

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

Tuesday, February 20, 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 of the 6:00 p.m. portion of the meeting 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 4:05 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Bohr, Carchio, Cook, Coerper, Green (arrived 4:31 p.m.), Hansen (arrived 4:10 p.m.), and Hardy.
Absent: None.

The Assistant City Clerk Announced No Late Communications Pertaining to the 4:00 P.M. Portion of the Meeting

No Public Comments Regarding the 4:00 P.M. Portion of the Council Meeting

(City Council/Redevelopment Agency) Study Session #1 Held – The Fire and Police Departments Provided an Apparatus Display Regarding Specialty Vehicles Purchased From Grants Provided Through the Federal Homeland Security Program. The Community Services Department Displayed Marine Safety Apparatuses.

City Administrator Penny Culbreth-Graft described the focus of the vehicles on display as homeland security; however Marine safety equipment was also included. The City Council and all others present were invited to step outside the building and tour the displayed vehicles. The meeting recessed for 20 minutes for this purpose and reconvened at approximately 4:30 p.m.

(City Council/Redevelopment Agency) Study Session #2 Held – A Review of the Finance Board's 2006 Annual Report Was Given and Discussion on the Board's Direction for 2007 Was Held.

Finance Board Roll Call

Present: Chair Charles Falzon, Vice Chair Tim Geddes, Members Bob Jones, Frank LoGrasso, Stephen King (arrived 4:34 p.m.), and Steve Garcia
Absent: None.

Chair Falzon presented a PowerPoint report titled *HB City Council/Finance Board Study Session*, which was included in the agenda packet. He described the Board's past activities for 2006 and potential activities for 2007.

Mayor Coerper inquired about the plans and goals for Neighborhood Improvement Districts. Chair Falzon explained that the Board's goal is to work with staff to minimize any obstacles to making the program more effective than it is today. Discussion ensued amongst Council, staff, and Board members pertaining to a proposal from the Park Huntington community, the intent of the program, application fees, and the status of the current program. City Administrator Culbreth-Graft provided a broad explanation of the program, and Mayor Coerper asked the Chairman to schedule a meeting with him to discuss the issues further.

Chair Falzon requested Council feedback on the Board's planned activities for 2007. Individual Councilmembers made suggestions for activities including evaluation of the grants program, further efforts towards improving the Neighborhood Improvement District program, and equipment and vehicle replacement. There was Council consensus that the Board's top priority be development of a long-term financial plan. Mayor Coerper thanked the Board for their efforts. Vice Chair Geddes requested Council alert the Board of any strategic planning issues that they should consider when forming the long-term financial plan.

(City Council/Redevelopment Agency) Study Session #3 Held – Update Given by the City Attorney on Wireless Facilities in the Public Right-of-Way

Senior Deputy City Attorney Leonie Mulvihill presented a PowerPoint report titled *Update on Wireless Facilities in the Public Right-of-Way*, which was included in the agenda packet. Discussion ensued amongst Council and staff regarding wireless technology, line-of-sight antennas and desirable locations for their placement, the moratorium in affect and potential banning of franchise fees related to recent federal and state case law, application processes and restrictions, and locations of vaults for wireless facilities. Councilmember Hansen opined that removal of barriers for wireless reception in the City is beneficial to residents, and suggested franchise fees be eliminated. He voiced his support for restricting any placement of facilities in beach or parkland and suggested any necessary facilities be placed underground. Councilmembers Carchio and Hardy concurred with Hansen's comments about placement of facilities. Mayor Pro Tem Cook inquired about posting of bonds for facilities. Senior Deputy Attorney Mulvihill clarified that bonds are required for installation; however it is also desirable that they be required for removal of facilities.

