

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

Tuesday, January 16, 2007
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 4:00 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting are
on file in the Office of the City Clerk and available on the website.**

Call to Order

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:05 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Bohr, Carchio (arrived 4:27 p.m.), Cook, Coerper, Green (arrived 4:10 p.m.), Hansen, and Hardy (arrived 4:07 p.m.)
Absent: None.

The City Clerk Announced a Late Communications Pertaining to the 4:00 P.M. Portion of the Meeting

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following Late Communication regarding the Study Session item that was received by her office following distribution of the agenda packet:

PowerPoint report submitted by Debra Reed, Senior Public Information Specialist, South Coast Air Quality Management District dated January 16, 2007 and titled *Draft 2007 AQMP*.

The Following Communication Was Submitted During the Meeting:

Brochure submitted by Debra Reed, Senior Public Information Specialist, South Coast Air Quality Management District, which included a copy of *Draft 2007 Air Quality Management Plan Executive Summary*, *AQMD Advisor*, *Save the Date* card, and the PowerPoint report presented.

Public Comments

John Von Holle stated no opposition to the Consent Calendar items that pertain to salary increases for Non-Represented employees and elected City Officials; however he suggested Council consider actions taken on the items when negotiating the

Municipal Employees' Association (MEA) Memorandum of Understanding (MOU). He commented on recent classification and compensation studies that include other cities, stating the studies did not address some benefits, including enhanced retirement. (00:01:04)

(City Council) Study Session #1 Held – Presentation of Air Quality Management District's (AQMD) Draft Air Quality Management Plan (AQMP)

Deputy City Administrator Paul Emery introduced Senior Public Information Specialist Debra Reed from the South Coast Air Quality Management District. Specialist Reed presented a PowerPoint report titled *Draft 2007 AQMP*, which was announced earlier as a Late Communication. She described recent California Air Resources Board (CARB) health impact estimates, the responsibilities of various air quality management agencies, and air quality trends, stating that 80% of emissions that effect air quality are from moving vehicles. She highlighted control measures and the consequences of non-attainment of goals, and described the schedule for workshops and plan submittal.

Mayor Pro Tem Cook inquired about the tracking of port-related emission source smog. Specialist Reed described a study that was performed and stated the information is available to the public.

Councilmember Hansen asked for clarification on potential sanctions. Specialist Reed described potential sanctions, including the Federal agency's involvement in the regulatory plan. Mayor Pro Tem Cook commented on sanctions enforced in Atlanta and Houston, stating that funding for certain projects was withheld by the Federal agency. She explained that Huntington Beach was at risk of losing funding last year, and is also at risk this year. Mayor Pro Tem Cook inquired about effects on air quality caused by other countries such as China. Specialist Reed explained that monitoring technology has advanced, and perhaps future reports would contain information related to this concern.

Mayor Coerper thanked Senior Public Information Specialist Reed for her presentation.

(City Council) Study Session #2 Held – City Council Directed Review by Public Works Staff and the Beautification, Landscape and Trees Council Sub-Committee (BLT) of the Existing Residential Street Tree Petition Process. Public Works Staff Presented a Summary of the Recommendations of Staff and the BLT for an Amended Process.

Deputy City Administrator Paul Emery introduced Deputy Director of Public Works Dave Webb and Public Works Commissioners George Mason, Dick Harlow, and Mike Siersema. Deputy Director Webb presented a PowerPoint report titled *Residential Street Tree Petition Process, Proposed Revisions*, which was included in the agenda packet. He described the existing tree petition process, the proposed revised petition process, and the proposed funding process.

Councilmember Hansen suggested a standardized petition, including guidelines that could be utilized by all. He suggested all of the signature pages include text describing the purpose of the petition on the top of the page, and that the petition form be posted on the City's website. Deputy Director Webb confirmed these suggestions could be implemented and stated the item would return to Council for approval.

Mayor Pro Tem Cook suggested sending the revised petition back to the BLT Subcommittee for comments. The BLT Liaisons voiced their concurrence.

Councilmember Bohr asked for a copy of the existing list of 84 streets, including the cost to repair them. Maintenance Operations Manager Jim Jones stated the cost to repair all 84 streets is approximately \$15 million. He clarified that \$4.2 million was appropriated last year for these projects. Councilmember Bohr inquired about property owners changing their minds after signing a petition. Deputy Director Webb confirmed property-owner flexibility; however explained that once notification is given to property owners and the budget is programmed, projects would move forward.

Councilmember Carchio inquired about prioritization of projects and Deputy Director Webb described the rating system used by Public Works.

Motion to Recess to Closed Session – Approved

A motion was made by Hardy, second Cook to recess to Closed Session on the following item. The motion carried by the consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; Renee Mayne, Chief Negotiator regarding labor relations matters – meet and confer with the following employee organizations: **MEA, MEO, FMA, HBFA, SCLEA, and Non-Associated.** **Subject: Labor Relations – Meet and Confer.**

Reconvened City Council/Redevelopment Agency Meeting – 6:05 p.m.

