

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

Monday, November 15, 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 are archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM - ROOM B-8

The City Clerk recessed until 4:30 PM due to a lack of quorum.

CALL TO ORDER - 4:35 PM

ROLL CALL

Present: Carchio, Coerper (arrived at 5:15 PM for Closed Session), Hardy, Green, Bohr, Dwyer, and Hansen

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

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

Communication received from Shari L. Freidenrich, CPA, City Treasurer, dated November 15, 2010 entitled City of Huntington Beach Investment Advisory Board (IAB) Annual Report to the City Council for the Period October 1, 2009 to September 30, 2010.

ROLL CALL OF THE INVESTMENT ADVISORY BOARD:

Present: Jerrold Clarke and Joe Foye

Absent: Christopher Palmer (Chair), Bob Glass, David Hatch, Diann Shelton, and James Steinkirchner

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

STUDY SESSION

1. The Investment Advisory Board (IAB) presented the Annual Report on Investments to the City Council (October 1, 2009 to September 30, 2010) and Economic Update

City Treasurer Shari Freidenrich recognized the Board's hard work and dedication, and also recognized the work of Deputy City Treasurer Joyce Zacks.

Board members Clarke and Foye provided biographic information, and City Treasurer Shari Freidenrich provided an overview of the IAB Annual Report.

Bill Blackwell, Senior Vice President, City Group Financial of Costa Mesa, distributed interest rate forecast information and presented the following titled PowerPoint slides: Investment Outlook, Market Overview 2010, Investment Strategies for the City, and Conclusion.

Councilmember Dwyer and Mr. Blackwell discussed pending legislation related to interest rating processes.

RECESS TO CLOSED SESSION - 5:04 PM

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

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

CLOSED SESSION

2. Pursuant to Government Code Section 54957, the City Council recessed to Closed Session to discuss the following personnel matter: City Administrator's Evaluation.

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; and Michele Carr, Director of Human Resources, regarding labor negotiations with MEO.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING -

ROLL CALL

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

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

PLEDGE OF ALLEGIANCE - Led by Councilmember Coerper

INVOCATION - Provided by Mayor Green

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

AWARDS AND PRESENTATIONS

Announcement - Mayor Green announced November as National Native American Heritage Month as part of the City's Human Relations Task Force Federal Heritage Month program. The first President to set aside a month to commemorate the indigenous people of our country was President George H. W. Bush in 1990. Since that time, the month has been proclaimed by each of our Presidents. In support of the Federal Heritage Program, the City Council recognized the contributions and accomplishments of our Native American community, who continue to shape our nation and contribute to the rich diversity that is our country's strength.

Presentation: Mayor Green called on Craig Stevenson of Quiksilver to accept a commendation for Kelly Slater for his outstanding accomplishments in the surfing world.

Presentation: Mayor Green recognized Cathy Fikes and Kay Van Dorn, City employees who have provided outstanding service this year.

Presentation: Councilmember Coerper called on Chief of Police Ken Small to accept an iPhone as a gift to the Police Department.

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

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

Communication on Item No. 11 received from Michele Carr, Director of Human Resources, dated November 10, 2010, entitled *Late Communication: Management Employees' Organization Side Letter Agreement Change*.

Communication on Item No. 13 received from Michele Carr, Director of Human Resources, dated November 10, 2010, entitled *Late Communication, Employment Agreement with Lori Ann Farrell, Exhibit A Resolutions*.

Communication received on Item No. 14 from Mike Van Voorhis, Sunset Beach Community Association (SBCA) Vice-President, dated November 15, 2010, regarding the Memorandum of Understanding between SBCA and the City of Huntington Beach.

Communication received on Item No. 25 from Bob Stachelski, Transportation Manager, dated November 15, 2010, entitled *November 15, 2010 City Council Meeting Late Communication for Item 25 (Crosswalk at Garfield Avenue and Suva Lane)*.

