

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

Monday, February 5, 2007
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

Call to Order

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:03 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

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

The City Clerk Announced 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 Communications regarding the Study Session items that was received by her office following distribution of the agenda packet:

PowerPoint presentation submitted by Police Chief Ken Small dated February 5, 2007 and titled *Police Officer Training*.

Communication submitted by Steve Stafford dated February 5, 2007 regarding the Council update on citywide graffiti vandalism abatement.

Public Comments Regarding the 4:00 P.M. Portion of the Council Meeting

Steve Stafford commented on graffiti implements that he said are outlawed by the City of Orange. He suggested Huntington Beach consider the same action, despite the added burden to Code Enforcement. Mr. Stafford suggested local high schools prevent implements such as markers from leaving art classrooms.

(City Council) Study Session #1 Held – Council Update on Citywide Graffiti Vandalism Abatement Given

City Administrator Penny Culbreth-graft gave an overview of the topic. Deputy Public Works Director Dave Webb gave a PowerPoint presentation titled *Council Update on Citywide Graffiti Vandalism Abatement*, which was included in the agenda packet.

Deputy Webb described public outreach and education efforts, enforcement and deterrent efforts, the clean-up program, and staff recommendations for the immediate future.

Council discussion ensued pertaining to recovering damages from parents of juvenile offenders, local community service opportunities including clean up of graffiti, and fines. Councilmember Green suggested offenders be assigned to clean up graffiti rather than the usual assignment of trash pick up. Councilmember Hardy suggested fines include all costs incurred, including rewards. Councilmember Carchio voiced his support for strong enforcement of code and graduated increase in fines for repeat offenses. Mayor Coerper stated his support for local community service for offenders. City Attorney Jennifer McGrath commented on the issues discussed, stating that the related ordinance would return to Council on the February 20, 2007 agenda. Maintenance Operations Manager Jim Jones described potential community service opportunities in Huntington Beach.

(City Council) Study Session #2 Held – Chief Small and Sergeant Domingo Gave a Presentation on Police Officer Training Issues

Police Chief Ken Small gave a PowerPoint report titled *Police Officer Training*, which was announced by the City Clerk as a Late Communication. Chief Small described Police Officer training in the City, training issues, specialized equipment and use of force, firearms training, and opportunities for facilities improvement. Chief Small introduced Sergeant John Domingo who described and exhibited specialized equipment available to Officers.

Council discussion ensued pertaining to training, equipment and components of an effective firing range facility. Mayor Coerper thanked the Police Chief for his presentation and, by Council consensus, directed him to move forward with research on a potential firing range facility to be located within the City. Councilmember Green commented on the condition of both Civic Center buildings, suggesting staff research remodeling/refurbishing possibilities.

Motion to Recess to Closed Session – Approved

A motion was made by Green, second Carchio to recess to Closed Session on the following items. The motion carried by the consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section §54956.9, the City Council shall recess to Closed Session to confer with the City Attorney regarding the lawsuit entitled **Praise Christian Center v. City of Huntington Beach, et. al.**, Ninth Circuit Case No. SACV03-1504 GPS (MLGx). This appeal concerns a CUP the City issued that authorized Plaintiffs to use a warehouse at 18851 Goldenwest Street as a church.

(City Council) Closed Session – Pursuant to Government Code Section §54956.9, the City Council shall recess to Closed Session to confer with the City Attorney regarding the lawsuit entitled **Golden State Water Company v. City of Huntington Beach and Signal Landmark**, Orange County Superior Court Cast No. 06CC12911. In this case, Plaintiff, Golden State Water claims that the City, and the developer, Signal Landmark breached agreements requiring Golden State, and not the City, provide water and wastewater services to Signal Landmark's single-family home development located on the upper bench of the Bolsa Chica Mesa and immediately south of Warner Avenue.

Reconvened City Council/Redevelopment Agency Meeting – 6:04 p.m.