City Council/Redevelopment Agency Meeting Roll Call

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

No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

Pledge of Allegiance/Flag Salute – Led by Councilmember Green

Invocation – Led by Reverend Michael Slater, Greater Huntington Beach Interfaith Council

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

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Brochure submitted by Debra Reed, Senior Public Information Specialist, South Coast Air Quality Management District, which included a copy of *Draft 2007 Air Quality Management Plan Executive Summary*, *AQMD Advisor*, *Save the Date* card, and the PowerPoint report presented.

Communication submitted by Ken Inouye, Chair, Orange County Human Relations Commission, undated and titled *OC Human Relations Annual Report 2005-2006*.

Communication submitted by Alan Chancellor, Chair, Human Relations Task Force dated January 16, 2007 and titled *2006 Hate Crimes and Hate Incidents*.

Communication submitted by Bob Hall, Deputy City Administrator dated January 16, 2007 and titled *Late Communication* pertaining to the Consent Calendar item that addresses the salaries and benefits for non-represented employees.

Communication submitted by City Administrator Penny Culbreth-Graft dated January 16, 2007 and titled *Late Communication for Agenda Item E-10 - Adopt Resolution to Modify Salary and Certain Benefits for the Elected City Treasurer*.

Communication submitted by City Treasurer Shari Freidenrich dated January 16, 2007 and titled *Late Communication* pertaining to the resolution to modify salary and certain benefits for the Elected City Treasurer.

Communication submitted by Steve Stafford dated January 15, 2007 and titled *Item H1-A* pertaining to proposed revision of the graffiti ordinance.

The Following Communications Were Submitted During the Meeting:

Informational postcard submitted by Peggy Howell titled *The Gallery HB Presents Tinker's Tails Unveiled!*

Communication submitted by Joe Syiek dated January 16, 2007 and titled *RE: Huntington Beach Playhouse Lease*.

Presentation – Ken Inouye, Chair of the Orange County Human Relations Commission, presented the Commission's annual report and a certificate of recognition to the City Council. Alan Chancellor, Chair of the Huntington Beach Human Relations Task Force, presented the Task Force's annual hate crime report.

Presentation – Mayor Gil Coerper presented commendations to Huntington Beach Fire Department personnel who volunteered and collected toys for the Spark of Love holiday toy drive.

Presentation – Mayor Gil Coerper presented a commendation to Huntington Beach Fire Department Emergency Services Coordinator Glorria Morrison for her recognition of outstanding performance by the Orange County Emergency Managers Association.

Mayor's Award – Mayor Gil Coerper called on Police Chief Ken Small who presented the Mayor's Award to Police Officer Erik Krause. Chief Small described Officer Krause's many achievements since joining the Police Department in 1987.

Public Comments

(The numbers following speakers' comments reflect the approximate point of time in the archived video the speaker appears, available at <http://www.surfcity-hb.org/Government/Agendas/>)

Peggy Howell, owner of a fine art gallery at the Hyatt Regency Resort, congratulated recently elected Councilmembers. She described a book she wrote and published titled *The Tales of Tinker's Tails*, and stated the cover was designed by Dean Torrence of *Jan & Dean*. She invited citizens and their pets to an event scheduled for January 21, 2007, 11:30 a.m. to 2:00 p.m., at the Park Bench Cafe, Central Park, to introduce the book. Ms. Howell submitted invitations to Councilmembers and explained that a portion of the proceeds from the event would be donated to the Huntington Valley Boys and Girls' Club. (34:20)

John Haugland, 30-year resident, suggested that Councilmembers investigate invoking a moratorium on fishing off the jetties recently constructed near the Bolsa Chica Wetlands, stating a perceived negative effect on the ecological reserve. He voiced his concern that the artery that feeds the reserve is a target for fishermen. Mr. Haugland requested Councilmembers take action and investigate the issue. (37:50)

Councilmember Hardy asked Mr. Haugland to fill out a blue contact card to allow Council and/or staff to follow up.

Joe Syiek, member of the Board of Directors of the Huntington Beach Playhouse, read a letter addressed to Council from the Board. He stated a 150% rent increase to the Playhouse prevents the Board from extending their lease under the proposed new terms. The letter suggested alternate lease terms and requested a response from the City by January 28, 2007. Mr. Syiek submitted a copy of the letter as a Late Communication. (41:22)

Councilmember Bohr asked for clarification on the lease negotiation process. City Administrator Culbreth-Graft stated the letter submitted by Mr. Syiek had not been received by staff, who would review the request and report back to Council. Councilmember Green commented on ongoing negotiations with the Board. City Administrator Culbreth-Graft explained that negotiations began in October 2005, and clarified that agreements are brought to Council once they have been negotiated. She explained that Council can not take action on this non-agendized issue at the meeting and clarified that the Huntington Beach Playhouse lease is not at the market rate for non-profits. Mayor Coerper requested that a copy of the letter be made available to each Councilmember. Councilmember Carchio asked Mr. Syiek if the Board has an alternate plan if an agreement is not reached with the City. Mr. Syiek stated other locations are available on a temporary basis.