Communication received on Item No. 26 from Michele Carr, Director of Human Resources, dated November 15, 2010, entitled *Late Communication Regarding the Resolution Electing Public Employees' Medical and Hospital Care Act (PEMHCA) for the Huntington Beach Firefighter's Association (HBFA)*.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speaker's comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Jane Burke, a Huntington Beach resident and Board Member of the Huntington Beach Council On Aging, spoke regarding the services provided by the City of Huntington Beach for its senior citizens, specifically highlighting the Senior Services Transportation Program, which is also known as "Surf City Seniors On The Go." In closing, she thanked the City Council for their continued support. (00:13:12)

Jim Powers, a 47-year Huntington Beach resident and member of the American League of Bicyclists, thanked Mayor Green for her service and leadership in promoting Huntington Beach as a bicycle-friendly community. (00:16:40)

David Baronfeld, President of the Huntington Beach Community Garden Board, spoke in support of Agenda Item No. 20 (Huntington Beach Community Garden). He thanked Community Service employees Jim Engle, Dave Dominguez, and all members of the City Council (especially Councilmember Dwyer) for their support. In closing, he also thanked Richard Fujikawa and Jenelle Froisland of Southern California Edison for their support. (00:18:25)

Tom Pontac, a former 22-year Huntington Beach resident, spoke regarding the Alzheimer's Memory Walk on the Huntington Beach Bike Path held on Sunday, October 6, 2010. He stated his displeasure with the \$15 Parking Fee imposed by the City, and suggested that the City consider donating what he considered exorbitant Parking Fees to the Alzheimer's Association. (00:20:27)

Greg Griffin, a Sunset Beach resident and taxpayer, stated his negative reaction to a letter he received from City Attorney McGrath notifying him that the Huntington Beach Utility Tax would be imposed immediately after annexation of Sunset Beach by Huntington Beach. In closing, he rendered his opinion that any new taxation would require voter approval under the California State Constitution (Proposition 218). (00:22:30)

Councilmember Bohr, responding to Mr. Griffin's concerns, stated he would pull the item for further discussion when it came up on tonight's agenda.

Phyllis Maywhort, a Sunset Beach resident and past President of the Sunset Beach Community Association, spoke in support of Agenda Item No. 14 (Sunset Beach Community Association Memorandum of Understanding). (00:25:02)

John Briscoe, Orange County Ocean View School District Trustee, spoke regarding the importance of fluoridated drinking water as it relates to the dental health of children ages 0-14. He stated that the fluoridated water of Huntington Beach is of high quality and encouraged the maintenance and utilization of the drinking fountains in the City's public schools. He gave his home telephone number of 714-903-8774 for those interested in further information on this topic. (00:26:05)

Councilmember Hansen noted that the telephone number displayed by Mr. Briscoe was not the same as the one he stated, and Mr. Briscoe confirmed that his home telephone number is 714-903-8774.

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

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

CITY ADMINISTRATOR'S REPORT

A motion was made by Green, second Hardy to move Consent Item No. 18 (Director of Finance Employment Agreement) forward. The motion carried by the following roll call vote:

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

ACTION ON CONSENT ITEM NO. 18 WAS TAKEN OUT OF ORIGINAL AGENDA ORDER

18. Approved and authorized execution of an Employment Agreement between the City and Lori Ann Farrell for the position of Finance Director, effective December 13, 2010

A motion was made by Hansen, second Bohr to approve the appointment of Lori Ann Farrell to the position of Finance Director, and, approve and authorize the City Administrator to execute the Employment Agreement between the City of Huntington Beach and Lori Ann Farrell for the position of Finance Director. The motion carried by the following roll call vote:

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

City Administrator Wilson introduced Lori Ann Farrell, City of Long Beach Chief Financial Officer since 2007. Ms. Farrell thanked the City Council for her considered appointment as Huntington Beach Finance Director, and stated that she looks forward to working with the City Council and staff.

City Administrator Wilson asked Police Chief Ken Small to describe the Police Department's latest additions to their Website's online interactive user options.

Police Chief Small described the Website's existing online interactive and new Facebook and Twitter accounts.

Councilmember Dwyer recommended posting DUI information on the Facebook Page, and Police Chief Small responded that he needed to confer with the City Attorney before proceeding.

City Administrator Wilson called on Simone Sliffman, Economic Development Project Manager, to provide information on local business incentives. Ms. Sliffman provided a PowerPoint entitled *Local Business Incentives - Ten Point Plan for Local Business* that outlined the following ten programs: "Think Surf City" Campaign, Film Incentive Program, Small Business Microgrants, Develop and implement enhanced customer service standards, Streamline development process, Incentives for job-producing businesses, Enhance procurement program, Event sponsorship by local businesses, Use Tax incentive for business expansion, and Create pilot

local incentive zone.

