geddes Huntington Beach resident expressed concerns regarding several projects including the Sports Center complex Poseidon desalination plant the proposed Senior Center Project Edinger Corridor project and the Ridge development project (01 32 11)

Julie Lurie spoke in support of the Bolsa Chica Land Trust opposition to The Ridge development and in opposition to the annexation of Sunset Beach She voiced her opinion that Huntington Beach taxpayers would not appreciate the large number of idle public safety and maintenance vehicles in close proximity to Sunset Beach in previous weeks and during the Fourth of July weekend (01 35 31)

Mayor Bohr voiced concern about a flyer with false information being distributed publicly by Sunset Beach committee members

Gerald Chapman Bolsa Chica Land Trust Board Member affirmed that denial of the Ridge project would not be construed as a 'taking' as the property owner has the right to do what the zoning allows and can ask for changes However the developer does not have the right for Council to grant his wishes (01 39 45)

Kim Henry spoke in opposition to the annexation of Sunset Beach and requested Council allow Sunset Beach residents to move forward with their LAFCO process (01 42 14)

CITY ADMINISTRATOR S REPORT - None

CIVIC IMPROVEMENT CORPORATION MEETING - 8 04 PM

The Mayor recessed the City Council/Redevelopment Agency/ Public Financing Authority Regular Meeting and convened the Huntington Beach Civic Improvement Corporation meeting

ROLL CALL

Present Carchio Coerper Hardy Green Bohr and Hansen  
Absent Dwyer

ELECTION OF OFFICERS

A motion was made by Bohr second Coerper to elect Cathy Green President of the Civic Improvement Corporation Jill Hardy Vice President of the Civic Improvement Corporation and Joan L Flynn Secretary of the Civic Improvement Corporation The motion carried by the following roll call vote

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

## APPROVED CIVIC IMPROVEMENT CORPORATION MINUTES

A motion was made by Coerper second Bohr to approve and adopt the minutes of the July 6 2009 Regular Meeting of the Civic Improvement Corporation as written and on file in the Office of the Secretary The motion carried by the following roll call vote

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

ADJOURNED THE HUNTINGTON BEACH CIVIC IMPROVEMENT CORPORATION MEETING  
- 8 05 PM

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING  
AUTHORITY MEETING – 8 06 PM

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

1 Effective July 5 2010 Councilmember Coerper wished to resign as the Council Liaison Board Member of The West Orange County Water Board (WOCWB) Mayor Green has agreed to take this assignment until the expiration of the term on December 31 2010 Recommended Action Approve assignment of Mayor Green to serve as the City Council Liaison Board Member of the West Orange County Water Board (WOCWB) until the expiration of the term (12/31/10)

Councilmember Coerper explained his request to be removed from the WOCWB and noted that Mayor Green has requested to take his place

A motion was made by Coerper second Carchio to approve assignment of Mayor Green to serve as the City Council Liaison Board Member of the West Orange County Water Board (WOCWB) until the expiration of the term (12/31/10) No vote was taken

Councilmember Hansen expressed concern regarding the timing in appointing the Mayor to the board in light of her presumed candidacy for the Orange County Water Board

Councilmember Coerper supported the need to have a representative Councilmember on the WOCWB

Councilmember Bohr expressed similar concerns and inquired whether or not it would be more appropriate to have an alternate Councilmember hold the seat

The City Attorney opined that Mayor Green could speak regarding her future plans for other elected and/or appointive offices Mayor Green noted that the seat declaration period for the Orange County Water Board would begin in late July

Councilmember Bohr inquired whether Mayor Green would consider appointing another member of Council to the WOCWB to avoid the perception of posturing by any potential candidate

Mayor Pro Tem Hardy noted that she was the Vice Chair of the WOCWB and Councilmember

Coerper expressed his concern that there would not be two representatives at the next two meetings

Councilmember Hansen voiced concerns about the appearance of political "posturing

Mayor Pro Tem Hardy stated that she feels representation is adequate (one Councilmember for the next two meetings) and recommends the Mayor not accept the proposed appointment

