

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

Monday, October 18, 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  
are on file in the Office of the City Clerk and archived at  
<http://www.huntingtonbeachca.gov/government/agendas/>**

4:00 PM - ROOM B-8

CALL TO ORDER

ROLL CALL - (Councilmembers Joe Carchio and Gil Coerper, and Mayor Pro Tem Jill Hardy have requested permission to be absent pursuant to Resolution No. 2001-54)

ANNOUNCEMENT OF COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan L. Flynn announced receipt of the following communication:

Notice of Absence received from Councilmember Joe Carchio requesting permission to be absent pursuant to Resolution No. 2001-54.

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

STUDY SESSION

1. City Administrator and City staff to present project information on municipal solar power purchase agreement project

RECESS TO CLOSED SESSION

CLOSED SESSION

2. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding NextG Networks of California v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00119646, and Related Case: Application of NextG Networks to Engage in Ground-disturbing Outside Plant Construction, California Public Utilities Commission Application No. 09-03-007, consolidated with City of Huntington Beach v. NextG, CPCU Case No. 08-04-037, which involve NextG's project to locate its wireless telephone antennas in the public right-of-way.

3. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Sunesys, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00323543, which involves Sunesys' project to construct a fiber optic communication network between the schools of the Fountain Valley School District.

4. Pursuant to Government Code Section 54957, the City Council recessed into closed session to discuss the following personnel matter: City Administrator's Evaluation.

5. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Coffin v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009 00296302, which involves allegations of retaliation and discrimination by a female life guard.

6. Pursuant to Government Code Section 54957.6, the City Council recessed into 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.

6:00 PM - COUNCIL CHAMBERS

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

ROLL CALL - (Mayor Pro Tem Jill Hardy and Councilmembers Joe Carchio and Gil Coerper have requested permission to be absent pursuant to Resolution No. 2001-54)

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

PLEDGE OF ALLEGIANCE - Led by Councilmember Hansen

INVOCATION - Provided by Reverend Peggy Price, Huntington Beach Interfaith Council

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ANNOUNCEMENT OF LATE COMMUNICATION

City Clerk Joan L. Flynn announced that she had received a Notice of Absence from Councilmember Joe Carchio requesting permission to be absent pursuant to Resolution No. 2001-54. She also stated that late communications received by her office following distribution of the City Council agenda packet on Agenda Item Nos. 11 and 13 would be announced during their respective public hearings.

## AWARDS AND PRESENTATIONS

Presentation - Mayor Green called on Kenneth Inouye from the Orange County Human Relations Commission to present the Annual Report.

Presentation - Mayor Green called on City Treasurer Shari Freidenrich to accept a proclamation for Financial Planning Day, October 23, 2010.

Presentation - Mayor Green called on Jacquie Bethel from the Huntington Beach Assistance League to accept a proclamation for their 60 years of dedicated service to the community

Mayor Green called on Don MacAllister and Ralph Bauer to present a check to the City in the amount of \$14,700 from the Huntington Beach Council on Aging to help fund a part-time position in the Senior Services Division of the Community Services Department.

Mayor's Award - Mayor Green called on Police Chief Ken Small to present the Mayor's Award to Detective Art Preece.

## PUBLIC COMMENTS (3 Minute Time Limit)

The number listed in parentheses is the approximate point in the video where the speaker began their comments.

Ralph Bauer, a 46 year resident of Huntington Beach, spoke in favor of Measure "O." He agreed that the passage of Measure "O" would mean \$6 million more annually for infrastructure and \$6 million less annually for employee salaries and benefits, and rendered his opinion that the city's employees were already generously compensated. In closing, he recommended a "Yes" vote on Measure "O" and invited everyone to visit the website [www.fixhb.com](http://www.fixhb.com). (00:25:57)

Gerald Chapman former Vice-Chair of the Infrastructure Committee, presented and reviewed two overhead slides: (1) "General Revenue to Infrastructure Spending" which indicated that Infrastructure Spending from 2000-2010 consistently under-ran its target of 15% of General Revenue and; (2) "Debt Servicing and Public Works Department Expenditures" which indicated that Debt Servicing was, on average, consuming approximately 1/3 of the Public Works Department Expenditures. In closing, he rendered his opinion that a "Yes" vote on Measure "O" would preserve the city's infrastructure and that a "No" vote would support the various employee union's quests for increased wages and benefits. (00:28:45)

