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

Monday, April 21, 2008
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audio recording of the 4:00 PM portion of this meeting and a video recording of the 6:00 PM portion of this meeting are on file in the Office of the City Clerk and are archived at www.surfcity-hb.org.

The 4:00 PM portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 PM, in Room B-8 due to a lack of quorum.

Call to Order

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:30 PM, in Room B-8.

Council/Redevelopment Agency Roll Call

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

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following communications received by the City Clerk's Office pertaining to the Study Session and Closed Session portions of the meeting:

Communication submitted by Hope L. Winokur of Hope Foto Happenings.com, dated April 14, 2008, and titled *Save Seaview Ball Fields.*

PowerPoint presentation submitted by Stanley Smalewitz, Director of Economic Development, dated April 21, 2008, and titled *Downtown Huntington Beach Arches.*

City Clerk Flynn also stated for the record a correction pertaining to Closed Session Item 3, and asked Council to disregard a communication included in their agenda packets from Brad Von Grote dated December 14, 2007, which was inadvertently included under the purchase or exchange of the real property located at 20451 Craimer Lane.

Public Comments

Aaron Pai, owner of Huntington Surf and Sport (HSS), voiced support of the proposed arches at Pacific Coast Highway and Main Street because he believes it would be a great attraction for the community and visitors, and a positive architectural feature for the City.

E-1

(City Council/Redevelopment Agency) Study Session Held — The Economic Development Department made a PowerPoint Presentation in Response to Direction Provided as a Result of an H-Item from Councilmember Gil Coerper at the March 17, 2008 City Council Meeting Regarding the Design and Installation of Arches in Downtown Huntington Beach to Commemorate the City's Centennial in 2009. At the March 17 Meeting, Staff was Directed to Meet With Caltrans to Discuss the Feasibility of Implementing the Project by the Target Date of July 4, 2009 and Staff Provided an Update as to that Issue.

Stanley Smalewitz, Economic Development Director, introduced Simone Slifman, Economic Development Project Manager, who gave a project overview and PowerPoint presentation titled *Downtown Huntington Beach Arches,* that included information on potential design and installation possibilities of downtown arches, Strategic Plan goals, land use and economic development design concepts, Caltrans, coastal development permits, Local Coastal Program, estimated project costs and public/private partnership opportunities.

Councilmember Carchio expressed his preference of the proposed single arch design and the possibility of incorporating traffic lights into the design. He suggested the arch be installed on the Main Street side of the Pacific Coast Highway/Main Street intersection, versus on the Pier side of the intersection, and proposed exploring sharing the project costs with the downtown merchants.

Councilmember Green voiced concerns about proposed project costs and noted that designated costs for this project could otherwise fund significant changes/upgrades to the hardscape downtown on Main Street.

Councilmember Hansen concurred with using the proposed project cost to fund significant improvements downtown, stating his preference to first put in new hardscape, and then possibly build the arches to complement the enhancements on Main Street.

Councilmember Hardy likes the historic concept of the proposed project but is not supportive at this time due to the financial impact to the City. She expressed support for the project if funds to cover projected costs could be raised through community efforts.

Mayor Pro Tem Bohr advised Council that if a consensus is reached to approve the proposed project in coordination with the City's Centennial celebration next year, the City would need to secure Redevelopment Agency funds now. He voiced support of the project, but expressed skepticism of the timeframe for the implementation process. He also stated his preference to have the Huntington Beach sign hanging from the apex of the arch as was originally designed in 1927 to be read from Pacific Coast Highway versus Main Street as depicted on the artist's rendering.

Councilmember Coerper voiced support of the single-arch design, but acknowledged that there are other improvements warranted downtown. He concurred that the arches provide a nostalgic connotation and historical identification for the public. He expressed his opinion that the costly financial impacts of the proposed project would eventually benefit the City. He noted that the design and installation of the arches need not be targeted for completion by the Centennial's celebration in 2009, and thanked staff for a great presentation.

Councilmember Green questioned whether staff or Council should consider contacting John Moorlach, Orange County Board of Supervisor, to solicit interest from the County on sharing the

costs of the proposed project, and stated her opinion that the arches, if considered, should be included in conjunction with the City's Centennial celebration.