Councilmember Carchio stated support for another member taking the appointment in order to avoid the potential for future criticism

Mayor Green voiced her concern regarding resuming a seat that she previously held

Councilmember Hansen stated his intent to save her from embarrassment from being accused of political advantage "

Councilmember Coerper withdrew his original motion

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

#### CONSENT CALENDAR

#### 2 Approved and adopted minutes

A motion was made by Coerper second Bohr to approve and adopt the minutes of the City Council/Redevelopment Agency/ Public Financing Authority regular meeting of June 21 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 and Hansen
NOES	None
ABSENT	Dwyer

#### 3 Approved and authorized execution of Amendment No 1 to the Non-Exclusive License Agreement Amendment between the City of Huntington Beach and the Children s Bureau of Southern California for operation of the Oak View Center

A motion was made by Coerper second Bohr to approve Amendment No 1 to Non-Exclusive License Agreement Between the City of Huntington Beach and Children s Bureau of Southern California" for the operation of the Oak View Center and authorize the Mayor and the City Clerk to sign the agreement The motion carried by the following roll call vote

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

#### 4 Accepted two resignations and approve two appointments to the Environmental Board with terms to expire June 30 2011 as recommended by City Council liaisons Mayor Pro Tem Jill Hardy and Councilmembers Keith Bohr and Devin Dwyer

A motion was made by Coerper second Bohr to appoint replacement members to the Environmental Board and appoint Kim Nicolson to replace Dave Mootchnik for a term set to June 30 2011 and appoint Jim Brown to replace Dave Guido for a term set to expire June 30 2011 The motion carried by the following roll call vote

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

5 Approved and authorized execution of a Subdivision Agreement with the new developer RP Blue Canvas LLC replacing the original project developer WL Newland Associates LLC of a 204-unit multi-family residential project located west of Newland Street north of Hamilton Avenue and south of Lomond Drive - Tract 16733 accepted new Faithful Performance/Labor Material and Monument Bonds and authorized releasing the original bonds

A motion was made by Coerper second Bohr to approve the Subdivision Agreement By and Between the City of Huntington Beach and RP Blue Canvas LLC for Tract No 16733 ' authorize execution by the Mayor and City Clerk and accept Faithful Performance/ Labor and Material Bond No 5037460 for \$1 383 944 and Monument Bond No 5037495 for \$16 000 the securities furnished for installation of the required public improvements and instruct the City Clerk to file the bonds with the City Treasurer and release the Faithful Performance/Labor and Material Bond No 5029608 and Monument Bond No 5029609 and instruct the City Treasurer to notify the surety company Bond Safeguard Insurance Company of such City Council action The motion carried by the following roll call vote

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

6 Received and filed the City Attorney s Quarterly Report of activity for January 1 2010 through March 31 2010

A motion was made by Coerper second Bohr to receive and file the City Attorney s Quarterly Report for January 1 2010 through March 31 2010 The motion carried by the following roll call vote

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

7 Received and Filed City Attorney s Office 2009 Annual Report

A motion was made by Coerper second Bohr to receive and file the City Attorney s Office 2009 Annual Report The motion carried by the following roll call vote

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

8 Approved and authorized execution of a three year Professional Services Contract in the amount of \$125 000 with AECOM for an Investment Grade Assessment of Energy Efficiency Projects

A motion was made by Coerper second Bohr to approve and authorize Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and AECOM for an Investment Grade Assessment of Energy Efficiency Projects in the amount of \$125 000 The motion carried by the following roll call vote

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

## PUBLIC HEARING

9 Approved Recirculated Mitigated Negative Declaration No 08-016 General Plan Amendment No 08-011 by adopting Resolution No 2010-47 Zoning Map Amendment No 08-007 by approving for introduction Ordinance No 3884 Zoning Text Amendment No 09-008 by approving for introduction Ordinance No 3885 Local Coastal Program Amendment No 09-002 by adopting Resolution No 2010-48 Tentative Tract Map No 17294 Coastal Development Permit No 08-022 and Conditional Use Permit No 08-046 ( The Ridge" 22-unit single-family planned unit development - legislative amendments and appeal of the Planning Commission's approval of the recirculated mitigated negative declaration and development entitlements)