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 §54957.6, the City Council shall recess to Closed Session to meet with its designated labor negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with the following employee organizations: **MEA, MEO, FMA, HBFA, SCLEA, and Non-Associated.**

(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 lawsuits entitled **Los Angeles SMSA Limited Partnership v. City of Huntington Beach, et. al.**, United States District Court No. SACV 06-647. This case concerns the City's denial of Verizon Wireless' application to attach a cellular antenna to a utility pole located at Edwards Street and Overlook Drive, and the City ordinance imposing a moratorium on installation of cellular antennas in the public right-of-way.

Reconvened City Council/Redevelopment Agency Meeting – 6:08 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).

Mayor Coerper dedicated the meeting in memory of Pat Cohen, who passed on February 16, 2007 after a long illness.

Pledge of Allegiance/Flag Salute – Led by Boy Scout Troop 1

Invocation – Led by Mayor Coerper

The Assistant City Clerk Announced Late Communications

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

Communication submitted by Robin Braithwaite dated February 19, 2007 regarding the Ponderosa Chop House Restaurant to be located at Pierside Pavilion.

Communication submitted by Judy Pinchuk dated February 20, 2007 and titled *Ponderosa Chop House*.

Communication submitted by Councilmember Jill Hardy, Chair on behalf of Intergovernmental Relations Committee Members Councilmember Don Hansen and Councilmember Keith Bohr dated February 20, 2007 and titled *Agenda Item F-1, Revised 2008 Federal Funding Agenda*.

Communication submitted by Councilmember Bohr, dated February 1, 2007 and titled *Green Buildings Grow Profits*.

Notice of Absence received from City Clerk, Joan L. Flynn requesting permission to be absent due to illness.

The Following Communications Were Submitted During the Meeting:

Communication submitted by Raman Patel dated February 20, 2007 and titled *Discriminatory Senior Transportation – Lack of OCTA Bus Passes for Poor Seniors*.

Five pages of site plan details for the Ponderosa Chop House submitted by R.C. Alley, undated and untitled.

Presentation – Mayor Gil Coerper called on Huntington Beach Human Relations Task Force Chairman Alan Chancellor who assisted in presenting a proclamation in honor of Black Heritage Month. The proclamation recipient was Huntington Beach resident Mrs. Debbie Walden.

Presentation – Mayor Gil Coerper called on Firefighter/Paramedic Clint King who came forward and made a presentation on behalf of the Guns and Hoses Golf Tournament. Firefighter/Paramedic King chaired the event which raised money for the Huntington Beach Assistance League. He recognized other committee members including Don Cone, Dan Forster, and Winthrop Logemann from the Fire Department; Jeff Huss, R.J. Garwood, Kevin Johnson, Norm Evenson, and Russ Reinhart from the Police Department; Shelby Logemann from Emery Financial, and Diane Shelton from Nissan Motor Corporation. He also thanked the sponsors and the Seaclyff Country Club and presented a check for \$40,000 to the Assistance League.

Mayor's Award – Mayor Gil Coerper called on City Treasurer Shari Freidenrich who presented the Mayor's award to Senior Accounting Technician Dwan Mandel and described her accomplishments since she started with the City in 1996.

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/>)

Raman Patel asked the City Council to provide free OCTA bus passes for seniors in the City. He submitted a Late Communication to Council and the City Administrator, asking for further transportation assistance for seniors. (20:29)

Dave Shenkman, owner of the Kite Connection on the Pier, announced an annual kite festival scheduled for February 24th and 25th, from 11 a.m. until darkness falls. He explained that this is the 5th year for the festival and invited Council to attend. Mr. Shenkman thanked Community Services Director Jim Engle and Marine Safety Division Chief Kyle Lindo for their assistance. (24:22)

(City Council) Councilmember Bohr Announced Appointment of Andrew Kovacs to the Finance Board

Councilmember Bohr announced the individual appointment of Andrew Kovacs to the Finance Board.

(City Council) City Council, City Administrator, and Other Elected Officials AB 1234 Disclosure Reporting

City Administrator Penny Culbreth-Graft announced via a memorandum dated February 12, 2007 and titled *Item for February 20 City Council Meeting, AB 1234 Report on Meetings Attended* that she had attended the 2007 City Managers' Department Meeting of the League of California Cities in San Francisco.