Jean Nagy questioned the veracity of the Hunting Beach Police and Fire Association's flyer in opposition to Measure "O," noting that it claims that the entire \$6 million per year set aside for infrastructure would be used for "tree trimming," which in her opinion is preposterous because "even the City of Los Angeles probably does not spend that amount on tree trimming." She also opined that increased infrastructure spending could potentially help reduce the city's exposure to lawsuits caused by faulty infrastructure. In closing, she asked everyone to please vote "Yes" on Measure "O." (00:31:56)

Dick Harlow, a volunteer member of the Infrastructure Advisory Committee for the past 12 years, reviewed the findings of various infrastructure related committees which had concluded that over the next 20 years there would be \$800 million underfunding of the city's approximate \$1.3 billion infrastructure repair and maintenance funding requirement. He stated that he could

not recall any public vote which authorized the inclusion of Debt Servicing in the infrastructure maintenance and repair set aside. In closing, he stated that including Debt Servicing in the infrastructure set aside is a severe deficiency, and voiced his disappointment with the Police and Fire Department's opposition to Measure "O." (00:34:07).

Les Jones noted that the 1995 flood was the event which caused the city to recognize its impending infrastructure maintenance and repair dilemma, which in the last 14 years has unfortunately not been resolved. In closing, he implored the City Council to move forward with Measure "O" even though it may not be politically advantageous. (00:37:21)

Don MacAllister announced that the 3<sup>RD</sup> Annual Senior Olympic Surfing Contest occurs on October 30, 2010, and that this year's event also includes a women's competition. In closing, he stated that participants could sign up at the city's website in the Community Services Section. (00:38:45)

Charles Goldwasser, an Attorney retained by a group of Huntington Beach residents, presented his clients' concern that compliance with Government Code Section 57330 would not be a Condition of Annexation of Sunset Beach by Huntington Beach, and therefore the citizens of Sunset Beach would not be required to pay the same taxes and fees as the citizens of Huntington Beach even though they would be receiving the same services. In closing, he requested that the City Council respond to his clients' concern. (00:39:27)

Darren Witt, President of the Huntington Beach Fire Fighters Association, reiterated the public safety mission of the Huntington Beach Fire (and Police) Department, noting their 56-hour work week and low per-capita ratio of .66 firefighters per 1000 residents. He stated that firefighters' benefits and pensions were controlled by a negotiated contract, further stating that (in his organization's opinion) those benefits and pensions were "under attack" by the proponents of Measure "O." In closing, he stated that if a \$6 million annual reduction of the General Fund was portioned out, and the Fire Department's portion was \$1.1 million, then the easiest way to achieve that budget reduction would be to close one Fire Station, which would increase response time and thereby imperil public safety. (00:42:14)

Councilmember Hansen questioned Mr. Witt's scenario regarding the closing of one Fire Station, noting that no such directive was under consideration, and Mr. Witt stated that it was only a "what-if" scenario emanating from the Fire Chief. Councilmember Hansen also stated his displeasure with the wording of the Police and Fire flyer opposing Measure "O."

Councilmember Dwyer stated that the City Council did not instigate this confrontation, and that the Employee Unions did. Councilmember Bohr stated that identifying where the \$6 million annual General Fund reduction would potentially come from is a valid discussion.

Don McGee stated his displeasure with the City Council's approval of a Consent to Subdivide which has allowed the owner of Huntington Shore Cliffs to increase rents. (00:51:14)

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

Councilmember Dwyer announced Family Arts Day to be held from 12:00 pm until 4:00 pm on Sunday, October 24, 2010, at the Huntington Beach Arts Center.

A written report from Councilmember Bohr was submitted and will be made available in the City Clerk's Office.

#### CITY ADMINISTRATOR'S REPORT

City Administrator Wilson announced the annual statewide "Great California Shakeout" earthquake drill that will occur at 10:21 AM on October 21, 2010.

#### CITY TREASURER'S REPORT

1. Reviewed and accepted City Treasurer's August 2010 Investment Summary Report.

City Treasurer Freidenrich presented a PowerPoint Presentation slide summary of the Monthly Investment Report for August 2010.

A motion was made by Hansen, second Bohr to review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for August 2010, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

The motion carried by the following roll call vote:

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

#### CONSENT CALENDAR

2. Approved and adopted minutes.

A motion was made by Hansen, second Bohr to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority regular meeting of September 20, 2010, and the City Council/Redevelopment Agency/Public Financing Authority regular meeting or October 4, 2010 as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

3. Accepted City of Huntington Beach Strategic Objectives Update.

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

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

4. Approved and accepted \$15,000 of grant funding from the Fireman's Fund Insurance Company Heritage Grant Program and a matching donation of \$15,000 by the Robert Mayer Corporation for purchase of self-contained breathing apparatus (SCBA).