Councilmember Coerper verbalized his thoughts regarding communicating results from the proposed business incentive programs and Community Development Block Grant (CDBG) spending practices to members of the business community and the public.

City Administrator Wilson, responding to Tom Pontac's public comments, stated that the City's practice is to charge Parking Fees at any event held at the beach, and that the City will only consider waiving Parking Fees at certain events that it co-sponsors.

Travis Hopkins, Director of Public Works, responding to John Briscoe's public comments, stated that the City does fluoridate its tap water, but has no jurisdiction over any School District's drinking water fountains.

Councilmember Bohr stated City Councilmembers' willingness to interact with residents regarding any topic. He expressed his displeasure with one resident whose continuous interactions may border on harassment. He stated his support for the City Administrator's judgment regarding the resources to be expended on each resident's request.

CONSENT CALENDAR

1. Approved and adopted minutes.

A motion was made by Carchio, second Hardy to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority regular meeting of November 1, 2010 as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

2. Received and filed the City Attorney's Quarterly Report.

A motion was made by Carchio, second Hardy to receive and file the City Attorney's Quarterly Report for July 1, 2010, through September 30, 2010. The motion carried by the following roll call vote:

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

3. Adopted Resolution 2010-84 in support of Business Friendly Principles as part of the Southern California Association of Governments' (SCAG) development of a Southern California Economic Growth Strategy.

A motion was made by Carchio, second Hardy to adopt Resolution 2010-84, "A Resolution of the City Council of the City of Huntington Beach Supporting Southern California Association of Governments' (SCAG) Business Friendly Principles." The motion carried by the following roll call vote:

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

NOES: None

4. Adopted Resolution No. 2010-85 approving an amended Uniform Bail Schedule increasing fines for parking violations pursuant to SB 857.

This item was pulled by Councilmember Bohr for separate consideration.

Councilmember Bohr asked Police Chief Small to explain why the Parking Citation Bail amounts need to be increased. Police Chief Small responded that the California State imposed fee for each Parking Citation was increased by \$3.00 this fiscal year.

Councilmember Dwyer stated that the City profits substantially from Parking Citations and he was against increasing the Bail amounts.

A motion was made by Bohr, second Coerper to adopt Resolution No. 2010-85, "A Resolution of the City Council of the City of Huntington Beach, California, Adopting an Amended Uniform Bail Schedule for Parking Violations." The motion carried by the following roll call vote:

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

NOES: Dwyer

5. Adopted Resolution No. 2010-86 amending the Fiscal Year 2010/11 budget to continue \$8,588,555 in unspent appropriations from FY 2009/10 for unfinished Capital Improvement Program (CIP) projects.

A motion was made by Carchio, second Hardy to adopt Resolution Number 2010-86, "A Resolution of the City Council of the City of Huntington Beach Amending the Fiscal Year 2010/11 Budget to Carry Over Unspent Appropriations from Fiscal Year 2009/10," which incorporates and references the continuation funding exhibit listing individual capital improvement projects totaling \$8,588,555. The motion carried by the following roll call vote:

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

NOES: None

6. Adopted Resolution No. 2010-87 declaring the disposition of six (6) City owned properties (7752 Alhambra, 7802 Alhambra, 7882 Alhambra, 7761 Garfield, 19002 Delaware, and an unaddressed property located on the corner of Alabama Street and Atlanta Avenue) as surplus.

This item was pulled by Councilmember Bohr for separate consideration.

Councilmember Bohr, Mayor Green, and Economic Development Director Stanley Smalewitz discussed the processes to be employed in the disposal of the City-owned properties.

A motion was made by Bohr, second Hardy to adopt Resolution No. 2010-87, "A Resolution of the City Council of the City of Huntington Beach Declaring the Disposition of Certain Surplus Property." The motion carried by the following roll call vote:

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

NOES: None

7. Adopted Resolution No. 2010-88 amending the City's Classification Plan and the Memorandum of Understanding (MOU) between the City and the Management Employees' Organization (MEO) by adopting a Side Letter of Agreement which establishes a new classification of Fleet Operations Supervisor.

This item was pulled by Councilmember Coerper for separate consideration.

Councilmember Coerper, Councilmember Carchio, and City Administrator Wilson discussed the need for the new Fleet Operations Supervisor position and the source of its funding. City Administrator Wilson stated that the consolidation of the City's four independent garage operations would result in increased efficiencies and reduced costs, and explained why recruitment is necessary to find a qualified candidate, and that he or she may be found in house.