Mayor Pro Tem Cook announced that she attended a League of California Cities dinner along with Councilmembers Hardy, Hansen, and Mayor Coerper.

Mayor Coerper announced his attendance at the Orange County Engineering Council meeting.

City Attorney Jennifer McGrath announced her attendance at the Orange County City Attorneys' luncheon.

(City Council) Public Hearing Held – Approved as Amended Entitlement Plan Amendment (EPA) No. 06-08 Modifying the Approved Plans Under Conditional Use Permit (CUP) No. 06-20 for the Ponderosa Chop House Restaurant Located at Pierside Pavilion, 300 Pacific Coast Highway, by Allowing the Restaurant to Expand into an Adjacent 1,290 Square Foot Vacant Suite

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: ENTITLEMENT PLAN AMENDMENT NO. 06-08 (PONDEROSA CHOP HOUSE EXPANSION - AMENDMENT TO CONDITIONAL USE PERMIT NO. 06-20)

Applicant: Michael C. Adams Associates, 21190 Beach Blvd., Huntington Beach, CA 92648.

Request: To amend Conditional Use Permit No. 06-20 and modify plans previously approved by the City Council on November 6, 2006, by expanding a 5,000 sq. ft. restaurant with on-site sales and consumption of alcohol, live entertainment, and dancing into an adjacent 1,290 square foot vacant suite. The project also includes changes to the location of a mechanical bull and bar within the suite and relocating the outdoor dining.

Location: 300 Pacific Coast Highway, #112 (south side of Walnut Avenue, between Main St. and Third St.)

Project Planner: Rami Talleh

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

Acting Director of Planning Scott Hess gave an overview and introduced Project Planner Rami Talleh. Planner Talleh presented a PowerPoint report titled *Entitlement Plan Amendment No. 06-08 (Ponderosa Chop House Expansion - Amendment to Conditional Use Permit No. 06-20) 300 Pacific Coast Highway, Suite #112*, which was included in the agenda packet.

Discussion ensued amongst Council and staff regarding the proposed location of outdoor dining, mitigation of noise, and window treatments.

Mayor Coerper declared the public hearing open.

The Assistant City Clerk restated for the record the following Late Communications pertaining to this public hearing:

Communication submitted by Robin Braithwaite dated February 19, 2007 regarding the Ponderosa Chop House Restaurant to be located at Pierside Pavilion.

Communication submitted by Judy Pinchuk dated February 20, 2007 and titled *Ponderosa Chop House*.

Councilmember Carchio voiced his concern regarding outside security for the restaurant and asked the applicant to pro-actively address the issue so as not to over burden the Police Department.

Mike Adams, Applicant, described what he referred to as improvements to the project plan if the Entitlement Plan Amendment (EPA) is approved. He clarified that the glass in the windows is currently transparent; however an interior wall exists blocking the view of the mechanical bull from the outside. (40:57)

R.C. Alley submitted a communication consisting of site plan drawings that illustrate the changes from the original proposal to the modified proposal for the project. He stated he is a resident of Pier Colony Condominiums and represents the Homeowners' Association. Mr. Alley voiced his concern, stating that the modified proposal expands the restaurant into a bar. He asked Council to deny the EPA. (42:49)

Ted Frankiewicz, 8-year resident of Pier Colony, voiced his opposition to the proposed plan. He opined that the location is not suitable for a restaurant. Mr. Frankiewicz asked Council to delay or postpone approval of the plan in order to evaluate the possibility of renting the space for office use. (46:34)

Jeff Smith, Pier Colony condominium owner, stated his support for outdoor dining in the downtown. He questioned permitted use of the proposed outdoor dining area for activity other than eating dinner, and voiced concern with noise that would carry over to the Pier Colony residences. (48:27)

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

Councilmember Bohr asked the public speakers if they would comment on their preference for the existing approved plan or the proposed plan. Mr. Alley stated he has no opposition to a restaurant and that he prefers the existing approved plan. Mr. Frankiewicz voiced his preference for the existing approved plan.