June Dugmore, 37-year resident, announced the Miss Huntington Beach Scholarship Pageant scheduled for February 3, 2007 at the Huntington Beach High School Auditorium. She introduced one of the contestants, Jessica Tran, who described her qualifications and asked citizens to attend the event and support the effort for scholarship funds. Ms. Dugmore explained the theme of the event is *Blast to the Past* and will include the assistance of sixteen Marines. (52:15)

(City Council) Councilmember Hardy Reported on League of California Cities Meeting Attendance per AB 1234

Councilmember Jill Hardy reported her attendance at a League of California Cities' Housing, Community and Economic Development Policy Committee meeting held in Sacramento on January 12, 2007.

(City Council) Councilmember Hardy Announced Appointee Resignation and Appointment to Public Works Commission

Councilmember Jill Hardy announced the resignation of her Public Works Commission appointee, Richard Hart. She announced the appointment of Jack Kirkorn to the Public Works Commission.

(City Council) Mayor Pro Tem Cook Reported on League of California Cities Meeting Attendance by Herself and the City Clerk per AB 1234

Mayor Pro Tem Debbie Cook reported that she and the City Clerk had attended the League of California Cities' Environmental Quality Policy Committee meeting in Sacramento on January 12, 2007.

(City Council) Mayor Coerper Reported on League of California Cities Meeting Attendance per AB 1234

Mayor Gil Coerper reported his attendance at the League of California Cities' Public Safety Committee meeting in Sacramento on January 12, 2007.

(City Council) City Administrator Culbreth-Graft Reported Attendance at Orange County City Managers' Association Meeting per AB 1234

City Administrator Penny Culbreth-Graft reported that she had attended the Orange County City Managers' Association meeting held in the last two weeks.

(City Council) Reviewed and Accepted City Treasurer Shari Freidenrich's November 2006 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity*

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for November 2006.

City Treasurer Freidenrich gave a PowerPoint presentation titled *November Treasurer's Report*, which was included in the agenda packet.

A motion was made by Hardy, second Bohr to review and accept the Monthly Investment Report entitled *Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for November 2006*, 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: Bohr, Carchio, Coerper, Green, Hansen, and Hardy
NOES: None
ABSENT: Cook (Mayor Pro Tem Cook was out of the room at the time of the vote.)

City Attorney's Report of Litigation Filed – None

(City Council) Annual Report Given from the Office of the City Clerk – A Year in Review

City Clerk Joan L. Flynn introduced her staff members that were present at the meeting. She gave a PowerPoint report titled *Office of the City Clerk, A Year in Review*, which was included in the agenda packet. She described improvements made to the office, including security, internal upgrades and external service upgrades. Assistant City Clerk Robin Lugar described the document imaging software recently implemented by the Clerk's Office, and demonstrated searching for records on the intranet interface.

(City Council) Public Hearing Held – Approved Zoning Text Amendment (ZTA) No. 06-02 and Approved for Introduction Ordinance No. 3764 Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Pertaining to Density Bonus Provisions.

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: ZONING TEXT AMENDMENT NO. 06-02 (DENSITY BONUS AMENDMENT)

Applicant: City of Huntington Beach.

Request: To amend Huntington Beach Zoning and Subdivision Ordinance, Section 230.14 Affordable Housing Incentives/Density Bonus, to comply with state mandated changes pursuant to Senate Bills 1818 and 435. The existing ordinance allows for up to a 25% density bonus when housing projects restrict 10-20% of the units as affordable or 50% for seniors. The proposed ordinance reduces the number and affordability of the units that must be restricted to qualify for a density bonus. Consistent with the new law, the proposed ordinance includes other provisions regarding incentives, concessions, waiver of development standards and child care facilities.

Location: Citywide Residential Districts/Mixed Use Zoning.
Project Planner: Rosemary Medel

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Acting Director of Planning Scott Hess introduced Project Planner Rosemary Medel and Principal Planner Mary Beth Broeren. Planner Medel presented a PowerPoint report titled *Zoning Text Amendment No. 06-02, Density Bonus Amendment, January 16, 2007*, which was included in the agenda packet.

Councilmember Green asked if any of the projects include childcare facilities. Planner Medel replied in the negative. Councilmember Green inquired if a developer can return, after having received a density bonus, to ask for re-evaluation. Acting Director Hess explained that the ordinance is not retroactive; however a developer could amend the request if he or she chose to.

Councilmember Hardy asked for clarification on the ZTA. Planner Medel explained

that the City's current requirements are stricter than the state allows, and the ordinance requires amendment.

Councilmember Carchio asked how often the density bonus has been applied to projects. Acting Director Hess stated sixteen approved requests received by the City in the last 15 years.

Mayor Coerper declared the public hearing open.

The City Clerk announced for the record no Late Communications which pertain to this public hearing.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Cook, second Green to approve Zoning Text Amendment No. 06-02 with Findings for Approval and after the City Clerk read by title, approve for Introduction Ordinance No. 3764, *An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards*. The motion carried by the following roll call vote:

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

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 06-02:

1. Zoning Text Amendment No. 06-02, to amend Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Site Standards, Section 230.14 Affordable Housing Incentive/Density Bonus is consistent with the objectives, policies, general land uses and programs specified in the General Plan and various specific plans because the proposed amendments would bring the City's Zoning Code in conformance with the State mandated changes to density bonus law and further facilitate the development of affordable housing.
2. The proposed zoning text amendment is compatible with the uses authorized in, and the standards prescribed for the various residential and mixed use zoning districts because the proposed density bonus ordinance does not change the types of permitted uses, i.e. residential, and requires that any concessions or incentives not result in any significant adverse impacts.
3. A community need is demonstrated for the proposed change in the City's Density Bonus provisions in that incentives for affordable housing would be provided consistent with the priorities identified by the State of California. In addition, the density bonus law amendment would provide additional tools to achieve affordable housing at various income levels through increased incentives and concessions available to housing developers.
4. The adoption of this amendment is in conformance with the public convenience, general welfare and acceptable zoning practices, because although a waiver of development standards is offered, the development of density bonus units would generally comply with the development standards for the zone and the City's ordinance would be consistent with the new State law.