A motion was made by Coerper, second Hardy to adopt Resolution No. 2010-88, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan and the Memorandum of Understanding Between the City and the Management Employees' Organization (MEO), By Adopting the Side Letter of Agreement." The motion carried by the following roll call vote:

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

8. Adopted Resolution No. 2010-89 approving the submittal of a Proposition 84 Grant Application with the State of California Department of Resources for the Natural Treatment System-East Garden Grove Wintersburg Channel Urban Runoff Diversion into Talbert Lake Project.

This item was pulled for separate consideration by Councilmember Dwyer.

Councilmember Dwyer and Public Works Director Hopkins discussed the potential funding sources and downsizing alternatives for the Talbert Lake Project.

A motion was made by Dwyer, second Hardy to Adopt Resolution No. 2010-89, "A Resolution of the City Council of the City of Huntington Beach Authorizing Application to the California Water Resources Department for an Integrated Regional Water Management Implementation Grant." The motion carried by the following roll call vote:

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

9. Adopted Resolution No. 2010-90 authorizing the City Administrator as the Official Delegated Representative for the California Association of Schools and Counties (CSAC) - Excess Insurance Authority (EIA).

A motion was made by Carchio, second Hardy to adopt Resolution No. 2010-90, "A Resolution of the City Council Delegating the City Administrator to Act on Behalf of the City Council of the City of Huntington Beach." The motion carried by the following roll call vote:

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

NOES: None

10. Adopt Resolution No. 2010-91 amending the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA) by adopting a Side-Letter Agreement extending the term of the MOU six (6) months

A motion was made by Coerper, second Carchio to ***continue to the regular meeting of February 22, 2011***. The motion carried by the following roll call vote:

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

11. Authorized holiday closure of City facilities for the period of December 27, 28, 29, and 30, 2010 by adopting Resolution No. 2010-94 amending the Memorandum of Understanding (MOU) side letter agreements between the City and the Management Employees Organization (MEO).

A motion was made by Carchio, second Hardy to Adopt Resolution No. 2010-94, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Management Employees Organization (MEO), by Adopting the Side Letter Agreement" closing all non-essential City services to the public for the period December 27, 28, 29, and 30, 2010, in addition to the City recognized holidays of December 24, 2010, (Christmas) and December 31, 2010, (New Year's Day). The motion carried by the following roll call vote:

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

12. Authorized holiday closure of City facilities for the period of December 27, 28, 29, and 30, 2010 by adopting Resolution No. 2010-95 amending the Memorandum of Understanding (MOU) side letter agreements between the City and the Municipal Employees Association (MEA).

A motion was made by Carchio, second Hardy to Adopt Resolution No. 2010-91, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Municipal Employees' Association (MEA), By Adopting the Side Letter Agreement" closing all non-essential City services to the public for the period December 27, 28, 29, and 30, 2010, in addition to the City recognized holidays of December 24, 2010, (Christmas) and December 31, 2010 (New Year's Day). The motion carried by the following roll call vote:

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

13. Adopted Resolution No. 2010-96 designating Shari L. Freidenrich, Joyce M. Zacks, Lori Ann Farrell (effective December 15, 2010), and Jennifer Lampman as persons authorized to execute financial transactions in the name of the City.

A motion was made by Carchio, second Hardy to adopt Resolution No. 2010-96, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Manual and/or Facsimile Signature of Shari L. Freidenrich, Joyce M. Zacks, Lori Ann Farrell, and Jennifer Lampman" as

persons authorized to execute financial transactions in the name of the City of Huntington Beach. The motion carried by the following roll call vote:

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

14. Approved the Memorandum of Understanding (MOU) between the Sunset Beach Community Association (SBCA) and the City, the Pre-Annexation Agreement between the County of Orange and the City, and adopt Resolution No. 2010-97 approving the Property Tax Exchange Agreement between the County of Orange and the City for the Annexation of Sunset Beach into the City of Huntington Beach.

This item was pulled for separate consideration by Councilmember Bohr.

Councilmember Bohr and City Attorney McGrath discussed the legal reasoning behind the decision to impose the Huntington Beach Utility Tax on Sunset Beach residents.

Mayor Pro Tem Hardy and City Attorney McGrath discussed the scope of voting under Proposition 218, should a vote be required.