In response to Council inquiries, Mr. Adams confirmed the hours of operation for the outdoor dining area are until 9 p.m. weekdays and 10 p.m. on weekends, stating that the area can be used for smoking and drinking. He clarified that the modified plan has more indoor dining seats, and described dining booths in the bar area.

A motion was made by Hansen, second Carchio to approve Entitlement Plan Amendment No. 06-08 with Suggested Findings and Conditions of Approval **as amended to require that the existing interior wall blocking the view of the mechanical bull from the windows remain in place.**

Councilmember Bohr asked for comments on extending the outdoor dining hours and restricting to dining only. Mr. Frankiewicz and Mr. Alley voiced their opposition to such a change. Mr. Adams explained that no activity will be allowed in the outdoor dining area after the permitted hours. Councilmember Bohr withdrew his suggested amendment.

Council then voted on the amended motion. The motion carried by the following roll call vote:

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

FINDINGS AND CONDITIONS OF APPROVAL

ENTITLEMENT PLAN AMENDMENT NO. 06-08

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL:

1. Entitlement Plan Amendment No. 06-08 for the expansion of a previously approved 5,000 square foot restaurant with on-site alcohol sales, live entertainment and dancing, and outdoor dining area with alcohol into an adjacent 1,290 square foot vacant suite will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed expansion will not create adverse noise or parking impacts to the surrounding businesses and residents based on the availability of parking within the existing parking structure and limitations on hours of operation. Furthermore, the proposed expansions will allow for greater flexibility in the layout of the floor plan to reduce any potential impacts to the adjacent residential uses and comply with conditions of approval of Conditional Use Permit No. 06-20.
2. The proposed expansion of a previously approved restaurant with alcohol sales, dancing, live entertainment and outdoor dining will be compatible with surrounding uses. The use will be required to comply with strict conditions of approval to assure that any potential impacts to the impacts to surrounding properties are minimized. In addition, the proposed use is consistent with the mixed-use character of commercial developments in the downtown. The use is subject to noise regulations such as requiring that all doors and windows remain closed during live entertainment, and regulation on the hours of operation to ensure compatibility with surrounding businesses and residents.
3. The proposed restaurant will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it will be located. The proposed use will comply with parking in the Downtown Parking Master Plan and will be accommodated by the existing parking supply in the existing parking structure. In addition, prior to construction of Phase Two of the outdoor dining area, the applicant will be required to submit a parking analysis demonstrating compliance with the Downtown Parking Master Plan. There is no physical expansion proposed as part of the request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use on the subject property including the following policies and objectives identified in the General Plan:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed expansion of a previously approved restaurant will provide a new visitor-commercial venue within the Downtown that is consistent with the Land Use Density Schedules for the Downtown and is compatible with surrounding mixed-use development.

B. Coastal Element

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed expansion of a previously approved restaurant will increase the commercial viability of Pierside Pavilion, allowing for its continued success within the Downtown. The proposed establishment will expand the available visitor-serving commercial uses within the Coastal Zone available to its patrons.

CONDITIONS OF APPROVAL:

1. The floor plan received and dated December 28, 2006, shall be the conceptually approved design.
2. The existing interior wall constructed along the southeasterly windows adjacent to the mechanical bull shall remain in place.
3. The conditions of approval of Conditional Use Permit No. 06-20 shall remain in effect.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorneys' fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

Consent Calendar – Items Approved

A motion was made by Green, second Hardy 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 February 5, 2007 and the adjourned regular meeting of February 12, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council/Redevelopment Agency) Received and Filed the City Clerk's Quarterly Report Listing Professional Service Contracts Filed in the City Clerk's Office Between October 1, 2006 and December 31, 2006 - Received and filed the *List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period October 1, 2006 through December 31, 2006.* Submitted by the City Clerk. Funding Source: Not applicable.