A motion was made by Hansen, second Bohr to approve and authorize city staff to accept and expend the Fireman's Fund Insurance Company Heritage Grant award of \$15,000; and, approve and authorize city staff to accept and expend the \$15,000 donation from Robert Mayer Corporation. The motion carried by the following roll call vote:

AYES: Hansen, Dwyer, Bohr, and Green

NOES: None

ABSENT: Carchio, Hardy, and Coerper

5. Adopted Resolution No. 2010-77 ordering the summary vacation of the excess highway slope easement located east of Newland Street and north of Edison Way.

A motion was made by Hansen, second Bohr to adopt Resolution No. 2010-77, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Highway Slope Easement East of Newland Street, North of Edison Way;" and, direct the City Clerk to record the Resolution and attached exhibits with the Orange County Recorder. The motion carried by the following roll call vote:

AYES: Hansen, Dwyer, Bohr, and Green

NOES: None

ABSENT: Carchio, Hardy, and Coerper

6. Approved the appointment of Robert Schwenk to the Citizen Participation Advisory Board (CPAB) for a four year term ending September 30, 2014, and the reappointments of Peter Andres, Rick Campbell, Bill Correia, and Andy Ruiz for an additional four year term that ends September 30, 2014, as recommended by Council Liaisons, Mayor Cathy Green and Councilmembers Gil Coerper and Joe Carchio.

This item was pulled for separate consideration by Mayor Green.

Mayor Green announced that Robert Schwenk was in the audience.

A motion was made by Green, second Hansen to approve the appointment of Robert Schwenk to the CPAB for a four year term that expires September 30, 2014; and, approve the re-appointment of Peter Andres, Rick Campbell, Bill Correia, and Andy Ruiz to the CPAB for an additional four year term that expires September 30, 2014. The motion carried by the following roll call vote:

AYES: Hansen, Dwyer, Bohr, and Green

NOES: None

ABSENT: Carchio, Hardy, and Coerper

7. Adopted Resolution No. 2010-76 authorizing certain City officials to execute applications and related documents for Emergency Management and Homeland Security Grants.

A motion was made by Hansen, second Bohr to adopt Resolution No. 2010 76, "A Resolution of the City Council of the City of Huntington Beach Authorizing Certain City Officials to Execute Grant Applications and Documents." The motion carried by the following roll call vote:

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

8. Approved and authorized execution and a 2 year extension of Amendment #2 to the contract between the City and the Ferguson Group, LLC for professional services related to the acquisition of Federal funds for priority projects within the City and related legislative issues.

A motion was made by Hansen, second Bohr to approve waiving Municipal Code Section 3.03.120, prohibiting the extension of an agreement beyond three years; and authorize the Mayor and City Clerk to execute "Amendment #2 to Agreement Between the City of Huntington Beach and the Ferguson Group, LLC" for a two year period. The motion carried by the following roll call vote:

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

9. Approved and authorized execution of Amendment No. 1 to Lease Agreement between the City and Vista Beach/Slater Center for Oakview Police Substation located at 17473 Beach Blvd.

A motion was made by Hansen, second Bohr to approve "Amendment No. 1 to Lease Agreement Between the City of Huntington Beach and Vista Beach/Slater Center" for Police Department use of real property located at 17473 Beach Blvd for the Oakview Substation; and authorize execution of the lease agreement by the Mayor and City Clerk. The motion carried by the following roll call vote:

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

10. Approved the Fourth Implementation Agreement to the Amended and Restated Disposition and Development Agreement (DDA) with Mayer Financial, L.P. as it relates to the third hotel at the Waterfront master planned development, providing an additional six (6) months to convey the Agency land.

A motion was made by Hansen, second Bohr to approve the "Fourth Implementation Agreement to Amended and Restated Disposition and Development Agreement;" and, authorize the Chairperson and Agency Clerk to sign all related documents." The motion carried by the following roll call vote:

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

ABSENT: Carchio, Hardy, and Coerper

PUBLIC HEARING

11. Adopted Resolution No. 2010-78 ordering the vacation of the frontage road along the southeast corner of Beach Boulevard and Atlanta Avenue.