Councilmember Carchio asked Doug Traub, President of Huntington Beach Conference and Visitors Bureau (CVB) if the CVB would be willing to donate funds towards the design and installation of the historical arches. President Traub indicated that he could not speak on behalf of the Board of Directors, but, he did offer additional input/support for the proposed project. He noted that the City will always have financial concerns of priorities, however, from a visitors' standpoint, he believes the arches would be a tremendous asset to the downtown area.

Council asked Aaron Pai from HSS for his opinion of a preferred design. Mr. Pai concurred with Doug Traub's support of the double arch design as a way to create a new destination landmark for the City while providing the original historical element.

Mayor Cook voiced support of the historical double arch design, but would not recommend the project go forward since it is not a financial priority for the City. She stated her preference to spend City funds on downtown outside furniture and priorities identified within the Specific Plan.

Motion to Recess to Closed Session — 5:04 PM

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

(City Council) Closed Session — Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding one potential lawsuit.

(City Council) Closed Session — Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Adam Bereki v. Huntington Beach Police Department, et al.; Orange County Superior Court Case No. 07CC09351. This case concerns sexual harassment and related causes of action alleged by a City employee.

(City Council) Closed Session — Pursuant to Government Code Section 54956.8, the City Council recessed into Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Deputy City Administrator Bob Hall, regarding negotiations with the Huntington Beach City School District for the purchase or exchange of up to 10.12 acres of real property located at 20451 Craimer Lane in Huntington Beach and the purchase, sale or exchange of APN 114-150-94 in the City of Huntington Beach.

(City Council) Closed Session — Pursuant to Government Code Section 54957, the City Council recessed to Closed Session to discuss the following personnel matter: Subject: Recruitment of City Administrator

Reconvened City Council/Redevelopment Agency Meeting — 6:02 PM

City Council/Redevelopment Roll Call

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

City Attorney Jennifer McGrath Reported The Following Action Taken During Closed Session Pursuant to Government Code §54957.1(a) (3) (B).

Jennifer McGrath, City Attorney, reported that the City of Huntington Beach has entered into a Settlement Agreement in the case of Adam Bereki v. Huntington Beach Police Department, et al., Superior Court Case No. 07CC09351 by a vote of 6-1 (Hansen-No)

Pledge of Allegiance/Flag Salute — Led by Tiger Cub Pack 563

Special Singing Presentation — The All American Boys' Chorus Sang The National Anthem

Invocation — Provided by Tom Hohman, Greater Huntington Beach Interfaith Council

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following late communications received by the City Clerk's Office following distribution of the Agenda packet:

Communication submitted by Stanley Smalewitz, Director of Economic Development, dated April 17, 2008, titled *Installation of SCE Transformers.*

Communication submitted by Larry K. Gallup, dated April 21, 2008, and titled *Council Meeting Agenda Item G-2b, Ordinance No. 3803 Amending Chapter 2.07 of HBMC.*

The Following Communications Were Distributed During the Meeting

Communications submitted by Norma Rodriquez, undated and untitled, on behalf of four current owners of condominiums located at 16751 Green Street in Huntington Beach, pertaining to Agenda Item D-1, pertaining to condo conversion.

Communication submitted by Phyllis McConnell and Mary Webb, dated April 4, 2008, and titled *Safety Concerns and Well Being of Our Children*, representing local residents living adjacent to the front and back of Hawes Elementary School.

Presentation — Sister City Program

Mayor Debbie Cook was joined by Carmen Erber, Sister Cities representative who introduced Charlene Courtney, Chelsea Hudgins, Katchi Hulka and Alex Nordin, the Huntington Beach High School students and Sharon Holland, chaperone, who recently traveled to our Sister City Waitakere, New Zealand. The students discussed their adventures, experiments with cultural foods, and native accents enjoyed during their trip.

Mayor Cook announced to interested high school students in Huntington Beach the availability to travel to either of our Sister Cities in New Zealand or Japan, and to contact the Community Services Department for more information at 714.536.5486 or go to http://www.hbsistercity.org.

Mayor's Award — John Von Holle

Mayor Cook was joined by Travis Hopkins, Public Works Director, to present the Mayor's Award to John Von Holle, Engineering Technician. Director Hopkins described the positions held and outstanding accomplishments of Engineer Technician Von Holle during his 34-year tenure with

the City. He named a few of the major projects for which Engineer Technician Von Holle was responsible, mentioned his years served as President of the Municipal Employees Association, and thanked him for providing excellent customer service to the public. Engineer Technician Von Holle thanked Council and staff for their ongoing support and for tonight's award.