Councilmember Dwyer, Councilmember Coerper, Mayor Pro Tem Hardy, and City Attorney McGrath discussed the timeliness of the communications between Huntington Beach and Sunset Beach representatives.

Councilmember Coerper and City Attorney McGrath discussed the grandfathering of currently legal Sunset Beach businesses (e.g. marijuana dispensaries, methadone businesses) into Huntington Beach as legal, non-conforming use businesses.

Councilmember Coerper and City Administrator Wilson discussed the potential sources of funding for Sunset Beach Capital Projects (e.g. bridges, street repairs).

Councilmember Dwyer and City Attorney McGrath discussed why Sunset Beach fell under the Small Island Exception.

Councilmember Dwyer and City Attorney McGrath discussed the Sunset Beach Green Belt, which is deemed public space and will be afforded the protections provided by Measure C. Councilmember Carchio asked Sunset Beach Representative Tony Nobles to provide contact information that will ensure the timeliness of future critical communications between Huntington Beach and Sunset Beach representatives, and he agreed to do so.

City Administrator Wilson and Sunset Beach Representative Tony Nobles discussed the three proposed changes to the MOU between Huntington Beach and Sunset Beach: (1) The Green Belt shall remain in its current configuration in perpetuity and; (2) The Parking Permit Fee shall remain as-is for 25 years and; (3) The Junior Lifeguard Program contract shall not be renewed.

City Administrator Wilson stated that Item (1) has already been resolved, and that Item (2) might be modified to as-is for 5 years and then include a CPI adjustment.

Councilmember Dwyer and Sunset Beach Representative Tony Nobles discussed Conditional Use Permits for Short-Term Rentals in Sunset Beach.

Councilmember Coerper thanked Councilmember Bohr and Sunset Beach Representative Tony Nobles for their efforts on the annexation of Sunset Beach.

A motion was made by Bohr, second Coerper to approve and authorize the Mayor and City Clerk to execute the Memorandum of Understanding between the City of Huntington Beach and the Sunset Beach Community Association in substantially the same form as presented, **amended to include five (5) permanent parking passes per family, and to establish parking pass fees every five (5) years based on CPI;** and, approve and authorize the Mayor and City Clerk to execute the Pre-Annexation Agreement between the City of Huntington Beach and the County of Orange in substantially the same form as presented; and, adopt Resolution No. 2010-97, "A Resolution of the City Council of the City of Huntington Beach Approving a Property Tax Exchange Agreement Between the City of Huntington Beach and the County of Orange Regarding the Sunset Beach Annexation to the City of Huntington Beach;" and, authorize the City Administrator to execute all other documents in furtherance thereof. The motion carried by the following roll call vote:

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

15. Approved the release of the Guarantee and Warranty Bond provided as security by the sub divider, Angus Petroleum Corporation for public improvements in Tract No. 12746, located at the block bounded by California Street, Huntington Street, Springfield Street and Toronto Avenue.

A motion was made by Carchio, second Hardy to release Guarantee and Warranty Bond No. 7277259, the security furnished for guarantee and warranty of improvements; and instruct the City Clerk to notify the Sub divider, Angus Petroleum Corporation, of this action, and the City Treasurer to notify the Surety, Great American Insurance Company, of release of said bond. The motion carried by the following roll call vote:

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

16. Approved the release of the Guarantee and Warranty Bond provided as security by CIM/Huntington, LLC, developer of The Strand, Tract 16406, located on the north side of Pacific Coast Highway between Main and 6th Streets.

A motion was made by Carchio, second Hardy to release Faithful Performance Bond No. SU5008087-A, the security furnished for guarantee and warranty of improvements for Tract 16406 (The Strand); and, instruct the City Clerk to notify the Developer, CIM/Huntington, LLC, and the City Treasurer to notify the Surety, Arch Insurance Company, of the release of said bond. The motion carried by the following roll call vote:

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

17. Approved release of the Guarantee and Warranty Bond provided as security by the sub divider, Angus Petroleum Corporation for public improvements in Tract 12747, located at the block bounded by California Street, Delaware Street, Springfield Street and Rochester Avenue.