City Council/Redevelopment Agency Meeting Roll Call

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

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on February 5, 2007 (Pursuant to Government Code §54957.1) Regarding Praise Christian Center versus the City of Huntington Beach

City Attorney Jennifer McGrath reported that in the case entitled *Praise Christian Center versus the City of Huntington Beach*, the City Council voted to dismiss the City's cross-appeal regarding the constitutionality of the exemptions in the City's sign code.

Pledge of Allegiance – Led by Councilmember Bohr

Invocation – Led by Maria Khani, Orange County Islamic Community and the 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:

PowerPoint presentation submitted by Police Chief Ken Small dated February 5, 2007 and titled *Police Officer Training*.

Communication submitted by Steve Stafford dated February 5, 2007 regarding the Council update on Citywide graffiti vandalism abatement.

Communication submitted by City Treasurer Shari Freidenrich dated February 5, 2007 and titled *Late Communication - Agenda Item C-3A.3*.

Communication submitted by Economic Development Director Stanley Smalewitz dated February 5, 2007 and titled *Item E-10, Late Communication, Receive and File 2005 CAPER*.

Communication submitted by Broc and Laura Coward dated February 5, 2007 and titled *Council Agenda Item: HB Playhouse*.

Communication submitted by City Administrator Penny Culbreth-Graft dated February 5, 2007 and titled *Late Communication - Playhouse Lease*.

Communication submitted by Julie Bixby dated February 4, 2007 and titled *Agenda Item H-1a for February 5, 2007*.

Presentation – Mayor Gil Coerper called on Huntington Beach Children's Needs Task Force Chair Shirley Carey and presented the re-affirmed Declaration of Policy about Youth. The Huntington Beach Children's Needs Task Force is committed to ongoing

awareness and advocacy for children, therefore the City Council will be presenting this declaration on behalf of the youth of our community.

Task Force Chair Carey described the programs with which the Task Force is involved and introduced members of the group who were present at the meeting.

Presentation – Mayor Gil Coerper called on Fire Chief Duane Olson, who introduced Jim Purpura, Meteorologist-in-Charge and Ed Clark, Warning Coordination Meteorologist from the National Weather Service. The National Weather Service presented Mayor Coerper with a certificate declaring the City TsunamiReady, a program designed to ensure that coastal communities have plans and systems in place to respond to a tsunami incident. Gloria Morrison invited citizens to attend a Tsunami Preparedness Workshop scheduled for February 6, 2007 from 7 to 9 p.m. in the Council Chambers.

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/>)

Pearl Huntley asked if an indoor swimming pool is planned for the proposed new senior center. She voiced health concerns with sun exposure at an outdoor pool and recommended an indoor pool be constructed. Ms. Huntley stated she would volunteer to organize shows and teach instructors at a new indoor pool. (19:06)

Councilmember Bohr asked staff when the next meeting is being held to discuss the design of the proposed new senior center. Community Services Director Jim Engle explained that the next meeting is scheduled for February 8, 2007 at 6 p.m.

Gerald Chapman, President of the Bolsa Chica Land Trust, commended Mayor Coerper for sponsoring the agenda item pertaining to annexation of the balance of the Bolsa Chica, and asked that the project to be fast-tracked. He commented on "sober-living" homes in Newport Beach, explaining that meetings are being held in other cities to discuss potential issues. Mr. Chapman encouraged Councilmembers to attend these meetings and for the City to be pro-active with related issues. (22:19)

Al Coen commented on his past service to the City as a Councilmember and as Mayor. He reminisced about the early years of the Huntington Beach Playhouse, his attendance at the programs, and urged Council to find a permanent home for the Playhouse. (24:24)

Donna Lee Taylor stated she teaches at the Rodgers Senior Center and is concerned with a perceived lack of support for the Huntington Beach Playhouse. She displayed a copy of a magazine that had highlighted events at the Playhouse many years ago. (26:33)

Kent Johnson stated he has directed plays at the Huntington Beach Playhouse for the past 38 years. He voiced his opinion that the City has the best community theater in Orange County, and that support from the City and the community is necessary for the Playhouse to remain viable. (30:05)

Councilmember Green asked Mr. Johnson to comment on the expenses involved with producing on a play. Mr. Johnson explained that royalties for plays have quadrupled and the cost of lumber and other equipment has increased many times over. He clarified that he receives \$500 as Director, and the actors receive no payment.