(City Council) Public Hearing Held – Approved Zoning Text Amendment (ZTA) No. 06-07 and Approved for Introduction Ordinance No. 3763 Amending Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Pertaining to Bicycle Parking, Privacy Gates and Parking Control.

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: ZONING TEXT AMENDMENT NO. 06-07 (AMENDING CHAPTER 231 OFF-STREET PARKING AND LOADING PROVISIONS)

Applicant: City of Huntington Beach. Request: To amend Chapter 231, Off-Street Parking and Loading Provisions, of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to require Public Work's approval of Privacy Gates (Section 231.18 D.8.) and Parking Controls (Section 231.18 E.2.) and to require bicycle parking for non-residential uses, multi-family residential uses and amend the design standard. (Section 231.20 1a., 1b., 2) Bicycle Parking.

Location: Citywide.

Project Planner: Rosemary Medel

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

.Acting Director of Planning Scott Hess gave an oral report.

Mayor Coerper declared the public hearing open.

The City Clerk announced for the record no Late Communications which pertain to this public hearing.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Bohr, second Hardy to approve Zoning Text Amendment No. 06-07 with Findings for Approval and after the City Clerk read by title, approve for Introduction Ordinance No. 3763, *An Ordinance of the City of Huntington Beach Amending Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Off-Street Parking and Loading Provisions*. The motion carried by the following roll call vote:

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

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 06-07:

1. Zoning Text Amendment No. 06-07 incorporates previously approved text correcting Sections 231.18 and 231.20 of Chapter 231 Off Street Parking and Loading Provisions to create consistency with the goals, objectives and policies of the General Plan. The City Council identified a need to require bicycle parking within new developments to encourage the use of bicycles and provide a secure means of storage. The text added to Section 231.18 also requires the review by the Public Works Department prior to final approval for privacy gates ensuring that such approvals are compatible with vehicle stacking and location of the gates.

2. In the case of the general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for in the zoning district for which it is proposed because bicycle parking storage was adopted during the permit streamlining process for both residential and commercial development to encourage alternative transportation and provide for adequate storage. The amendment to Section 231.20 incorporates the City Council's approved bicycle language. Section 231.18 adds the review by the Public Works Department for the location and stacking of vehicles.

3. A community need is demonstrated for the change proposed as the proposed amendment corrects what was previously approved and identified by City Council as a need to have onsite bicycle parking to encourage alternative transportation methods.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the Circulation Element of the General Plan speaks to Bicycle Facilities, acknowledging the needs of the community and bicycle enthusiasts by providing for numerous bicycle facilities throughout the City. Adding further review by Public Works Department for privacy gates will also ensure that the addition of privacy gates does not adversely impact surrounding properties creating a traffic hazard.

(City Council) Administrative Public Hearing Held – Adopted Resolution of Necessity No. 2007-2 Authorizing the Acquisition by Eminent Domain of 20-Foot of Right-of-Way from Certain Real Property Located at 7782 and 7802 Garfield Avenue, Identified as Assessor's Parcel Nos. 159-151-01, 159-151-02, 159-151-03, and 159-151-16 to Permit Street Widening.

Mayor Coerper announced that this was the time noticed for an administrative public hearing to consider THE RESOLUTION OF NECESSITY FOR THE GARFIELD AVENUE WIDENING PROJECT

Mayor Coerper announced that this agenda item is a specially noticed hearing held under Code of Civil Procedure Section 1245.235. Only those persons who have been specially noticed and have previously requested to appear and be heard, or their designees, under Code of Civil Procedure Section 1245.235, are entitled to be heard at this time. However, if any owners of the particular property, or the representatives of any owners, are present and wish to be heard, we are willing to hear you. He invited public comment from anyone, even those not having received a special hearing notice.

The subject matter of this special hearing is limited to the following items: **A.** Whether the public interest and necessity require the proposed project. **B.** Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. **C.** Whether the property described in the Resolution of Necessity is necessary for the proposed project. **D.** Whether an offer of just compensation pursuant to Government Code Section 7267.2 has been made to the owner or owners of record.

The amount of compensation is not at issue during this public hearing. It will be decided by the courts at a later date, should the Resolution of Necessity be adopted.

Pursuant to Code of Civil Procedures Section 1245.240, this Resolution of Necessity requires a two-thirds vote of all Council members (which means 5 affirmative votes) for adoption.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Mayor Coerper declared the administrative public hearing open. The City Clerk announced for the record no Late Communications or written requests which pertain to this public hearing.