Public Comments

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at http://www.surfcity-hb.org/government/agendas)

Matt Liffreing, Huntington Beach Restaurant Association, reported that the *Taste of Huntington Beach 2008,* was a huge success celebrated for the first time at the City's Sports Complex venue. On behalf of the Association's president, he publicly thanked staff from Community Services Department for their hard work and also Erica Reardon, event coordinator and planner, and he discussed the event's mission to support community literacy in particular, the Children's Wing of the Library and the City's Project Self Sufficiency program. He thanked Rainbow Disposal for providing the much-needed second dumpster for trash clean-up. (25:11)

Councilmember Carchio thanked Matt and his team for their hard work and applauded the event's success; Councilmember Coerper questioned if financial expectations were met, and Matt responded affirmatively by discussing preliminary numbers and the estimated 2,400 attendees.

Clint Orr voiced support to build a new Surf Museum at 120 Pacific Coast Highway, owned by Makar Properties, LLC. He displayed a model of a proposed four-story Surf Museum which included much-needed storage at the basement level, a surf museum/gift shop on the ground floor, an entertainment theater on the second floor, and staff offices on the third floor. He also discussed opposition for recently closing the AMC theaters downtown. (28:12)

Julie Bixby thanked Council for encouraging the collaborative effort of Council, staff and public to study the Campaign Reform Ordinance, and voiced support of Option 1 for campaign contribution limits to remain at status quo level, and expressed her second preference to be Option 2 of indexing contribution limitations to the cost of first-class postage. She discussed perceived intimidation felt by qualified candidates who might choose not to run against well-connected candidates of deep-pocket contributors, and urged Council's support of Option 1. (31:17)

Mark Bixby spoke in support of all non-monetary changes to the proposed Campaign Reform Ordinance. In terms of contribution limits, he voiced concurrence with Mayor Pro Tem Bohr's preference for public funding of campaigns or Mayor Cook's recommended $100 limit. Since neither of those choices were slated for consideration tonight, he urged Council to support Option 1 by keeping campaign contribution limits status quo, and eliminating perceived "campaigns of bank accounts" that are run by deep-pocket contributors. (32:59)

Phyllis McConnell and Mary Webb, Park Huntington residents, voiced safety concerns of the children around the area of Hawes Elementary School, which included the following comments: parents who drive at excessive speeds; parents who neglect attention of children walking since talking on cell phones while driving; double parking along Verdant Drive and illegal parking in front of fire hydrants; children exiting on the sidewalk side of car and then walking into oncoming traffic; and the absence of much-needed crosswalks and "Drop Off" zones. They presented a display board of photos and distributed an informational packet to Council, urging them to look into this matter further. (34:45)

Tim Geddes spoke in opposition to increasing campaign contribution limits and his preference to maintain the status quo limits. It is his opinion that increasing campaign limits would significantly change local elections by allowing special interest groups to influence campaigns. He further stated that increased limits could give incumbents and other well-connected candidates an unfair advantage over "grass root" challengers, and urged Council to leave contribution limits alone. (38:25)

Norm Westwell spoke in support of Council's adoption of Option 3 to follow State Law relating to Campaign Contribution Limitations with no limit. He stated that he believes the political action committees unfairly control local campaigns and will always continue to do so, and urged Council to support Option 3, which he believes provides equal opportunities to all candidates. (41:12)

Steve Olim spoke in opposition for the display of our national motto "In God We Trust," in the Council Chambers. He voiced his opinion of displaying a patriotic motto better suited for the Council Chambers, a government building that serves citizens of all faiths. He urged Council to reconsider its previous action to display the nation's motto. (45:05)

Allen Baylis, urged Council to change their minds and seek the advice of the Human Relations Task Force to recommend a patriotic motto to be displayed in the Council Chambers instead of "In God We Trust." It is his opinion that the proposed motto alienates residents of Huntington Beach. He read from the City's adopted Declaration of Policy pertaining to Human Dignity and Diversity, and informed Council that displaying the proposed motto would be in direct breach of the words in the Policy Declaration. He referenced a letter of request submitted to our City by Jackie Sullivan, President and Founder of In God We Trust America, Inc., and stated his perception of her request to be the driving force behind this issue. (48:10)

Stephanie Babkow voiced support of the Seaview Little League, and thanked Council for approving staff's recommendation to begin negotiations with the Huntington Beach City School District for a possible purchase of that site. (51:24)

(City Council) AB 1234 Disclosure Reporting

A report was submitted by Mayor Pro Tem Bohr, which is available in the City Clerk's Office.