Doris Chambers stated she is a Playhouse member, described her experiences with the organization, and asked Council to assist with the financial support of the Huntington Beach Playhouse. (33:31)

Steve Stafford commented on what he referred to as a graffiti problem in the City, and thanked the City Council for addressing the issue on the agenda. He volunteered to assist with graffiti mitigation and also voiced his support for annexation of the balance of the Bolsa Chica. (34:56)

Joe Syiek thanked Councilmember Green for sponsoring the agenda item regarding the Huntington Beach Playhouse and the other Public Speakers who voiced their support for the Playhouse. He urged Council to support the Recommended Action agenda item for the item and voiced his opinion that discussions with staff in the past year should not be characterized as negotiations. Mr. Syiek opined that the Playhouse subsidizes the Library. (36:21)

(City Council) AB 1234 Disclosure Reporting For Elected Officials and the City Administrator

Mayor Pro Tem Cook announced that she had attended a meeting of the San Diego Association of Governments (SANDAG) in San Diego and a League Conference Planning meeting in Sacramento.

Councilmember Hansen announced he attended an Orange County League Monthly meeting and the League Agency Advocacy Breakfast.

Councilmember Green announced that she attended the Orange County League meeting two weeks ago.

Councilmember Hardy announced that she and Councilmembers Carchio and Bohr, Mayor Coerper, and Mayor Pro Tem Cook all attended the Orange County League Monthly meeting. She also announced that she and Councilmember Carchio attended the Chamber of Commerce dinner.

City Administrator Penny Culbreth-Graft announced she had attended the Orange County League dinner and the Chamber of Commerce dinner.

City Treasurer Freidenrich announced she had attended a luncheon meeting of Division Nine of the California Municipal Treasurers' Association in Costa Mesa.

City Clerk Flynn announced she had attended the Southern California City Clerk's Association luncheon on January 19th and the Quarterly Orange County City Clerks meeting on January 22nd.

Councilmember Green announced she had attended the Orange County Business Council (OCBC) dinner.

(City Council) Councilmember Green Announced Appointment of Chris Palmer to the Investment Advisory Board

Councilmember Cathy Green announced her appointment of Chris Palmer to the Investment Advisory Board. Board Member Palmer thanked Councilmember Green for the opportunity.

(City Council) City Administrator Culbreth-Graft Announced Upgrade of City's Bond Rating

City Administrator Penny Culbreth-Graft announced that the City's bond rating has been upgraded by Standard and Poor's from a rating of A+ to a rating of AA-. Councilmember Green commended the City Administrator for her efforts towards improving the City's rating.

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

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for December 2006. City Treasurer Freidenrich gave a PowerPoint presentation titled *December Treasurer's Report*, which was included in the agenda packet.

Councilmember Hansen commented on the recent spike in delinquent property tax payments documented in the newspaper and asked if this trend has impacted the City. Treasurer Freidenrich stated the City has not received detailed information on payments. Finance Director Dan Villella confirmed that current revenues are on track with forecasting.

Councilmember Green asked what effect the recently improved bond rating has on the City. Treasurer Freidenrich explained that the City could secure a lower interest rate when issuing debt. Finance Director Villella described how current City bond-holders are rewarded with higher returns.

A motion was made by Hansen, second Green to **as amended by Late Communication**, review and accept the Monthly Investment Report entitled *Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December 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, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

City Attorney's Report of Litigation Filed – None

Mayor Coerper commended Assistant City Attorney Scott Field for his efforts on behalf of the City.