(City Council) Approved a Professional Services Contract with Lim and Nascimento Engineering Corporation in an Amount Not-to-Exceed \$188,794 for Preparation of a City-Wide Bridge Study, 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 Lim and Nascimento Engineering Corporation for City-Wide Bridge Study.* Submitted by the Director of Public Works. Funding Source: Sufficient funds are available from the Gas Tax Fund, Arterial Rehabilitation, Professional Services, 20790008.69365.

(City Council) Approved a Reimbursement Agreement with Rainbow Disposal Incorporated in the Amount of \$66,137 for Costs Incurred for Professional Planning Services Associated With Environmental Documentation for Transfer Station Upgrades, and Authorized the Director of Finance to Appropriate the Funds for Planning Services - 1) Approved the Reimbursement Agreement with Rainbow Disposal Company, Incorporated, for Costs Incurred for Environmental Documentation for Transfer Station as prepared by the City Attorney, between the City and Rainbow Disposal Company, Inc.; and 2) Authorized the Director of Finance to appropriate funds in the amount of sixty-six thousand one hundred thirty seven dollars (\$66,137) to account 10060201.69365 for Planning Services related to preparation of environmental documentation for the Rainbow Transfer Station upgrades. Submitted by the Acting Director of Planning. Funding Source: Pending City Council approval of this Reimbursement Agreement, Rainbow Disposal Company will pay to the City \$66,137 for the anticipated costs of preparing the requisite environmental documentation. This constitutes revenue not anticipated in the adoption of the original budget and will be used to fund the contract.

(City Council) Approved an Interim Lease Agreement with California State Lands Commission (CSLC) for a Portion of State-Owned Land Adjacent to Warner Avenue Within the Boundary of the Bolsa Chica Ecological Reserve for Construction, Use and Maintenance of the Warner Avenue Gravity Sewer Pipeline Project, and Authorized the Director of Public Works to Execute a Reimbursement Agreement with the CSLC - 1) Approved and authorized the Director of Public Works to execute the Lease Agreement (*Lease W 26183, Public Resources Code 8738.9*) between the City of Huntington Beach and the California State Lands Commission for the construction, use, and maintenance of the Warner Avenue sewer pipeline; and 2) Authorized the Director of Public Works to execute the Reimbursement Agreement, *Standard Agreement No. R08206*. Submitted by the Director of Economic Development and the Director of Public Works. Funding Source: Sufficient funds are available in the project budget, Sewer Service Fund, Sewer Lift Stations, Sewer Improvements, 51189001.82600. The estimated cost is \$12,000.

(City Council) Approved the Appointments of Robert Schaaf and Robert Smith to the Environmental Board for a First Term to Expire June 30, 2010, Accepted the Resignation of John McGovern From the Environmental Board and Approved the Appointment of David Mootchnik for a First Term to Expire June 30, 2007, as Recommended by Council Liaisons, Mayor Pro Tem Debbie Cook and Councilmember Keith Bohr - 1) Approved the appointments of Robert Schaaf and Robert Smith to the Environmental Board for a first term to expire June 30, 2010 as recommended by Council Liaisons Cook and Bohr; and 2) Accepted the resignation of John McGovern from the Environmental Board and approved the appointment of David Mootchnik for a first term to expire June 30, 2007, as recommended by Council Liaisons Cook and Bohr. Submitted by Mayor Pro Tem Debbie Cook and Councilmember Keith Bohr, Liaisons to the Environmental Board and the Acting Director of Planning. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2007-13 Finding and Declaring Weeds and Rubbish on Specific Properties to be a Public Nuisance and Fixing the City Council Meeting of May 7, 2007 as the Administrative Public Hearing Date for Protests and Objections to the Abatement Thereof - Adopted Resolution No. 2007-13, *A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof*. Submitted by the Director of Public Works. Funding Source: No funds are required at this time.