City Administrator's Report

Interim Administrator Paul Emery reported that last Thursday evening, April 17, 2008, the Council held a Special Meeting at the Central Library to discuss the Beach Boulevard/Edinger Avenue Corridor Specific Plan. He announced that the streamed video of the meeting would soon be available on the City's website and aired on HBTV-3 later this week. He also noted that tonight's public speakers who addressed their concerns of safety issues around Hawes Elementary School would be contacted by the departments of Public Works and Police for further attention.

(City Council) Reviewed and Accepted Shari L. Freidenrich, City Treasurer's February 2008 Investment Summary Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for February 2008.

Communication from City Treasurer Shari L. Freidenrich transmitting the Monthly Investment Report and Summary of Investments for February 2008.

Shari Freidenrich, City Treasurer, presented a PowerPoint report.

A motion was made by Green, second Hansen to review and accept the Monthly Investment Report. Following review of the report, by motion of Council, accepted the Monthly Investment Report entitled Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for February 2008, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held - Approved Hiring of Thomas W. Allen for Hearing Officer Services in Connection With the Condominium Conversion Restitution Fund Matter; Authorized the City Attorney to Execute the Agreement; and, Authorized the Appropriation of $50,000 Needed to Cover Expenses Related to the Hearing Officer Contract

The City Council considered a communication from the City Attorney transmitting the following **Statement of Issue:** On October 15, 2007, the City Council approved the award of restitution on a per-unit basis before a hearing officer. This procedure requires a hearing officer to administer the Condo Conversion Restitution Fund. An appropriation of funds is needed to cover the expenses related to the hearing officer contract.

Attorney McGrath provided an overview of Council's previous consideration and opportunities on how to disburse the funds received from the Federal Court related to the condo conversions, describing how staff, per Council direction, notified over 420 potential claimants that were in the chain of title from 1999 to present. She stated that at this time, staff is requesting Council to authorize the City Attorney to execute a contract for the hearing officer, and that staff will be presenting hearing officer procedures to Council at a later date and each of the individuals will be given the opportunity to file a claim within 90 days.

Mayor Cook opened the public hearing.

Norma Rodriguez, 16751 Green Street, Inc., stated the following objections to the Resolution of Proposal in the condo conversion fraud case: her perception of the City using $50,000 from the Condo Conversion Restitution Fund to contract with a hearing officer to disburse restitution funds; the proposal's failure to include the following corrections needed to bring her building to code: the exterior water main pipes are plastic instead of copper, there are no acoustic walls, termite clearance did not take place, and the driveway has been sinking and cracking in certain places. She added that because proper City inspections did not take place, these deficiencies were not corrected. She advised Council that she should be financially compensated for four years and nine months of pain, anguish and suffering, and stated that since Howard Riche was the only defendant who paid restitution, only the owners of his 12 units should be given top priority for financial compensation.

Michelle Howard, 16751 Green Street Inc., stated that she purchased her condo last August and was lead to believe that all corrections were completed/converted. She stated that she should be considered an eligible owner to receive financial compensation since she bought a

condo of undisclosed needed repairs. She indicated that her driveway is sinking and cracking, and questioned how restitution funds would be distributed. She voiced concurrence with comments made by previous speaker that building owners of the 12 units converted by defendant Howard Riche should receive all restitution, and urged the City to consider only current owners for compensation, not prior owners.

Renee Tarnow, resident of 2505 Delaware Street, stated her support of tonight's recommended action and clarified comments made by previous speakers. She advised Council that she was responsible for influencing presiding Judge Carter to reallocate the restitution monies from only being awarded to Stewart Title, and to instead include the victims to be compensated as well. She stated that construction defects previously described by speakers are not building code violations, but rather preferred items that they would like fixed. She noted that Stewart Title has paid over $600,000 as part of an agreement to facilitate resolution of these problems, and added that defendant Howard Riche reimbursed his owners for items they paid for to bring units into compliance.