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Resolution No. 2007-10 Authorizing the Closure of Portions of Main Street at Pacific Coast Highway (PCH) for all Vehicular Traffic, Including Bicycles for Certain Special Events

(City Council) The Santa Ana River Blue Ribbon Committee Report Including the Created City Vision Statement for the Santa Ana River

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 16, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Adopted Resolution No. 2007-9 Designating the City as a Hybrid Entity and Identifying Departments Responsible for Receiving Confidential Health Care Information in Order to Comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 - Adopted Resolution No. 2007-9, *A Resolution of the City Council of the City of Huntington Beach Pertaining to the Health Insurance Portability and Accountability Act of 1996, P. L. 104-91 (Hereinafter HIPAA) Providing for Compliance by the City With HIPAA as a Hybrid Entity.* Submitted by the City Attorney. Funding Source: No funds are required.

(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$1,348,348 to All American Asphalt for the Asphalt Overlay of Various Residential Streets, MSC-431 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney - 1) Approved the plans and specifications; and, 2) Accepted the lowest responsive and responsible bid submitted by All American Asphalt in the amount of \$1,348,348.00 for MSC-431; 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 \$1,750,000 are appropriated for residential street improvements in Measure M Fund, 21390002.82300, Residential Pavement, Street Improvements. The engineer's cost estimate for this project is \$1,670,000. With contingency and supplemental expenses, the full project cost is approximately \$1,551,000.

(City Council) Accepted Faithful Performance Bond for Storm Drain Improvements at the Newland Street Residential Project Located at the West Side of Newland Street, North of Hamilton Avenue, Tract 16733 - Accepted Faithful Performance Bond No. 5024757, the security furnished for installation of the required

storm drain improvements, and instructed the City Clerk to file the bond with the City Treasurer. Submitted by the Director of Public Works. Funding Source: No funds required for this action.

(City Council) Amended the Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Agreement to Remain Eligible to Receive Federal Financial Assistance for Transportation Related Projects Through Caltrans - Approved and authorized the Director of Public Works to execute the *Amendment to the Disadvantaged Business Enterprise Race-Neutral Implementation Agreement*. Submitted by the Director of Public Works. Funding Source: No funding source is necessary for this action. Current federal transportation grants total \$3 million.

(City Council) Adopted Resolution No. 2007-11 Authorizing the Director of Community Services to Apply for Grant Funds from the State of California Recreational Trails Program to be Used for Resurfacing of Blufftop Park Trails - Adopted Resolution No. 2007-11, *A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds From the State of California Recreational Trails Program*. Submitted by the Director of Community Services. Funding Source: Requested grant amount of \$344,520 would require a City match of \$46,980, which would be met by City staff in-kind labor for the project. This is a competitive grant program. If the City is successful in receiving the grant, specific staff costs and/or required matching funds would be brought back to City Council for final approval.

(City Council/Redevelopment Agency) Adopted City Resolution No. 2007-12 Authorizing the Redevelopment Agency to Pay for the Purchase and Installation of Technology Upgrades to the Emergency Operations Center (EOC) and Adopted Agency Resolution No. 367 Agreeing to Pay for the Purchase and Installation of Technology Upgrades to the Emergency Operations Center (EOC), Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445. City Recommended Action: Adopted City Resolution No. 2007-12, *Resolution of the City Council of the City of Huntington Beach Consenting to the Payment by the Redevelopment Agency of the Cost Associated with the Purchase and Installation of Technology Upgrades to the Emergency Operations Center and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445.*
Agency Recommended Action: Adopted Agency Resolution No. 367, *Resolution of the Redevelopment Agency of the City of Huntington Beach Agreeing to Pay the Cost Associated with the Purchase and Installation of Technology Upgrades to the Emergency Operations Center and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445.* Submitted by the Director of Economic Development/Deputy Executive Director. Funding Source: Redevelopment Account 30580101.63235 (computer hardware.)