Jennifer Villasenor presented a staff report and PowerPoint Presentation Slides were entitled The Ridge 22-unit single-family Planned Unit Development Project Description Site Location Analysis General Plan Amendment Analysis Zoning Map Amendment Analysis Zoning Text Amendment Planned Unit Development Architecture Analysis Land Use Compatibility and Site Plan Analysis Coastal Issues CEQA Analysis 2001 Archeological Excavation Biological Resources and Summary

In response to an inquiry from Mayor Pro Tem Hardy staff commented that if the Coastal Commission denied the project it would also deny the zoning map and text amendments tandem parking was applicable in single and multi-family areas and there were no recent low-density projects with tandem parking and there has been an exception for twenty of the twenty-two lots the density is lower than the 'RL would allow the proposed benefits of the projects are the proposed green building (LEED-certified Silver) and coastal access drainage locations and that in 2001 a multi-phased approach was taken in studying the natural resources on the site and all appropriate testing was done

Councilmember Hardy asked about the site archeological study and questioned whether the 2001 study should be redone Staff noted that mitigation measures are in place in the event resources are found when project grading begins The 2001 study is public record and that the project site has never existed as passive public open space

Mayor Green asked questions based on her meetings with Bolsa Chica Land Trust members Staff noted the zoning designation was R-1 (equivalent to RL designation today) and the project site was designated in 1970 It was redesignated in 1982 There is a buffer of 140 feet for this property due to the City's zoning code and certified land use plan requirements for a project adjacent to an "ESHA " The City does not receive information regarding potential purchase of

the property and the City is deficient in parkland. Staff noted that it would be cost prohibitive to purchase this land for the purpose of park use when there are other less costly sites for park development by the City. Staff reviewed the methodology utilized for the 2001 archeological study of the site. It was also noted that there is 30 foot wide parcel that leads to the Bolsa Chica wetlands but is not easily recognizable as a pathway due to existing topography. The new project would require signage and improvements of the pathway.

In response to inquiries from Mayor Pro Tem Hardy, staff noted that the developer commissioned the archeological studies and that the reports are public documents. Staff noted that any passive use of the site would be considered trespassing since it is privately owned property.

In response to Mayor Pro Tem Hardy, the Deputy City Attorney noted that a developer could challenge the City's denial with an "as applied taking." He further noted that it would be difficult for the City to defend an "open space" designation on a private property and that the City would have to assert that there is an economically viable use under its current designation.

In response to Councilmember Carchio, staff noted there were no protected species on the site however, staff would prepare to respond appropriately if such species were ultimately found on the site. Staff also noted that there were several companies that perform archeological studies and that the "generalized Bolsa Chica area is largely 'open space'."

Mayor Green opened the public hearing. The Assistant City Clerk noted that the Office received 664 communications regarding this matter.

(The number following the speakers' 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))

Ed Mountford of Hearthsides Homes, representing the applicant, narrated a PowerPoint Presentation. He addressed the environmental issues, the geographical location of the project, the set-backs and buffers for adjacent projects, historical perspective of challenges to cultural resources mitigation at Bolsa Chica from opponents to the project and the subsequent results of court decisions. He stated that there is more than adequate open space still preserved in the Bolsa Chica even with the proposed project. (02:48:27)

Mayor Pro Tem Hardy inquired about the methodology behind the archeological studies and "finds." Mr. Mountford responded with clarification regarding the archeological grading and exploration that was conducted. He commented that the archeologist has published the reports in various historical venues and that the developer has summarized these formal reports in their findings. He also noted that herbicides are used on the property for weed abatement purposes and that the soil on the property is not conducive to growing the Southern Tar plant. Mr. Mountford noted that there had been no specific documentation or finding of "sensitive" plants on the property.