City Engineer Travis Hopkins presented a PowerPoint report titled *Real Property Acquisition, 20 Foot Right-of-Way at 7782 and 7802 Garfield Avenue*, which was submitted as a Late Communication.

City Attorney Jennifer McGrath announced that notices were sent to the property owners via First Class mail as required by the California Code of Civil Procedures; offers to purchase were made in a form and manner required by Government Code.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the administrative public hearing closed.

Councilmember Green asked if utility poles would be relocated. Engineer Hopkins explained that the poles would be relocated to the sidewalk area, within the public right-of-way.

Councilmember Hansen asked for clarification on proposed use of the property. Engineer Hopkins confirmed that the property would be used strictly for public street improvements.

Councilmember Bohr asked for further information on the appraisal process. City Attorney McGrath described one appraisal obtained by the City, stating that property owners are entitled to one appraisal on their own. Real Estate Services Manager Steve Holtz explained that the City's appraisal is approximately one year old; however it had been updated at the commencement of the action.

Councilmember Carchio asked staff to comment on the project timeline. Engineer Hopkins stated the street would not be closed since one lane in each direction would be open at all times, and stated the project should be completed in approximately three months.

A motion was made by Cook, second Carchio to Adopt Resolution No. 2007-2, A *Resolution of Necessity of the City Council of the City of Huntington Beach, California Approving the Acquisition of Portions of Certain Real Property Located at 7782 and 7802 Garfield Avenue, Assessor's Parcel Nos. 159-151-01, 159-151-02, 159-151-03, and 159-151-16, Together With a Temporary Construction Easement of Less Than 5 Feet Immediately Adjacent and South of the Acquired Real Property for a Period of 3 Months During Construction, by Eminent Domain to Permit Street Widening*. The motion carried by the following roll call vote:

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

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Resolution No. 2007-7 Modifying the Salary for the Elected City Attorney

(City Council) Resolution No. 2007-6 Modifying the Salary and Benefits for the Elected City Clerk

(City Council) Resolution No. 2007-5 Modifying the Salary and Certain Benefits for the Elected City Treasurer

Consent Calendar – Items Approved

A motion was made by Cook, second Green to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

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

NOES: None

(City Council/Redevelopment Agency) Approved and Adopted Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of January 2, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed City Clerk's Annual Passport Acceptance Facility Report for January 1, 2006 through December 31, 2006 - Received and filed the Annual Passport Acceptance Facility Report for 2006, as prepared and submitted by the Office of the City Clerk. Submitted by the City Clerk. Funding Source: Not applicable.

(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$1,264,700 to Sancon Technologies, Inc. for the 2006/2007 Sewer Rehabilitation Project, CC-1252 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney - 1) Approved the project plans and specifications for the 2006/2007 Sewer Rehabilitation Project, CC-1252; and **2)** Accepted the lowest responsive and responsible bid submitted by Sancon Technologies, Inc., in the amount of \$1,264,700.00; and **3)** Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works. Funding Source: Funds in the amount of \$1.5 million are budgeted in the Sewer Service Charge Fund, Account Number 51189002.82600, with a partial reimbursement of \$201,153 through the Fiscal Year 2005/06 Cooperative Projects Program Contract No. CP-0501 from the Orange County Sanitation District.

(City Council) Approved a Professional Services Contract with Overland, Pacific, and Cutler, Inc. in the Amount Not-to-Exceed \$180,000 for Real Estate and Relocation Coordination Services Related to the Heil Avenue and Atlanta Avenue Widening Projects, and Authorized the Mayor and City Clerk to Execute the Contract - Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Overland,*

Pacific, and Cutler, Inc. for Right-of-Way, Relocation and Implementation Services. Submitted by the Director of Economic Development and the Director of Public Works. Funding Source: Funds are budgeted in the Traffic Impact Fund, Street Widening, Land Purchase, Account No. 20690001.81000.

(City Council) Approved a Multi-Year Professional Services Contract with Engineering Resources of Southern California, Inc. Not-to-Exceed \$500,000 for Development Processing and Related Engineering Services and Authorized the Mayor and City Clerk to Execute the Contract - Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Engineering Resources of Southern California, Inc. for Development Processing and Related Engineering Services.* Submitted by the Director of Public Works. Funding Source: Sufficient funds are available from the General Fund, Development Services, Professional Services, 10085251.69365. Approximately \$350,000 has been carried forward in an encumbrance (OW 11377) from Fiscal Year 2005/06. Funding is authorized on the adopted Professional Services List.

(City Council) Adopted Resolution No. 2007-3 Revising and Restating the City's Insurance and Indemnity Requirements to Comply with New State Law, AB 573 Relating to Professional Service Agreements With Design Professionals - Adopted Resolution No. 2007-3, *A Resolution of the City Council of the City of Huntington Beach Revising and Restating the City's Insurance and Indemnity Requirements.* Submitted by the City Attorney and Deputy City Administrator, City Services. Funding Source: No funds are required.