(City Council) Received and Filed the 2005 Consolidated Annual Performance and Evaluation Report (CAPER) Submitted to the Department of Housing and Urban Development (HUD) Reporting the Progress Made in the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and American Dream Downpayment Initiative (ADDI) Programs Between October 1, 2005 to September 30, 2006 as Amended by Late Communication - Approved to receive and file the 2005 Consolidated Annual Performance and Evaluation Report **as amended by Late Communication.** Submitted by the Director of Economic Development. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2007-10 Authorizing the Closure of Portions of Main Street at Pacific Coast Highway (PCH) for all Vehicular Traffic, Including Bicycles for Certain Special Events

The City Council considered a communication from the Director of Community Services transmitting the following **Statement of Issue**: The California Department of Transportation requires an approved Council resolution to close the first block of Main Street for special events. This is part of the Council-approved pilot program for the temporary closure of Main Street. **Funding Source**: Not Applicable.

Councilmember Carchio requested that this agenda item be removed from the Consent Calendar to state that, as an owner of a restaurant in downtown Huntington Beach, he would abstain from voting on this item.

A motion was made by Cook, second Green to adopt Resolution No. 2007-10, *A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events*. The motion carried by the following roll call vote:

AYES: Bohr, Cook, Coerper, Green, and Hansen
NOES: None
ABSTAIN: Carchio
ABSENT: Hardy (Councilmember Hardy was out of the room at the time of the vote.)

(City Council) Reviewed and Approved the Santa Ana River Blue Ribbon Committee Report Including the Created City Vision Statement for the Santa Ana River

The City Council considered a communication from the Director of Community Services transmitting the following **Statement of Issue**: City Council approved the formation of a Blue Ribbon Committee tasked to create a City Vision Statement for the Santa Ana River. The Santa Ana River Blue Ribbon Committee Report has been completed by the committee and is presented to the full City Council for review and approval. **Funding Source**: Not Applicable.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to highlight the report and to volunteer to fill former Mayor Sullivan's vacancy on the Committee.

Councilmember Green stated she had chaired the committee and thanked everyone who worked on the project. She invited Jerry King to also comment. Mr. King stated he represents the Wildlands Conservancy and commented on the success of the project.

Mayor Coerper voiced his opinion the project is important and the City should continue encouraging the efforts of the Committee.

A motion was made by Green, second Hardy to approve the Santa Ana River Blue Ribbon Committee Report as presented. The motion carried by the following roll call vote:

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

Council directed staff to return at the next regular meeting with an agenda item which addresses re-forming the Santa Ana River Committee.

(City Council) Approved the Revised Residential Street Tree Petition Process as Recommended by the Beautification, Landscape and Tree (BLT) Council Sub-Committee, the Public Works Commission and Public Works Staff, and Transferred \$35,000 from Salaries to Professional Services to Hire a Consultant for Street Evaluations

The City Council considered a communication from the Director of Public Works transmitting the following **Statement of Issue**: At its meeting on August 7, 2006, the City Council directed Public Works staff to review the existing Tree Petition process with the Beautification, Landscape and Tree (BLT) Council Sub-Committee, to develop a comprehensive, amended process. **Funding Source**: Approximately \$35,000 from salaries for three vacant positions in the Maintenance Operations Division to Tree Maintenance, Other Professional Services, 10085621.69365, to hire a consultant for street evaluations.

Deputy Director of Public Works Dave Webb gave a PowerPoint presentation titled *Residential Street Tree Petition Process, Proposed Revisions*, which was included in the agenda packet. He explained that revised forms would be submitted to the BLT for review in the next thirty days.

A motion was made by Bohr, second Hardy to 1. Approve the revised Residential Street Tree Petition Process recommended by the BLT Council Sub-Committee, the Public Works Commission and Public Works staff; and 2. Add \$35,000 in Tree Maintenance to the list of Professional Services for Fiscal Year 2006-07. The motion carried by the following roll call vote:

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

(City Council) Approved a City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC)

The City Council considered a communication from Councilmember Jill Hardy, Chair on behalf of Intergovernmental Relations Committee Members Councilmember Don Hansen and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee (IRC) on legislation pending before a federal, state, or regional government, thereby authorizing the Mayor to communicate the City's position to the elected members of the federal or state legislature, or regional body. **Funding Source**: Not Applicable

Councilmember Hardy gave an oral report.