Eileen Murphy, Huntington Beach resident, requested the Council vote "No" on the proposed project. She discussed how the Bolsa Chica Land Trust (BCLT) has aspired to purchase this site and the City Council has a chance to make history by not changing the site's zoning. (03:01:30)

Gary Trudeau spoke in opposition to the approval of this project and stated his opinion that the developer is motivated by profit (03 02 53)

Karen Riggs Huntington Beach resident requested the Councilmembers to look to the future and preserve the Bolsa Chica wetlands spiritual environmental and archeological history (03 04 01)

Barbara Adams Huntington Beach resident spoke in opposition to this project and requested the Council maintain the balance between developed and open space in Huntington Beach She requested consistency with the open space on the rest of the wetlands and requested keeping the current zoning (03 06 23)

Trude Hurd Marine Biologist commented on her frequent visits to the Bolsa Chica as a "birder and photographer She stated her opinion that changing the zoning of even a small part of the Bolsa Chica would affect its designation as a tourist attraction She further noted the poor environmental record of the developer (03 06 52)

Jamie Pavlat spoke of her environmental projects especially as related to local wildlife She spoke in opposition to the proposed project in order to preserve the ecosystem (03 11 02)

Ruben Aguirre a member of the Tongva Nation spoke in opposition to the project in order to preserve the land of his ancestors He noted that his ancestors were stored by the developer as "artifacts" and that developers are motivated by greed and money He encouraged the Council to preserve the wetlands and open space (03 11 53)

Brenda Lee spoke in opposition to this project referenced the bird species which thrive in the wetlands and commented on the record foreclosures and the need to "bailout" developers (03 13 14)

Paul Moreno Coalition to Preserve Sacred Sites noted that the developer was cited for not reporting significant archeological and biological finds on the Brightwater development He alleged that both the developer and the archeologist have not been forthcoming regarding the Native American resources on the project sites (03 15 54)

Linda Gonzales Gabrieleno and Tongva Native American spoke in opposition to this project and noted that modern day schoolchildren are "nature deprived" She commented on the educational and environment significance of the project site the trails and the archeological and biological evidence for the spiritual and sacred sites In response to inquiries from Councilmember Hansen Ms Gonzales commented on the historical evidence of Native American residence in the Huntington Beach area (03 19 42)

Jennifer Robins President of the Amigos de Bolsa Chica spoke in support of Mayor Pro Tem Hardy's appeal of the Planning Commission's action on this matter She noted that the proposal will most likely be denied by the Coastal Commission and requested Council support for approving the appeal (03 23 26)

Susan Salas Coalition for Sacred Sites spoke in opposition to approval of this item and commented on the archeological and biological evidence of Native American spiritual and

sacred sites on the project site She referred to the Public Resources Code that would be violated should this project be approved (03 27 49)

Blair Farley noted that a full CEQA analysis should have been completed on this site the biological assessment showed that a previous analysis was not done and that development in the City has been "shifted" without consideration for future "open space" in the community (03 32 28)

Councilmember Hansen inquired as to the types of analyses that were flawed in the study Mr Farley stated that the study should have been done by a company or vendor that had not already been on the site in order to 'independently analyze' the project site

John Tautimez Council Member of the Gabrieleno Band of Mission Indians of San Gabriel noted that his tribe is against any development at the Bolsa Chica site They believe it may consist of archeological and biological evidences of their tribe (03 32 43)

Leslie Patton Sunset Beach resident spoke in support of the Bolsa Chica Land Trust She referenced the Antiquities Act which governs preservation of archeological and historical sites and structures on public lands She commented that she was in opposition to this project (03 38 46)

Rebecca Robles part of the Native American Community through the Acjachemen tribe Spoke in opposition to this project and noted that 90% of Native American archeological sites in the area have been destroyed She noted that the State of California cited the developer of the adjacent property for improper handling of archeological and biological resources (03 39 42)

Virginia Bickford archeologist commented that adoption of a Negative Declaration was not appropriate for this project and noted the number of studies which included subsurface excavation She commented on the small excavation procedures that failed to reveal the significant archeological and biological resources that were discovered after more significant grading on various projects (03 41 49)

In response to Councilmember Coerper Ms Bickford commented that the studies on this site were done over 10 years ago and that there are 'new and better' archeological review methods and sampling techniques