A motion was made by Carchio, second Hardy to release Guarantee and Warranty Bond No. 7277258, the security furnished for guarantee and warranty of improvements; and, instruct the City Clerk to notify the sub divider, Angus Petroleum Corporation, of this action, and the City Treasurer to notify the Surety, Great American Insurance Company, of release of said bond. The motion carried by the following roll call vote:

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

19. Approved and authorized execution of a License Agreement with Alpha Omega Christmas Trees, Inc., dba Bishop & Mathews II/ Christmas Tree House, for Temporary Use of Vacant Agency Owned Property.

This item was pulled by Councilmember Carchio for separate consideration.

Councilmember Carchio asked for and received clarification that the License Agreement does ensure that the property shall be reasonably restored to its original condition after use.

Councilmember Dwyer voiced concerns about the City's process to solicit interest from other Christmas tree businesses, specifically the Johnson Brothers who sold trees at the identified location for many years.

Discussion ensued about whether or not to contact the Johnson Brothers and invite them to submit a proposal.

Councilmember Carchio and a representative from Bishop and Mathews discussed the tree company's business opportunities with other local communities, and how it could affect business in Huntington Beach.

A motion was made by Carchio, second Coerper to approve the "License Agreement By and Between the Redevelopment Agency of the City of Huntington Beach and Alpha Omega Christmas Trees, Inc. dba Bishop and Mathews II Christmas Tree House for Temporary Use of Agency Property;" and, authorize the Chairperson, Executive Director, and Agency Secretary to sign all related documents. The motion carried by the following roll call vote:

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

20. Approved and authorized a five-year License Agreement for use of 2.48 acres of land southeast of Atlanta Avenue and Brookhurst Street owned by Southern California Edison to be used as a community garden.

This item was pulled for separate consideration by Councilmember Dwyer.

Councilmember Dwyer and Mayor Green thanked everyone involved in making the Huntington Beach Community Garden Project a success.

A motion was made by Dwyer, second Coerper to approve and authorize a five-year License Agreement for use of 2.48 acres of land southeast of Atlanta Avenue and Brookhurst Street

owned by Southern California Edison to be used as a community garden. The motion carried by the following roll call vote:

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

21. Approved and authorized execution of Amendment No. 2 to the Lease Agreement between the City and the Redevelopment Agency and the Amended and Restated Agreement between the Redevelopment Agency and the Automobile Dealers Association for the Site of the Electronic Reader Board Sign along the 405 Freeway.

A motion was made by Carchio, second Hardy to approve and authorize the City/Agency Clerk and Mayor/Chairman to execute "Amendment No. 2 to Lease Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for a Property Located Adjacent to the 405 Freeway in the City of Huntington Beach;" and, approve and authorize the Agency Clerk and Chairman to execute the "Amended and Restated Agreement Between the Redevelopment Agency of the City of Huntington Beach and The Huntington Beach Auto Dealers Association For the Use Of Property Located Adjacent to the 405 Freeway in the City of Huntington Beach." The motion carried by the following roll call vote:

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

A motion was made by Coerper, second Hardy to move Administrative Item No. 25 (Crosswalk at Garfield Avenue and Suva Lane) forward. The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEM - TAKEN OUT OF AGENDA ORDER

Mayor Green and Council moved Item 25 forward to follow the Consent Calendar.

25. Appeal of Public Works Commission action to remove marked crosswalk at the intersection of Garfield Avenue and Suva Lane

Transportation Manager Bob Stachelski provided a PowerPoint presentation entitled *Appeal of Public Works Commission Action to Remove Marked Crosswalk at Garfield and Suva*, dated November 15, 2010, that provided the following titled slides: Background of Recommended Removal, Gisler Elementary Attendance Boundaries in City of Huntington Beach, Gisler Elementary Walking Routes, Street View - Potential View Obstruction, and Recommended Action.

Councilmember Dwyer asked how the need for a crosswalk is determined and Transportation Manager Stachelski responded that it's related to the number of crossings per hour, with the threshold being approximately 40 per hour.

Mayor Pro Tem Hardy and Transportation Manager Stachelski discussed the counter-productive effects of unnecessary warning signs (of any nature). Mayor Pro Tem Hardy stated the positive effects of school announcements and literature regarding safe street crossing practices.

Chris Gandall, the appellant of this action and a resident of Huntington Beach for more than 20 years, stated her concern about the lack of consistency in recent Public Works decisions regarding the removal of crosswalks, recommended this crosswalk not be removed.

Margaret Pocher, an 18-year Huntington Beach resident, stated that her family members use the Garfield/Suva crosswalk many times per week and recommended that it not be removed.