(City Council) Adopted Resolution No. 2007-14 Declaring a Portion of Edinger Avenue Located Over the Bolsa Chica Channel, in the City of Huntington Beach, to be a County of Orange Highway for Purposes of Construction and Maintenance by the County of Orange - Adopted Resolution No. 2007-14, *A Resolution by the City Council of the City of Huntington Beach Declaring a Portion of Edinger Avenue Located Over Bolsa Chica Channel Within the City of Huntington Beach to be a County of Orange Highway for Purposes of Construction and Maintenance by the County of Orange*. Submitted by the Director of Public Works. Funding Source: No funds required for this action.

(City Council) Adopted Resolution No. 2007-15 Authorizing Sale of Water Outside the City Limits for Two California State Lands Commission (CSLC) Facilities: the Bolsa Chica Lowlands Restoration Project Office Facility to be Located at the Southern End of Graham Street, and the Existing Bolsa Chica Ecological Reserve Interpretive Center Site at 3842 Warner Avenue and Approved the Waiver of Plan Check Fees for the Review of the Waterline Plans - 1) Adopted Resolution No. 2007-15, A Resolution of the City Council of the City of Huntington Beach Providing for the Sale of Water Outside the City Limits; and 2) Approved the waiver of plan check fees for the review of waterline plans. Submitted by the Director of Public Works. Funding Source: 1) The cost of providing water service is recouped through the monthly municipal services billing process; and 2) Plan check revenue of approximately \$5,600 to the Water Fund will be waived.

(City Council) Approved the Proposed Changes to the Table of Organization Which Include the Re-Assignment of the Functions of Human Resources and Risk Management Divisions Within the City Administrator's Office by Creating a Human Resources Department that Contains Both Functions Under One Department Head and Re-Assigning the Payroll Function to the Finance Department - 1) Approved the proposed changes to the Table of Organization for the City Administrator and Finance Departments including creation of a new Human Resources Department; and 2) Approved the reallocation of the Human Resources Manager position to a non-classified position of Human Resources Director and set compensation; and 3) Approved the reallocation of the Claims Supervisor position in Risk Management to a Liability Coordinator; and 4) Approved the addition of two (2) new Personnel Analyst positions to Human Resources Budget; and 5) Decreased the related staffing costs and operating expenses in the City Administrator's budget, added the department of Human Resources with related staffing and operating expenses and transferred appropriate staffing and operating expenses to increase the Finance Department Budget. Submitted by the Deputy City Administrator, City Services. Funding Source: General Fund unreserved fund balance.

(City Council) Approved a Professional Services Contract with EIP Associates/PBS & J in an Amount Not-to-Exceed \$363,487 for Preparation of an Environmental Impact Report (EIR) for the Proposed Senior Center Site, Authorized the Mayor and City Clerk to Execute Contract and Appropriate Funds - 1) Approved the Professional Services Contract Between the City of Huntington Beach and EIP Associates /PBS & J for Preparation of Environmental Impact Report for the Senior Center Site in the amount of Three Hundred Sixty Three Thousand, Four Hundred Eighty Seven (\$363,487.00) Dollars, as prepared by the City Attorney, and authorized the Mayor and City Clerk to sign; and 2) Appropriated funds in the amount of Three Hundred Sixty Three Thousand, Four Hundred Eighty Seven (\$363,487.00) Dollars to account 10060201.69365 for the Professional Services Contract between the City and EIP Associates/PBS & J, which is funded by an Owner Participation Agreement. Submitted by the Director of Community Services and the Acting Director of Planning. Funding Source: Funding for this project is provided as part of a reimbursement agreement with Makallon Atlanta Huntington Beach, LLC. The reimbursement agreement was executed by the City Administrator per terms of an Owner Participation Agreement with Makallon that authorized the City Administrator to execute any ancillary agreements related to the Senior Center project. This constitutes revenue not anticipated in the adoption of the original budget and will be used to fund the contract.