The staff report was presented by Senior Civil Engineer Bob Milani.

Mayor Green opened the Public Hearing.

City Clerk Flynn announced the following communication received by her office following distribution of the Council agenda packet:

PowerPoint communication received from Travis Hopkins, Director of Public Works, entitled *Beach and Atlanta Frontage Road*.

Mr. Bill Holland of WDH Consulting, representing Bijan Sassounian (the majority owner of the Shopping Center), urged the City Council to adopt Resolution No. 2010-78.

Mayor Green closed the public hearing.

A motion was made by Bohr, second Hansen to adopt Resolution No. 2010-78, "A Resolution of the City Council of the City of Huntington Beach Ordering the Vacation of the Public Frontage Road at the Southeast Corner of Beach and Atlanta;" and, direct the City Clerk to record Resolution No. 2010-78 and attached exhibits with the Orange County Recorder. The motion carried by the following roll call vote:

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

12. Adopted Resolution No. 2010-80 creating a new fee for the Beach and Edinger Corridors Specific Plan, Mobile Vendor Permits and Newsrack Removal (Supplemental Development Fee Resolution No. 5).

Mayor Green opened the Public Hearing.

City Clerk Flynn announced there were no communications to report or public speakers.

Mayor Green closed the Public Hearing.

A motion was made by Bohr, second Dwyer to adopt Resolution No. 2010-80, "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2009-32 and Establishing New Development Fees For Various Services Provided by the Planning and Building Department" (Supplemental Development Fee Resolution No. 5). The motion carried by the following roll call vote:

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

ABSENT: Carchio, Hardy, and Coerper

13. Approved Negative Declaration No. 10-005, adopted Resolution No. 2010-73 for General Plan Amendment (GPA) No. 10-002, adopted Resolution No. 2010-74 for Zoning Text Amendment (ZTA) No. 10-002, approved for introduction Ordinance No. 3901 for Zoning Map Amendment (ZMA) No. 10-001, adopted Resolution No. 2010-75 for Local Coastal Program Amendment (LCPA) No. 10-001 and approved Annexation No. 10-001 to the Local Agency Formation Commission (LAFCO) for the Sunset Beach Annexation and Specific Plan.

Mary Beth Broeren, Planning Manager, provided a PowerPoint Presentation with slides entitled: Project Location, Background, Negative Declaration No. 10-005, Annexation No. 10-001, General Plan Amendment No. 10-002, Zoning Text Amendment No. 10-002, Zoning Map Amendment No. 06-01, Local Coastal Program Amendment No. 10-001, Planning Commission Recommendation, Analysis, and Staff's Recommendation.

Mayor Green opened the Public Hearing.

City Clerk Joan L. Flynn announced late communications received following distribution of the Council agenda packet:

Communication from Kenny Edwards, dated October 16, 2010 regarding the Sunset Beach annexation.

Communication from Harry Marinow, dated October 15, 2010, entitled *Sunset Beach Rental Properties*.

Communication from Scott Hess, Director of Planning and Building, dated October 18, 2010, in response to correspondence submitted by Kenny Edwards.

Communication submitted by Charles Goldwasser, Attorney, dated October 15, 2010 addressed to Orange County LAFCO regarding the proposed annexation of Sunset Beach by Huntington Beach.

City Clerk Flynn read aloud a communication from Joyce Crosthwaite, Executive Officer of the Local Agency Formation Commission (LAFCO), dated October 18, 2010.

Renee Ellerbroek spoke in opposition to the annexation of Sunset Beach, and voiced concerns that Huntington Beach residents will pay greater taxes than Sunset Beach residents. (01:22:08).

Harry Marinow, M.D., a 15 year resident of Sunset Beach, urged the City Council to vote "No" on Transient Vacation Rentals in the Sunset Beach Residential District, citing noise, crime and nuisance issues (01:23:22).

Barry Kyler, 15-year Sunset Beach resident, voiced concerns about transient vacation rentals and how the unsuitable activity affects the quality of life for his family. He is currently collecting signatures in opposition of transient vacation rentals. (01:26:19).

Mike Van Voorhis Chairman of the Sunset Beach Community Association Transition Committee, reported that the Memorandum of Understanding regarding the Annexation of Sunset Beach by

Huntington Beach should be approved by Sunset Beach before the next Huntington Beach City Council Meeting and urged the City Council to approve the annexation (01:27:50).