(City Council) Adopted Resolution No. 2007-8 Modifying the Salary and Health Benefits for Non-Represented (Non-Associated) Employees - Adopted Resolution No. 2007-8, *A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees.* Submitted by the City Administrator. Funding Source: Funding is included in the Fiscal Year 2006/2007 budget. The estimated cost to implement this Resolution for Fiscal Year 2006/2007 is \$263,947, and \$87,982 in Fiscal Year 2007/2008. The estimated cost does not include any potential increases for the classifications listed in Exhibit 1 of the Non-Associated Resolution and excludes any potential increases to the elected Executive Management positions listed in Exhibit 2 of the Non-Associated Resolution.

(City Council) Adopted as Amended Resolution No. 2007-7 Modifying the Salary for the Elected City Attorney

The City Council considered a communication from the City Attorney transmitting the following **Statement of Issue:** Should the elected City Attorney receive a market-based salary adjustment consistent with the salary study conducted for the executive management employees. **Funding Source:** Funding is included in the Fiscal Year 2006/2007 budget. The estimated cost to implement this Resolution for Fiscal Year 2006/2007 is \$36,875 and \$12,292 in Fiscal Year 2007/2008.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to state his opinion that the agenda items pertaining to salary and benefits modifications for Elected Officials should not be listed on the Consent Calendar. He voiced his concerns with the salary justifications listed in the study, for example market competition, and asked for the number of elected City Attorneys in the State. Consultant

Renee Mayne explained that the recommendations in her report were not based on whether the position was elected or appointed. Councilmember Bohr opined greater benefits exist for elected City Attorneys than appointed City Attorneys, such as job stability, lack of direct supervision, lack of performance evaluations, and less accountability to Council. He stated his concerns with compaction in salary amounts between the City Attorney and City Administrator.

Mayor Pro Tem Cook inquired about annual increases for elected officials. City Administrator Culbreth-Graft clarified elected officials must bring forward compensation issues on their own.

Councilmember Hansen commented on accountability of elected officials to the electorate, regardless of Council approval, and suggested Council show consistency with the percentage increase offered to officials.

Council discussion ensued pertaining to department salary compaction. Councilmember Green voiced her opinion that not all elected officials' responsibilities are equal, so their requests should be considered separately.

Councilmember Hansen suggested the City Attorney receive an 8% increase (4% increase in addition to a 4% cost of living adjustment).

Mayor Pro Tem Cook suggested Council returns to the findings of the survey and bases the salary increase on the "A" step, \$181,823.

Councilmember Carchio suggested Council consider how much the elected officials contribute to the City to determine salary increases.

Councilmember Bohr suggested an increase of 10%, with an annual review.

Councilmember Hansen stated his concurrence with Councilmember Carchio's comments; however stated increasing pay will set policy for future elected who may not be as qualified as the current incumbents. He stated a 10% increase would be acceptable.

Councilmember Green asked the consultant to comment on the City Attorney market study. Ms. Mayne stated that based on her findings, the City Attorney position is being paid 20% below market. Councilmember Green suggested an increase of 11% to start, cost of living adjustment annually, and the City Administrator be given the ability to increase salaries within a range.

Councilmember Hardy suggested each elected be considered separately. She voiced her opinion that the City Attorney should receive a competitive salary and suggested setting her salary at starting point, \$181,823.

Councilmember Bohr stated his agreement with setting the salary at starting point; however stated his disagreement with deferring future increases to the City Administrator.

City Administrator Culbreth-Graft clarified that the Starting Point is below market average. She stated that Control Point is at market range. She explained that several of the positions studied did not have comparable positions in other cities, therefore internal alignment was considered in those cases.

Councilmember Hardy stated her opinion that the motion being considered is a good compromise.

Councilmember Carchio commented on the study done by the consultant and suggested Council utilizes the information. Councilmember Bohr commented on the usefulness of the study, stating however that other information is available as well.

Mayor Pro Tem Cook thanked the City Attorney for her efforts on the City's behalf. She voiced concern about the amount of the salary increase requested in relation to consideration of salary increases for other City employees.

A motion was made by Bohr, second Hardy to adopt **as amended to set City Attorney salary at Starting Point as identified in the approved Non-Associated Executive Management Salary Schedule effective January 16, 2007** - Resolution No. 2007-7, *A Resolution of the City Council of the City of Huntington Beach Modifying the Salary for the Elected City Attorney. The City Attorney to return to Council annually for review.* The motion carried by the following roll call vote:

AYES: Bohr, Cook, Coerper, Hansen, and Hardy

NOES: Carchio, and Green

(City Council) Adopted as Amended Resolution No. 2007-6 Modifying the Salary and Benefits for the Elected City Clerk

The City Council considered a communication from the City Clerk transmitting the following **Statement of Issue:** A salary study was conducted at the request of the City by Renee Mayne, Labor Relations Consultant. The survey of 12 comparable cities was finalized and released to the Executive Team in November of 2006. A Resolution is attached to establish the pay and benefits for the City Clerk in reference to that study. **Funding Source:** Funding is available in the current fiscal year 2006/2007 budget. The burdened cost to implement the salary requested in Resolution No. 2007-6 at Control Point for the remainder of the current fiscal year is \$34,142. Fiscal year 2007/2008 will be further impacted in the amount of \$11,381.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to ask for clarification. Finance Director Dan Villella explained that some calculations in the staff report were incorrect. He clarified the requested increase from the City Clerk is 35%; Starting Point would be 22%.