In response to Councilmember Carchio Ms Bickford expressed her feeling that the studies were "slanted" in order to achieve a specific result

Mark Bixby of the Bolsa Chica Land Trust gave a PowerPoint presentation Slides included Brightwater ESHA Buffer Brightwater ESHA View @ 17mm Ridge ESHA Buffer LCP Policy C 4 4 2 The Ridge? No - The Bluff and Deny the Ridge (03 45 24)

Julie Bixby Vice President of the Bolsa Chica Land Trust spoke in opposition to this project and commented on staff's assertion that this project does not remove existing "park space" She commented on the existing park acreage in the City and that the City needs to declare its intent to make this project site an actual park She requested that the Council act in support of the established General Plan (03 55 10)

Carrie Thomas Board of Directors Bolsa Chica Land Trust spoke in opposition of the project and the City's determination that there were no sensitive plants species found on the project site. She referenced photographs which illustrated the application of herbicides on the project site which could have destroyed any sensitive plant species. Ms. Thomas noted that an Environmental Impact Report should be conducted and recommended that the Mitigated Negative Declaration not be approved. (03 57 17)

Sandy Genis Bolsa Chica Land Trust gave a PowerPoint Presentation. The slides were entitled "The Ridge July 6 2010 Fair Argument Standard Substantial Evidence Impacts ESHA Buffers Aesthetics and Purpose of an EIR" and stated that declining to give does not constitute a 'taking'. (03 57 57)

Paul Arms President of the Bolsa Chica Land Trust and Huntington Beach resident spoke in support of the Bolsa Chica area which provides great value to the area and is an important asset. The Bolsa Chica Land Trust is made up of active volunteers invests in educational efforts and land acquisition. He expressed concerns regarding the financial accommodations that have been afforded to the developer and the developer's repeated assertions that they do not have available funds for Bolsa Chica Land Trust-requested projects. (04 01 24)

Ray Sherrard Bolsa Chica Land Trust spoke in opposition to the proposed project and expressed concerns regarding the thirty-three reports which were paid for by the landowner. He commented that such hired expertise could result in flawed findings. He noted that this site has been asserted to be one of the last historical sites in the area. He requested that an environmental study be conducted on the site prior to any further action. (04 08 38)

Marinka Horack Bolsa Chica Land Trust, spoke in opposition to this project. She commented on the historical artifacts that provide evidence of the ancient cultures which inhabited the area for over 8 000 years. Ms. Horack expressed concern that this site would be used for residential development. (04 09 09)

Flossie Horgan Bolsa Chica Land Trust spoke in opposition of the project and referred to a previous speaker's archeological expertise. She referenced archeological evidence provided in articles written by the archeologist related to findings at the Bolsa Chica. Based upon this evidence she requested the Council deny the Mitigated Negative Declaration. (04 14 30)

Bill Gregory Bolsa Chica Land Trust spoke in opposition to this project and read excerpts from an archeologist who opposes the adoption of a Mitigated Negative Declaration for the Ridge project. He expressed concerns that the portions referenced in tonight's staff report represent some of the last surviving remnants of Native American culture. Last he inquired as to the selection of the 'peer reviewers'. (04 15 32)

Patricia Martz Professor of Archeology and Anthropology at Cal State Los Angeles spoke in opposition to this project. She noted the human remains that were found during grading at an adjacent project site and expressed concerns regarding disturbing the sacred burial sites on the proposed location. Ms. Martz requested the Council preserve the site for the recognition of the Native American sacred site and to avoid elimination of open space. (04 20 44)

Gerald Chapman Bolsa Chica Land Trust presented video segments of archeologist Ms Wiley who presented two lectures regarding the importance of the preservation of the Bolsa Chica Mesa He noted the artifacts that were gathered as part of an adjacent project (04 23 37)

Jennifer Thomas Bolsa Chica Land Trust presented video excerpts from archeologist Ms Wiley She commented that in the video Ms Wiley mentioned that the site may still contain items of archeological significance (04 26 50)