Gigi Reynolds, a Huntington Beach resident, stated that she and her family members use the Garfield/Suva crosswalk all the time for various purposes and asked that it not be removed.

Irene Gilmer-Merrifield requested that the Garfield/Suva crosswalk not be removed.

Scott Anderson spoke in opposition to removing the Garfield/Suva crosswalk, voicing his concerns about the children who attend Gisler School, in addition to those individuals who use the crosswalk to gain access to neighborhoods and area parks.

Councilmember Coerper asked if there were any recorded accidents involving pedestrians at the Garfield/Suva intersection, and Transportation Manager Stachelski responded that there were none. Councilmember Coerper asked if a Warning Sign acknowledges City liability and City Attorney McGrath responded that it did not, but that it would not prevent the possibility of litigation.

Councilmember Dwyer discussed the unquantifiability of "avoided accidents."

Councilmember Carchio discussed similarities with the Springdale/Croupier crosswalk where a pedestrian fatality did occur.

Councilmember Hansen rendered his opinion that both sides have valid arguments and that the deciding factor should be the public sentiment.

A motion was made by Dwyer, second Carchio to **oppose** the Public Works Commission action and staff recommendation, and direct staff to take **no action** to remove the marked crosswalk and associated signs and markings at the intersection of Garfield Avenue and Suva Lane. The motion carried by the following roll call vote:

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

PUBLIC HEARING

22. Public Hearing to consider adoption of Ordinance No. 3900 amending Huntington Beach Municipal Code (HBMC) Chapter 17.56 by adopting the California Fire Code, 2010 Edition.

Fire Division Chief Bill Reardon provided a brief PowerPoint presentation entitled *Proposed Adoption of the 2010 California Fire Code (CFC) with Local Amendments* that included the following titled slides: Background, Overview of Changes Made by California, Local Amendments, Overview of Significant Changes Made by Huntington Beach, and Recommendation.

Mayor Green opened the public hearing.

City Clerk Flynn announced there were no late communications and no public speakers.

Mayor Green closed the public hearing.

Councilmember Dwyer and Fire Chief McIntosh discussed the Orange County Fire Chiefs' Association Guidelines regarding Solar Panel installations and the California State Fire Code mandating sprinklers in all new residential homes.

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, adopt Ordinance No. 3900, "An Ordinance of the City of Huntington Beach Amending Municipal Code Chapter 17.56 Adopting the California Fire Code" 2010 Edition. The motion carried by the following roll call vote:

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

23. Adopted Ordinance Nos. 3892-3899 adopting the 2010 California Building and Safety Codes.

Inspection Manager Bill Grove provided a brief PowerPoint presentation.

Mayor Green opened the public hearing.

City Clerk Flynn announced there were no public speakers.

Mayor Green closed the public hearing.

A motion was made by Coerper, second Hansen to after the City Clerk reads by title, adopt 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, adopt Ordinance No. 3893, "An Ordinance of the City of Huntington Beach Amending Chapter 17.06 of the Huntington Beach Municipal Code Relating to the Green Building Standards Code;" and, after the City Clerk reads by title, adopt Ordinance No. 3894, "An Ordinance of the City of Huntington Beach Amending Chapter 17.07 of the Huntington Beach Municipal Code Relating to the Residential Code;" and, after the City Clerk reads by title, adopt 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, adopt 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, adopt 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, adopt 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, adopt 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." The motion carried by the following roll call vote:

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

24. Approve Conditional Use Permit No. 10-017 (Appeal of Planning Commission's Approval - Pierside Pavillion Carts) ***DUE TO NOTICING ISSUES, THE ITEM WAS CONTINUED TO DECEMBER 6, 2010.***

ADMINISTRATIVE ITEMS

26. Adopted Resolution No. 2010-93 electing Public Employees' Medical and Hospital Care Act (PEMHCA) for the Huntington Beach Firefighters Association (HBFA).

Michelle Carr and Jennifer Lampman provided a brief PowerPoint presentation titled *Huntington Beach Firefighters Association – Public Employees Medical Hospital Care Act (PEMHCA) Option Election 2010.*

Councilmember Dwyer questioned the ramifications of a "No" vote, and City Attorney McGrath responded that it would be a breach of the MOU which could lead to an Unfair Labor Practice charge.