Councilmember Green asked for clarification on smoking zones at the beach. Councilmember Hardy explained that SB 4 (Oropeza) unifies the code throughout the area. City Attorney Jennifer McGrath clarified there are no permitted smoking areas on the beach.

A motion was made by Hardy, second Hansen to 1. **SUPPORT** - Dividing the 714 Area Code in two with Area B as depicted in the California Public Utilities Commission's Alternatives #4 and #6 maintaining the 714 area code in Huntington Beach; and 2. **SUPPORT SB 4 (Oropeza)** - State Beaches and Parks, Smoking Ban as introduced. 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. 3763 Amending Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Bicycle Parking, Privacy Gates and Parking Control

Councilmember Green voiced concern that requiring bicycle parking spaces that are enclosed would be expensive. Acting Director of Planning Scott Hess clarified that enclosed spaces are not required. He stated that the intent of the language is to create a separation from automobiles, such as a curb or bollard. Councilmember Green commented on incidences of theft of bicycles.

A motion was made by Hardy, second Bohr to after the City Clerk read by title, adopt 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

(City Council) Adopted Ordinance No. 3764 Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Density Bonus Provisions

A motion was made by Green, second Bohr to after the City Clerk read by title, adopt 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

(City Council) Submitted By Mayor Gil Coerper – Directed Staff to Return to Council with Results of a Study Evaluating the Potential Annexation of the Balance of the Bolsa Chica, Currently Unincorporated Within the County of Orange, into the City of Huntington Beach

The City Council considered a communication from Mayor Gil Coerper transmitting the following **Statement of Issue**: The City is currently processing the phased annexation of 111 acres of the upper Bolsa Chica Mesa in conjunction with the Hearthside Homes Brightwater development. The balance of the Bolsa Chica is currently unincorporated within County of Orange and included in the City's sphere of influence as determined by the Orange County Local Agency Formation Commission (LAFCO). It is now appropriate to consider the annexation of the balance of the Bolsa Chica into the City of Huntington Beach.

Mayor Coerper gave an oral report.

Councilmember Green asked for clarification on maintenance costs, stated her opinion the County is attempting to divest itself of the liabilities, and questioned the benefits to the City of annexation. City Administrator Penny Culbreth-Graft described an endowment for maintenance of the Bolsa Chica included in the State Lands budget, stating the duration of the endowment is in question.

Councilmember Bohr voiced his support for the Recommended Action, stating the study would provide a summary of the benefits to the City.

Councilmember Hardy stated she is eager to see a study and encouraged citizens to remain abreast of the issues and remain active in the project.

Councilmember Hansen asked if the study would be performed by staff or outside consultants. City Administrator Culbreth-Graft explained that retaining an outside consultant would be necessary. Deputy City Administrator Paul Emery clarified that staff would return to Council with a proposal, and then follow the City's Request for Proposal (RFP) process.

Councilmember Hansen stated his support for the Recommended Action.

Councilmember Green requested staff review requirements for dredging in the proposed area.

Mayor Coerper asked the Police Chief and the Fire Chief to comment on calls for service in the Bolsa Chica area. Police Chief Small stated that over a thirteen-month period, the Police Department received 21 calls regarding activity in the Bolsa Chica area. He explained that the County Sheriff's Department had not documented any calls during the same time period. Fire Chief Duane Olson stated the Fire Department received few or no calls for the Bolsa Chica area, which has a history of only minor calls for spot fires.

City Clerk Flynn stated for the record a Late Communication from Julie Bixby received on this item.