Joe Shaw Bolsa Chica Land Trust presented video excerpts from archeologist Ms Wiley He commented that Ms Wiley noted that the 'OR sites are actually one site' and that the State of California has noted this site is of international significance He also commented that Ms Wiley referred to the site as having historical significance Mr Shaw requested the Council not change the land use on this property (04 27 17)

Connie Boardman Boardmember of the Bolsa Chica Land Trust spoke in opposition to the project and referenced the postcards from individuals who also oppose the project She referenced the anticipatory demolition occurring on the property which violates CEQA rules and stated significant artifacts were found on an adjacent project site Ms Boardman also commented on the ability to sell the property with the existing land use designation (04 32 07)

Roger Noor spoke in opposition to this project and supports preservation of the over 8 000 years of human habitation in the area (04 36 21)

Alfred G Cruz Juanero Band of Native Americans spoke in opposition to this project and expressed concerns about the destruction of Native American sacred and spiritual lands He requested the Council to make decisions with open hearts and open minds (04 36 45)

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

Councilmember Bohr invited Mr Ed Mountford to approach the podium and address some of the issues brought forward by the speakers Mr Mountford addressed environmental studies buffer zones and Green LEED certification (Silver) measures

Councilmember Carchio asked Mr Mountford to address the comments about the 'slanting' of the archeological reports issued by the developer Mr Mountford addressed the process/methodology and oversight of the archeological assessment

In response to inquiries from Councilmember Coerper Mr Mountford outlined the financial impacts of a LEEDS-certified project and the potential sale of property to the Bolsa Chica Land Trust

Councilmember Hardy noted her specific point of view in regard to this project and made inquiries related to peer review

Dr Nancy Anastasia Wiley site archeologist responded that peer review members were on site during excavation and provided details as to the visits She also responded that the report submitted was specific to this site and not a regional study The peer review was conducted in 2001 and that grading monitoring should be conducted on the site Ms Wiley clarified the investigation methods conducted during the study She referred to the video excerpts provided by several public speakers and alleged that her comments as portrayed in the video were

taken out of context

Flossie Horgan of the Bolsa Chica Land Trust addressed the comments by Ms Wiley at the invitation of Mayor Pro Tem Hardy She mentioned that half of the studies conducted on the site were conducted by Ms Wiley's firm and alleged that the developer only revealed that artifacts were presented only after project permits were approved

Councilmember Hansen asked staff about the hiring and paying of consultants for project studies Planner Mary Beth Broeren responded He asked staff if there was anything presented that would change the staff's recommendation or give concerns about the findings as presented in the staff report Planner Villasenor stated the City has responded point by point to the comments which were previously submitted to them and the staff did not find any reason to change the recommended action

A motion was made by Hansen second Bohr to approve Recirculated Mitigated Negative Declaration No 08-016 with findings and approve General Plan Amendment No 08-011 by adopting City Council Resolution No 2010-47 "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No 08-011" and approve Zoning Map Amendment No 08-007 with findings for approval by introducing City Council Ordinance No 3884 "An Ordinance of the City of Huntington Beach Amending District Map 33 (Sectional Map 28-5-11) of the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located Southeast of the Intersection of Los Patos Avenue and Bolsa Chica Street from Residential Agricultural - Coastal Zone Overlay (RA-CZ) to Residential Low Density - Coastal Zone Overlay (RL-CZ) (Zoning Map Amendment No 08-007) and approve Zoning Text Amendment No 09-008 with findings for approval by introducing City Council Ordinance No 3885 "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Section 210.06 Property Development Standards and 210.12 Planned Unit Development Supplemental Standards and Provisions (Zoning Text Amendment No 09-008)" and approve Local Coastal Program Amendment No 09-002 with findings for approval by approving City Council Resolution No 2010-48 "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No 09-002 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Amend Zone 2 - Land Use Plan of the City's Coastal Element for the Real Property Generally Located Southeast of the Intersection of Bolsa Chica Street and Los Patos Avenue and to Reflect Zoning Text Amendment No 09-008 and Zoning Map Amendment No 08-007 and Requesting Certification by the California Coastal Commission" and, approve Tentative Tract Map No 17294 with findings and suggested conditions of approval and approve Coastal Development Permit No 08-022 with findings and suggested conditions of approval and approve Conditional Use Permit No 08-046 with findings and suggested conditions of approval