Councilmember Hansen recommended that the cost projections from this decision be preserved for future negotiations with the involved Bargaining Unit, and Councilmember Dwyer concurred with his recommendation.

A motion was made by Coerper, second Hardy to adopt Resolution No. 2010-93, "A Resolution of the City Council of the City of Huntington Beach Electing To Be Subject To Public Employees' Medical and Hospital Care Act Only With Respect to Members of the Huntington Beach Firefighters' Association and Fixing the City's Contribution for Employees and the Employer's Contribution for Annuitants at Different Amounts." The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

27. Approved for introduction Ordinance No. 3904 adding Chapter 17.14 to the Huntington Beach Municipal Code (HBMC) relating to post disaster safety assessment placards.

A motion was made by Hardy, second Coerper to after the City Clerk reads by title, approve for introduction of Ordinance No. 3904, "An Ordinance of the City of Huntington Beach Adding Chapter 17.14 of the Huntington Beach Municipal Code Relating To Safety Assessment Placards." The motion carried by the following roll call vote:

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

NOES: None

28. Approved for introduction Ordinance No. 3905 amending Chapter 14.12 of the Huntington Beach Municipal Code (HBMC) relating to fees, rates and deposits for water billing.

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, approve for introduction Ordinance No. 3905, "An Ordinance of the City of Huntington Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Water Billing." The motion carried by the following roll call vote:

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

NOES: None

ORDINANCES FOR ADOPTION

29. Adopted Ordinance No. 3902 amending Huntington Beach Municipal Code (HBMC) section 8.43 relating to emergency response costs Approved for introduction November 1, 2010.

A motion was made by Hansen, second Carchio to after the City Clerk reads by title, approve for introduction Ordinance No. 3905, "An Ordinance of the City of Huntington Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Water Billing." The motion carried by the following roll call vote:

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

NOES: Hardy, and Bohr

30. Adopted Ordinance No. 3903 accepting modifications to Local Coastal Program Amendment (LCPA) No. 2-10 approved by the California Coastal Commission and amend the Local Coastal Program (LCP) accordingly Approved for introduction November 1, 2010.

A motion was made by Hansen, second Coerper to after the City Clerk reads by title, adopt Ordinance No. 3903, "An Ordinance of the City Council of the City of Huntington Beach amending sections 203.06, 216.04, 216.18, 221.10 and 230.82 of the Huntington Beach Zoning and Subdivision Ordinance thereof to conform LCP Amendment No. 2-10 made by the California Coastal Commission." The motion carried by the following roll call vote:

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

NOES: None

COUNCILMEMBER ITEMS

31. Submitted by Councilmember Gil Coerper - Consider a proposal to extend the prohibition of smoking in outdoor patio areas in District 1 of the Downtown Specific Plan

Mayor Pro Tem Hardy objected to the arbitrary 20 foot radius specification as unenforceable and an unnecessary burden on the Police Department.

Councilmember Dwyer rendered his opinion that the proposal was too vague.

Councilmember Carchio rendered his opinion that the Smoking/No Smoking decision should be the property owner's responsibility and not that of any government entity. Councilmember Bohr agreed with Councilmember Carchio's opinion.

A motion was made by Coerper, second Hardy to as amended direct the City Attorney to draft an ordinance prohibiting smoking within the outdoor dining areas where food is served between the hours of 7:00 A.M. and 9:00 P.M. in District 1 of the Downtown Specific Plan. The motion failed by the following roll call vote:

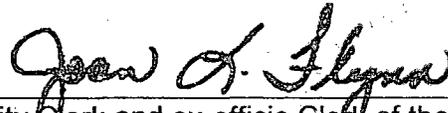
AYES: Hardy, and Coerper
NOES: Carchio, Green, Bohr, Dwyer, and Hansen

COUNCILMEMBER COMMENTS (Not Agendized)

Comments provided by Councilmembers Coerper, Carchio, Bohr, Dwyer, Mayor Pro Tem Hardy, and Mayor Green.

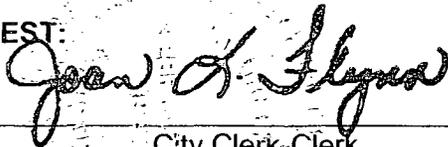
ADJOURNMENT: At 9:45 PM, Mayor Green adjourned the meeting.

The next regularly scheduled meeting of the Huntington Beach City Council will be held on Monday, December 6, 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