Anthony Nobles, a resident of Sunset Beach and a member of the Sunset Beach Community Association Transition Committee, thanked the City Council and Planning Department Staff for their accommodation, cooperation and participation in the annexation planning process (01:29:42).

Tom Burke, a Transition Committee member, urged the City Council to adopt all of the resolutions regarding the annexation "As-Is." (01:31:28)

Mayor Green closed the public hearing.

Councilmembers and staff discussed the details (relative to the annexation of Sunset Beach) of the proposed processes for issuing Conditional Use Permits for Short-Term Rentals, Parking Permits, Fire Pits, Encroachments, Code Enforcement, and associated fees and fee structures.

Carolyn Emery, Assistant Executive Officer with Orange County LAFCO, explained that the letter from LAFCO submitted earlier in the evening contained nothing new but merely expressed LAFCO's support of the Pre-Zoning of the Sunset Beach community.

A motion was made by Hansen, second Bohr to approve Negative Declaration No. 10-005 with findings for approval; and, approve General Plan Amendment No. 10-002 and adopt Resolution No. 2010-73, "A Resolution of the City Council of the City of Huntington Beach approving General Plan Amendment No. 10-002"; and, approve Zoning Text Amendment No. 10-002 with findings for approval and adopt Resolution No. 2010-74, "A Resolution of the City Council of the City of Huntington Beach Adopting Zoning Text Amendment No. 10-002 by Creating the Sunset Beach Specific Plan (SP 17)" **as amended: Sunset Beach Specific Plan (3.3.1 C-7) staff to provide amortization scheduled to have all short-term vacation rentals file CUP by twelve months after Coastal Commission approval**; and approve Zoning Map Amendment No. 10-001 with findings for approval and approve for introduction Ordinance No. 3901, "An Ordinance of the City of Huntington Beach Amending District Maps 21 and 35 (Sectional Maps 19-5-11 and 30-5-11) for the Huntington Beach Zoning and Subdivision Ordinance to Prezone the Sunset Beach Area Located in the County of Orange to the Sunset Beach Specific Plan with Coastal Zone Overlay (SP 17-CZ) (Zoning Map Amendment No. 10-001)"; and, approve Local Coastal Program Amendment No. 10-001 with findings for approval and adopt Resolution No. 2010-75, "A Resolution of the City Council of the City of Huntington Beach, Adopting Local Coastal Program Amendment No. 10-001 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances for the Real Property Generally Located Between Warner Avenue and Anderson Street on Either Side of Pacific Coast Highway and to Reflect Zoning Text Amendment No. 10-002 and Zoning Map Amendment No. 10-001 and Requesting Certification by the California Coastal Commission"; and, recommend approval of Annexation No. 10-001 to the Local Agency Formation Commission. The motion carried by the following roll call vote:

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

ITEMS 14 AND 15 WERE HEARD CONCURRENTLY

14. Adopted Resolution No. 2010-71 approving the issuance of tax-exempt bonds by the California Statewide Communities Development Authority (CSCDA) to finance the construction of a solar energy facilities located at Civic Center, Central Library and City Yard constructed by SunEdison, LLC.

Energy Project Manager Aaron Klemm provided a PowerPoint presentation with slides entitled: Solar Power Purchase Agreement, PPA Overview, SunEdison Financing, Finance HB, and Benefits.

Mayor Green opened the public hearing.

City Clerk Flynn announced that there are no communications regarding this item.

Phillip Johnson spoke in favor of Agenda Item Nos. 14 and 15 and requested that the City Council explain the financing arrangements. Mr. Klemm explained that the financing involves allocating Government Bonds to SunEdison for which SunEdison is laible, therefore there is no financial risk to the City of Huntington Beach.

Mayor Green closed the public hearing.

A motion was made by Dwyer, second Bohr to adopt Resolution No. 2010-71, "A Resolution of the City Council of the City of Huntington Beach Approving the Issuance by the California Statewide Communities Development Authority of Recovery Zone Facility Revenue Bonds for the SunEdison California Portfolio" in an aggregate principal amount not to exceed \$6.5 million. The motion carried by the following roll call vote:

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

15. Approved and authorized execution of a Solar Power and Services Agreement and associated Special Conditions and Site License agreements with SunEdison LLC to construct solar canopies in the parking lots of Civic Center, Central Library, and the City Yard.