Mayor Pro Tem Cook opined that a 22% increase is acceptable, stating her support for such an increase.

Councilmember Carchio asked for information on the Clerk's current salary and the Starting Point. Consultant Renee Mayne commented, stating that internal alignment was an issue in this case.

Councilmember Hardy commented on internal alignment and competitiveness issues staffing the position.

Councilmember Carchio stated his concurrence with Councilmember Hardy's comments and his support for the 22% increase.

Councilmember Green voiced her opinion that the City Clerk's salary should not be raised above market average when the City Attorney's salary is held below market average.

Councilmember Hansen voiced his agreement with using the data given in the study.

Mayor Coerper asked when the elected officials can return to Council with requests for modifications. City Attorney McGrath clarified that the timing is up to the elected official.

A motion was made by Bohr, second Hardy to adopt **as amended to set City Clerk salary at Starting Point as identified in the approved Non-Associated Executive Management Salary Schedule effective January 16, 2007** - Resolution No. 2007-6, *A Resolution of the City Council of the City of Huntington Beach Modifying Salary Benefits for the Elected City Clerk*. The motion carried by the following roll call vote:

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

(City Council) Adopted as Amended Resolution No. 2007-5 Modifying the Salary and Certain Benefits for the Elected City Treasurer

The City Council considered a communication from the City Treasurer transmitting the following **Statement of Issue**: Should the resolution that authorizes the salary and benefits for the Elected City Treasurer be modified? **Funding Source**: Funding included in the FY 06/07 budget.

Councilmember Bohr had requested that this agenda item be removed from the Consent Calendar to ask for clarification.

Mayor Pro Tem Cook suggested that the City Treasurer position be elevated to the next highest pay grade (681) and the salary be set at B-Point.

Councilmember Hardy asked for clarification on the hourly rate. Director Villella stated the rate is approximately \$68.70 at B-point. City Treasurer Freidenrich explained her recommendation for a salary increase to \$74.58 is comparable to other cities with Treasurers who act as Department Heads. Councilmember Hardy commented on the similarity of the request to the Control Point for the 681 pay grade, stating her opinion the City Treasurer salary should be competitive.

Councilmember Bohr asked the City Treasurer if she would prefer to return to Council with more information at a later date.

Councilmember Hansen suggested Council take action at this meeting and stated his concurrence with Mayor Pro Tem Cook's suggestion.

Councilmember Hardy stated her support for elevating the Treasurer position to the higher pay grade.

Councilmember Carchio concurred and commented on the impact of financial decisions made on behalf of City by the City Treasurer.

A motion was made by Bohr (no Second) to elevate the City Treasurer position to pay grade 681, at Control Point (\$72.48). The motion died for lack of a Second.

A motion was made by Hardy, second Hansen to adopt **as amended to elevate City Treasurer salary to 681 Pay Grade, Step B, (approx. \$68.70) as identified in the approved Non-Associated Executive Management Salary Schedule effective January 16, 2007** - Resolution No. 2007-5, *A Resolution of the City Council of the City of Huntington Beach Modifying Salary Benefits for the Elected City Treasurer*.

The motion carried by the following roll call vote:

AYES: Cook, Green, Hansen, and Hardy

NOES: Bohr, Carchio, and Coerper

(City Council) Adopted Resolution No. 2007-4 Approving and Implementing the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Marine Safety Officers' Association (MSOA) Covering the Period October 1, 2006 through September 30, 2009

The City Council considered a communication from the City Administrator transmitting the following **Statement of Issue**: Should the City and the Huntington Beach Marine Safety Officers' Association (MSOA) enter into a new Memorandum of Understanding (MOU) covering the period October 1, 2006 through September 30, 2009? **Funding Source**: Funding is contained in the current Fiscal Year 2006/2007 budget and funding will be included in the budgets for Fiscal Years 2007/08 and 2008/09. The cost to implement the MSOA MOU in the current Fiscal Year is \$74,190. The cost to implement the MSOA MOU in Fiscal Year 2007/08 is \$94,979 and \$109,464 in Fiscal Year 2008/09. Total estimated cost of this Memorandum of Understanding for a three-year term is \$278,633.

City Administrator Penny Culbreth-Graft gave a PowerPoint report titled *Proposed Changes in Terms and Conditions of Employment between City of Huntington Beach and the Marine Safety Officers' Association*, which was included in the agenda packet.

A motion was made by Green, second Hardy to adopt Resolution No. 2007-4 - *A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Marine Safety Officers' Association and the City of Huntington Beach for the Term of October 1, 2006, to September 30, 2009*. The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Hansen (Councilmember Hansen was out of the room at the time of the vote.)