(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$187,453 to Dynalectric for the Traffic Signal Modifications at Gothard Street and Warner Avenue, CC-1232; Gothard Street and Edinger Avenue, CC-1233; and Edwards Street and Warner Avenue, CC-1234, Declared the Apparent Low Bidder, Terno Inc. as Non-Responsive 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 Traffic Signals at Gothard Street and Warner Avenue, CC-1232; Gothard Street and Edinger Avenue, CC-1233; and Edwards Street and Warner Avenue, CC-1234; and 2) Declared the apparent low bid from Terno Inc. as non-responsive; and 3) Accepted the lowest responsive and responsible bid submitted by Dynalectric in the amount of \$187,453; and 4) 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 \$162,530 have been allocated from Federal and State sources through the Hazard Elimination Safety (HES) program, HES Fund, Traffic Signal Modifications, Traffic Improvements, 81490007.82700. Gas Tax funds of \$20,500 are budgeted as matching cost contribution, however that amount is insufficient to complete the project. The amount of \$150,000 will be reallocated from a Gas Tax Traffic Signal Installations project 20790007.82700. The project cost, including purchase of equipment, will be \$333,000. The engineer's initial estimate for construction in 2002 was \$170,000.

(City Council) Approved Projects to Receive the Highest Level of Focus for Funding Efforts by the City's Federal Lobbyists During the 2007 Legislative Session 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:** Approval of the 2008 Federal Funding Agenda identifying those projects that will receive the highest focus by the City's Federal lobbyist during the Federal 2007 legislative session. **Funding Source:** Not applicable

Councilmember Hardy gave an oral report and described two changes that are outlined in her Late Communication, which was announced earlier by the Assistant City Clerk.

A motion was made by Hardy, second Green to approve the projects as shown in the Draft 2008 Federal Funding Agenda, **as amended by Late Communication**, as those projects to be the focus of the City's federal funding efforts in 2007. 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 Pro Tem Debbie Cook and Councilmember Bohr – Directed Staff to Develop Energy Policies for the City of Huntington Beach and Approved City Council Endorsement of the US Mayors Climate Protection Agreement.

The City Council considered a communication from Debbie Cook, Mayor Pro Tem and Keith Bohr, City Councilmember transmitting the following **Statement of Issue**: Energy issues are not new for homeowners and business owners. All of us have dealt with the lack of availability and/or high cost of gasoline, natural gas and electricity. These economic issues are still of concern but in more recent years there is more awareness at the national, state, and local levels for both the economic and environmental impacts. There are many things our community can take action on to be part of the solution.

California's 2007 Integrated Energy Policy Report recognizes local agencies as a key component in addressing critical energy infrastructure and related environmental challenges. Assembly Bill 32 commits the State to reduce greenhouse gas emissions to 2000 levels by 2010 and to 1990 levels by 2020. The Governor's Climate Action Team identified smart land use and intelligent transportation systems as major elements in achieving these goals.

Many local communities have begun to consider energy issues and have signed the U.S. Mayors Climate Protection Agreement. In so doing, these cities have recognized many benefits that have accrued to their cities and citizens. As the California Energy Commission prepares the tools, resources, and mandates that will implement AB32, the city of Huntington Beach should prepare to position itself to take advantage of funding opportunities and resources.

Mayor Pro Tem Cook gave an oral report and displayed illustrations of related trends and programs. Councilmember Bohr voiced his concurrence with the Mayor Pro Tem's comments and, referring to his Late Communication, asked Council to be proactive with energy conservation.

Councilmember Green commented on the City's past and current efforts towards energy conservation, including LED in traffic signal lights, light regulators in offices, regulation of climate control in City Hall on weekends, use of alternative fuel in City vehicles, and designation of Beach Boulevard as a Superstreet. She opined that mandates are not the optimal plan and thanked staff, especially Public Works, for showing leadership in alternative energy usage.

Councilmember Carchio stated his preference for no mandates and opined that the City should take the initiative in demonstrating methods to improve energy conservation.