Councilmember Hardy gave her reasons why she will be voting against the motion She noted the unique nature of the cog stone site located on the Bolsa Chica Mesa She feels the project violates the Coastal Element of the General Plan that an Environmental Impact Report should be conducted and that she will not vote for projects that reduced open space in Huntington Beach

Councilmember Bohr indicated why he would be supporting the motion He referenced staff's excellent work on this matter and expressed concerns regarding how developers are portrayed even though most of the structures and conveniences the residents enjoy come from

developers who assume large risk

Councilmember Coerper asked Connie Boardman to come forward and respond to how the Bolsa Chica Land Trust would fund the purchase of this parcel if they had the opportunity to purchase it Ms Boardman clarified the legislative process and the amount available for acquisition

Mayor Green gave the reasons why she would support the motion She clarified the historical action on the property noted that it will be compatible with the existing General Plan and that there will be no "loss" of planned park or recreation facility

The motion carried by the following roll call vote

AYES	Carchio Coerper Green Bohr and Hansen
NOES	Hardy
ABSENT	Dwyer

#### ADMINISTRATIVE ITEMS

10 Adopted Resolution No 2010-46 of the City Council of the City of Huntington Beach Submitting to the Qualified Electors of the City at the November 2 2010 General Municipal Election a Measure Related to the City's Utility Users Tax (proposed Ordinance No 3883)

A motion was made by Bohr second Coerper to adopt Resolution No 2010-46 "A Resolution of the City Council of the City of Huntington Beach Submitting to the Qualified Electors of the City a Communications Utility Users Tax Measure Setting Priorities for Filing Written Arguments and Directing the City Attorney to Prepare Impartial Analysis submitting a measure to reduce the telecommunications and video services percentage tax rate and to modernize the definitions of the City's Utility Users Tax (UUT) on telecommunications and video services The motion carried by the following roll call vote

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

A motion was made by Hardy second Bohr to authorize Councilmembers Carchio Coerper Hardy Bohr and Hansen to submit a written argument in favor of a ballot measure to reduce the telecommunications and video services percentage tax rate and to modernize the definitions of the City's Utility Users Tax (UUT) on telecommunications and video services The motion carried by the following roll call vote

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

#### ORDINANCES FOR INTRODUCTION

12 Approved for introduction Ordinance No 3881 amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) relating to the number of political signs and placement of temporary signs

A motion was made by Bohr second Hansen to After the City Clerk reads by title approve for introduction Ordinance No 3881 "An Ordinance of the City of Huntington Beach Amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Signs ' The motion carried by the following roll call vote

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

COUNCILMEMBER COMMENTS (Not Agendized) - Comments provided by Councilmembers Carchio Coerper Hardy Bohr and Hansen

Councilmember Carchio congratulated staff and community members on the success of the Fourth of July Parade and Fireworks event

Councilmember Coerper reported on his attendance at the Joint Forces Training Base "Welcoming Home a Fallen Hero' event in memory of Corporal Claudio Patino USMC

Mayor Pro Tem Hardy thanked staff and community members for their work on the Fourth of July event She also sent 'good luck ' to the three Huntington Beach women participating in the Miss California Pageant

Councilmember Bohr thanked staff and community members for the success of the Parade and Fireworks program especially noting the excellent work of the Police Department

Councilmember Hansen thanked staff and community members for their participation the Fourth of July Event especially noting the hard work of the Fourth of July Boardmembers

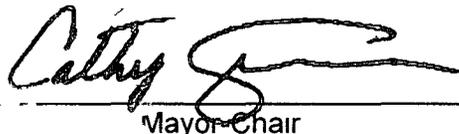
In response to the Mayor's inquiry a staff member noted the parade lasted the normal two hours and it was estimated that there were between 150 000 to 200 000 attendees throughout the day

ADJOURNMENT - at 11 52 PM to the next regular meeting of July 19 2010 at 4 00 p m 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