(City Council) Adopted Ordinance No. 3762 Amending Specific Plan 1 (North Huntington Center Specific Plan) by Adding Freeway Oriented Signage Provisions to Section II (D) General Provisions-Sign Regulations (Zoning Text Amendment No. 06-03)

A motion was made by Green, second Hardy to after the City Clerk read by title, adopt Ordinance No. 3762, *An Ordinance of the City of Huntington Beach Amending Specific Plan 1 (North Huntington Center Specific Plan) by Adding Freeway Oriented Signage Provisions to Section II (D) General Provisions-Sign Regulations (Zoning Text Amendment No. 06-03.)* The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3760 Amending the Huntington Beach Municipal Code Chapter 2.106 Relating to the Fourth of July Board Composition, Officers, Duties of Executive Board Members and Attendance

A motion was made by Bohr, second Cook to after the City Clerk read by title, adopt Ordinance No. 3760, *An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Chapter 2.106 Relating to the Fourth of July Board.* The motion carried by the following roll call vote:

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

(City Council) Submitted By Mayor Coerper – Directed City Attorney to Draft an Ordinance and Resolution Establishing a Reward for Information Leading to Conviction of an Individual for Graffiti

The City Council considered a communication from Mayor Coerper transmitting the following **Statement of Issue**: The City has been experiencing significant graffiti problems. I would like to encourage the citizens of the community to assist the City in aggressively pursuing the individuals responsible for damaging private and public property.

Mayor Coerper gave an oral report.

Police Chief Ken Small commented on the proposed program, stating two potential benefits: heightened awareness among citizens and a deterrent to new offenders. He stated approximately 55 arrests for graffiti made last year.

Councilmember Bohr commented on a recent newspaper article pertaining to possession of spray paint or markers, and asked Police Chief to comment. Chief Small agreed it would be valuable to investigate the issue, stating he would report back to Council in 30 - 45 days.

Councilmember Carchio commended the Mayor for bringing the item forward for discussion and suggested that parents be held responsible for the actions of minors.

City Attorney McGrath stated the sample resolution, presented with the agenda item, was adopted by Fountain Valley and does include repercussions for parents of offenders.

Councilmember Green requested the resolution pertaining to possession of materials also be researched.

A motion was made by Coerper, second Cook to direct the City Attorney to draft an ordinance and resolution establishing a reward for information leading to the conviction of an individual for graffiti, similar to the Fountain Valley resolution that was included in the agenda packet. The motion carried by the following roll call vote:

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

(City Council) Submitted By Councilmember Hansen – Directed Staff to Accelerate Shopping Center Inventory Project Currently Under Way and Evaluate the Use of Redevelopment among These Parcels with the Goal of Establishing a Redevelopment Area Consisting of Eligible Retail Centers That Meet Redevelopment Agency Guidelines

The City Council considered a communication from Councilmember Hansen transmitting the following **Statement of Issue**: In our adopted strategic plan, we established the goal of creating a land use plan for the reuse of critical parcels. Our goal is to focus on these parcels to promote investment and improvement at impaired sites.

Nowhere is this more needed than in the significant number of outdated and underperforming shopping centers dotted throughout our city. I believe that it is time to focus on this issue to stimulate both interest and reinvestment in these parcels.

Councilmember Hansen gave an oral report.

Councilmember Green inquired about residential areas and methodology for selecting parcels. Economic Development Director Stanley Smalewitz clarified findings that must be met and boundaries that may be set. He commented on establishing non-contiguous shopping centers as a redevelopment area, stating this type of action has been taken in the past.

Councilmember Bohr inquired about timelines and voiced his concern with delaying other projects. Director Smalewitz commented on timelines and methods to proceed with the request.

Councilmember Hardy stated her support for the Recommended Action.

Councilmember Hansen clarified that this agenda item is a starting point.

Mayor Coerper voiced his concern for the impact of this item on current projects. Director Smalewitz explained that other studies have already begun, and the results of the studies would be reported back to Council at a later date.

A motion was made by Hansen, second Hardy to 1) Direct staff to accelerate the shopping center inventory project that is currently under way; and 2) Concurrently begin the process of evaluating the use of redevelopment among these parcels as they are identified, with the goal of establishing a redevelopment area consisting of eligible retail centers that meet redevelopment agency guidelines. The motion carried by the following roll call vote:

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

(City Council) Mayor Coerper Commended the City Administrator and Staff for Efforts

Mayor Gil Coerper commended City Administrator Penny Culbreth-Graft and staff for their efforts on behalf of the City.

(City Council) Councilmember Hardy Announced Public Meetings Being Held January 25, 2007

Councilmember Jill Hardy announced two public meetings scheduled for January 25, 2007: a meeting to be held in the Council Chambers pertaining to the 714 area code, and a meeting to be held at the Central Library regarding the hotel planned for the Strand project.

(City Council) Councilmember Carchio Reported on Visits to the Orange County Humane Society Animal Shelter

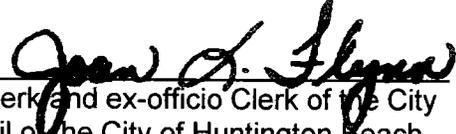
Councilmember Carchio reported on visits he made to the animal shelter in Huntington Beach, stating that Dr. Botros assured him and citizens that no animals would be euthanized because of the renovations.

(City Council) Mayor Coerper Spoke Regarding Oak View Grade School, Eagle Scout Court of Honor

Mayor Coerper described his visit to Oak View Grade School, and discussed 100% coverage of health insurance for the children. He congratulated Justin Michael Legg on achieving his Eagle Scout.

Adjournment – City Council/Redevelopment Agency

Mayor Coerper adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 10:15 p.m. to Monday, February 5, 2007, at 4:00 p.m., 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