Councilmember Green asked for clarification on endorsement of the US Mayors Climate Protection Agreement, stating she does not support any mandates. Mayor Pro Tem Cook explained that the agreement is unenforceable. Councilmember Bohr described the goal of the Agreement to educate and offer incentives rather than mandate actions.

Councilmember Hansen voiced his support for the motion and thanked Mayor Pro Tem Cook for bringing the item forward.

Councilmember Bohr commented on relevance of this issue to the Strategic Plan adopted by Council last year.

Mayor Coerper concurred with comments made by Councilmembers in opposition to mandates.

A motion was made by Cook, second Bohr to 1) Direct staff to develop energy policies for the City of Huntington Beach that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect health and safety. Proposed policies would include direct actions the City can take as a consumer and facilities owner, and indirect as a leader in the community to promote energy conservation, renewable energy sources, and green construction methods; and 2) Endorse the US Mayors Climate Protection Agreement. 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 Prepare a Resolution to Increase the Civil Citation Fine Amount for Destruction of Public Property

The City Council considered a communication from Mayor Gil Coerper transmitting the following **Statement of Issue**: Huntington Beach Municipal Code ("HBMC") section 9.52.010 prohibits defacing City property. This section is used to charge persons responsible for committing acts of vandalism to City property, such as graffiti and damage to city trees. Specifically, section 9.52.010 provides:

"Every person who willfully writes upon, paints upon or draws upon, defaces, cuts, displaces, disfigures, removes, or mutilates any building, street, sidewalk, street light, traffic signal, street tree, waste container, fence, block wall, bench, chair, table or other property belonging to this city is guilty of a MISDEMEANOR."

Chapter 1.18 of the HBMC makes any violation of the provisions of the code subject to a civil fine. Currently, the civil fine amounts for violations of HBMC section 9.52.010 are \$100 for the first violation, \$200 for the second violation, and \$500 for the third and subsequent violations, where the administrative citations are issued within a twelve (12) month time period.

The City has been experiencing significant graffiti problems. In an effort to deter this type of nuisance activity, and in order to aggressively pursue those individuals responsible for defacing city property, I would like to propose that the civil fine amounts for violations of section 9.52.010 be increased to \$500 for the first violation and \$1,000 for the second and subsequent violations.

Mayor Coerper gave an oral report.

A motion was made by Cook, second Green to direct staff to prepare a resolution to increase the civil fine amounts for violations of HBMC section 9.52.010 to \$500 for the first violation and \$1,000 for the second and subsequent violations that occur within a 12-month time period. The motion carried by the following roll call vote:

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

(City Council) Councilmember Green Commented on Fines for Graffiti Offenses

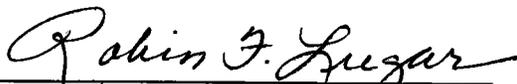
Councilmember Cathy Green noted Council action would result in large fines for graffiti offenses.

(City Council) Mayor Coerper Announced Attendance at Sweet Charity Ball, Ribbon Cutting for Ocean View High School Renovations, and Orange County Engineering Council

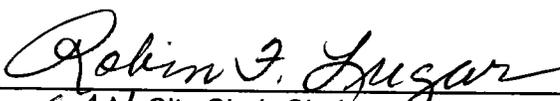
Mayor Gil Coerper announced he had attended the Sweet Charity Ball to benefit the West County YMCA. He stated he attended a Ribbon Cutting ceremony along with Councilmember Carchio at Ocean View High School celebrating addition of a new building. He described an Orange County Engineering Council Awards Banquet where the City of Huntington Beach received an Outstanding Local Government Engineering Project Award for the Overmyer Reservoir's renovation. He thanked Public Works Director Robert F. Beardsley for his efforts.

Adjournment – City Council/Redevelopment Agency

Mayor Coerper adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:39 p.m. to Monday, March 5, 2007 at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Asst. 
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:


Asst. City Clerk-Clerk


Mayor-Chair