A motion was made by Dwyer, second Bohr to approve and authorize the City Administrator to execute General Terms and Conditions of a Solar Power & Services Agreement and associated Solar Power Services and Site License Agreements for Civic Center, Central Library and City Yard sites that are substantially in the form as attached hereto, any non-substantial changes can be agreed to by the City Administrator and City Attorney; and, authorize City Administrator to execute any subsequent documents necessary to advance, manage, and complete the project.

The motion carried by the following roll call vote:

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

16. Approved to continue the introduction of Ordinance No. 3902, amending Huntington Beach Municipal Code (HBMC) section 8.43 relating to emergency response costs, and adoption of Resolution No. 2010-72, revising the previously adopted Fee Resolution No. 2010-57 to delete all references to motor vehicle related activities and charges for non-residents that use the City's response system, to November 01, 2010.

Mayor Green opened the Public Hearing. City Clerk Flynn announced that there were no speakers. Mayor Green closed the Public Hearing.

A motion was made by Bohr, second Hansen to continue the item, with public hearing closed, to Monday, November 01, 2010. The motion carried by the following roll call vote:

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

#### ORDINANCES FOR INTRODUCTION

17. Approved for Introduction Ordinance Nos. 3892-3899 adopting the 2010 California Building and Safety Codes, and set November 15, 2010 as the Public Hearing date.

Inspection Manager Bill Grove provided a PowerPoint Presentation with slides entitled: Purpose, Process, Why Adopt Codes?, Local Amendments, 2010 California Residential Proposed Amendments, 2010 California Building, Mechanical, Plumbing, and Electrical Codes, 2010 California Residential Code, 2010 California Green Building Standards Code, 2009 Uniform Swimming Pool, Spa and Hot Tub Code, 2009 Uniform Solar Energy Code, and Recommendation.

A motion was made by Dwyer, second Hansen to after the City Clerk reads by title, approve for introduction Ordinance No. 3892, "An Ordinance of the City of Huntington Beach Amending Chapter 17.04 of the Huntington Beach Municipal Code Relating to the Building Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3893, "An Ordinance of the City of Huntington Beach Adding Chapter 17.06 to the Huntington Beach Municipal Code Relating to the Green Building Standards Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3894, "An Ordinance of the City of Huntington Beach Adding Chapter 17.07 to the Huntington Beach Municipal Code Relating to the Residential Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3895, "An Ordinance of the City of Huntington Beach Amending Chapter 17.40 of the Huntington Beach Municipal Code Relating to the Mechanical Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3896, "An Ordinance of the City of Huntington Beach Amending Chapter 17.44 of the Huntington Beach Municipal Code Relating to the Plumbing Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3897, "An Ordinance of the City of Huntington Beach Amending Chapter 17.48 of the Huntington Beach Municipal Code Relating to the Electrical Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3898, "An Ordinance of the City of Huntington Beach Amending Chapter 17.46 of the Huntington Beach Municipal Code Relating to the Uniform Swimming Pool, Spa and Hot Tub Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3899, "An Ordinance of the City of Huntington Beach Amending Chapter 17.60 of the Huntington Beach Municipal Code Relating to the Solar Energy Code;" and, direct that a

Public Hearing be set on November 15, 2010 for the adoption of Ordinance Nos. 3892-3899.  
The motion carried by the following roll call vote:

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

#### COUNCILMEMBER ITEMS

18. Continued Item Submitted by Councilmember Joe Carchio to Direct staff in the Police Department and City Attorney's office to study the issue of adopting a more restrictive local ordinance allowing police officers to enforce the 2,000 ft. residency restriction for any registered sex offender (continued to November 01, 2010).

A motion was made by Dwyer, second Bohr to continue the item to Monday, November 1, 2010.  
The motion carried by the following roll call vote:

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

#### COUNCILMEMBER COMMENTS (Not Agendized)

Comments provided by Councilmembers Dwyer and Bohr, and Mayor Green.

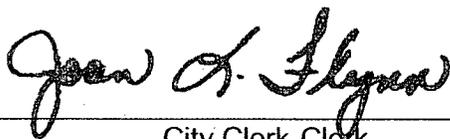
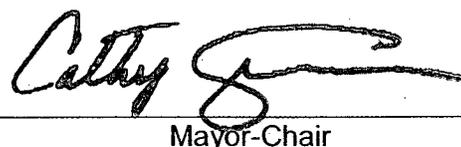
#### ADJOURNMENT

Adjourned at 8:30 PM to Monday, November 01, 2010, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:

  
City Clerk-Clerk  
Mayor-Chair