A motion was made by Cook, second Hardy to direct staff to return to the City Council with a Request for Council Action (RCA) that identifies a scope of services, budget, and schedule for the necessary study to evaluate the potential annexation of this property. These studies would include a financial analysis and other aspects of the impacts of an annexation. The motion carried by the following roll call vote:

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

(City Council) Submitted By Councilmember Cathy Green – Directed Staff to Return to Council within 45 Days with Budget Amendment for Three-Year Lease with the Huntington Beach Playhouse (HBPH) at the Huntington Central Library Theater and to Work with HBPH Board to Develop Marketing Strategy

The City Council considered a communication from Councilmember Cathy Green transmitting the following **Statement of Issue**: The Huntington Beach Playhouse (HBPH) lease expired on December 31, 2006 and, at present, they are on a month-to-

month lease continuing to pay rent and per-seat charges under the same terms as before. A letter was presented to the Mayor and Council by the HBPH during Public Comments at its last meeting of January 16, 2007, requesting a substantial decrease for rent in a new term lease.

The change in terms proposed by the HBPH, from its previously charged rent to their proposal, would require a subsidy from the City and would impact the City's General Fund and debt repayments to the Library Service Fund.

Councilmember Green gave an oral report.

Councilmember Hansen asked for clarification on the recommendation for staff to assist the HBPH in expansion of their subscriber base. Mr. Syiek, HBPH Board member, voiced his support for such collaboration with the City stating that the client base has evolved and updates to the marketing strategy are needed.

Mayor Pro Tem Cook suggested staff expand the focus to also generating increased revenue from other rooms in the library.

Councilmember Hardy asked about rental availability of the theater in the Library. Library Director Ron Hayden described the Library Theater as having limited availability currently, with holiday weekends as an exception.

Councilmember Hardy asked that progress in increasing subscriber base be demonstrated sooner than three years. She clarified that the surcharge is charged to the patron rather than the Playhouse.

Councilmember Carchio stated his support for the Recommended Action.

Councilmember Green stated her support for the three-year term, and for City support of the Arts.

A motion was made by Green, second Bohr to 1. Direct staff to look at the fiscal impact to the City and Library Service Fund over the length of a new term lease of three years. So that the Playhouse may continue its operation, accept the payment structure proposed by HBPH in its letter of January 15, 2007, and direct staff to return to the City Council with the necessary budget amendment; and 2. Direct staff to work with the Board of HBPH to jointly develop a plan to expand its subscriber base and marketing strategy; and 3. Direct staff to bring back the results of its analysis to the City Council within 45 days from the date of this action. The motion carried by the following roll call vote:

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

(City Council) Councilmember Bohr Described Success of Pacific Shoreline Marathon

Councilmember Keith Bohr stated he had attended the Pacific Shoreline Marathon along with Councilmember Carchio and Mayor Coerper, and described the success of the event.

(City Council) Councilmember Carchio Thanked the Economic Development and Community Services Departments for their Efforts with the Marathon

Councilmember Joe Carchio thanked the Economic Development and Community Services Departments for their efforts towards a successful Pacific Shoreline Marathon.

(City Council) Councilmember Hansen Wished Wife Happy Anniversary

Councilmember Don Hansen wished his wife a Happy Anniversary.

(City Council) Councilmember Hardy Attended Miss Huntington Beach Pageant and Announced Winners

Councilmember Jill Hardy stated she had attended the Miss Huntington Beach Pageant along with Mayor Coerper. She announced the new Miss Huntington Beach, Erin Britt, and Runner-ups Lauren Butler and Karissa Kent. She thanked Summer Maue for her service as the former Miss Huntington Beach.

(City Council) Mayor Coerper Stated Attendance at Library Author's Festival, Blue and Gold Dinner for Cub Scout Pack 404, Chamber of Commerce Annual Dinner, and Eagle Scout Courts of Honor

Mayor Gil Coerper stated he had attended the Huntington Beach Library's 20th Annual Authors Festival sponsored by the Friends of the Children's Library. He attended the Blue and Gold Dinner for Cub Scout Pack 404, the Chamber of Commerce Annual Dinner, *A Night of Surf City Stars*, and Eagle Scout Ceremonies for Travis John Holler, Clay Robert Rinker, and Nicholas Eric Johnsen.

Adjournment – City Council/Redevelopment Agency

Mayor Coerper adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:08 p.m. to Monday, February 12, 2007, at 5:30 p.m., in Council Chambers, 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