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

Councilmember Coerper questioned if each restitution case would be considered independently and Attorney McGrath discussed the anticipated hearing officer process.

A motion was made by Coerper, second Green to **1)** Authorize the transfer of $50,000 from Second Tier Reserve to City Attorney, Attorney Fees Professional Services, 10015101.69505 account for the hearing officer contract; and **2)** Approve hiring Thomas W. Allen for hearing officer services and authorize the City Attorney to execute the Professional Services Contract Between the City of Huntington Beach and Thomas W. Allen for Hearing Officer Services in Connection with the Condominium Conversion Restitution Fund Matter. The motion carried by the following roll call vote:

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

Councilmember Green questioned whether the City Attorney's Office budget could absorb the cost of the hearing officer's contract, and Attorney McGrath explained the timing of the matter which occurred following the budgetary process and the inability to capture restitution from incarcerated individuals.

Councilmember Green clarified the earlier comment made by the first public speaker regarding the misconception that the City used monies from the Condo Conversion Restitution Fund to contract with the hearing officer and indicated that the City would be using second tier reserve funds for that purpose.

Councilmember Carchio questioned if an agency or entity would be pursuing the remaining individuals for restitution, and Attorney McGrath explained they the individuals are currently under the probation/parole department in Federal Court and making monthly payments during their incarceration, but once they are released, there is no expectation of pursuit of those additional monies owed.

(City Council/Redevelopment Agency) Public Hearing Held — Approved Conditional Use Permit (CUP) No. 08-005 for Participation in the Downtown Parking Master Plan In-Lieu Parking Fee Program and Permit Elimination of One Parking Space at the Huntington

Beach International Surfing Museum, Located at 411 Olive Avenue; Adopted City Council Resolution No. 2008-24 Consenting to the Payment by the Redevelopment Agency in the Amount of $16,884.39; Approved Agency Appropriation of in the Amount of $20,385, and, Adopted Redevelopment Agency Resolution No. 371 Agreeing to Pay the In-Lieu Parking Fee and Associated Costs for Installation of Two Southern California Edison (SCE) Transformer Cabinets

The City Council considered a communication from the Director of Planning transmitting the following **Statement of Issue:** Transmitted for your consideration is a request by the Economic Development Department, on behalf of the Redevelopment Agency, to participate in the Downtown Parking Master Plan In-lieu Parking Fee Program and allow elimination of one off-street parking space located at the International Surfing Museum (411 Olive Avenue) by paying an in-lieu fee of $16,884.39. If approved, the parking space to be eliminated would be displaced by two Southern California Edison (SCE) electrical transformer cabinets which are needed to increase service capacity in the second block of Downtown.

Scott Hess, Planning Director, gave an overview of the proposed project, followed by Ron Santos, Associate Planner, who gave an oral report with a GIS aerial photo of the site depicting the relocation of transformers. Planner Santos reported that staff received comments from Surf Museum tenants who preferred the transformer be relocated to a different location.

Mayor Cook opened the public hearing.

Rebecca Ross, Senior Deputy City Clerk, restated for the record a communication submitted by Stanley Smalewitz, Director of Economic Development, dated April 17, 2008, titled *Installation of SCE Transformers.*

Steve Stafford spoke in opposition to SCE installing the transformer in the parking lot behind the Surf Museum, stating his preference for undergrounding the transformer for aesthetic and liability purposes in the event of an explosion.

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

Mayor Pro Tem Bohr requested clarification of costs to relocate transformers in underground versus above-ground storage tank. Staff indicated that SCE suggested relocating the transformers above ground since they have experienced problems when installing underground, and considered relocating transformers to the proposed above ground tanks to address the immediate concerns of the previous blackout incidents. SCE representative, Tami Bui, was asked to come forward and she verified restrictions addressed by staff of locating the transformers underground.

Councilmember Coerper questioned how 411 Olive was selected for the relocation of the transformer, and Ms. Bui explained that when blackouts first occurred within a 6-month span, she and staff walked the alleyways to determine the feasibility of relocating the transformer to a larger vault at 214 Olive, but concerns were identified of the pedestrian space, so SCE temporarily put the transformers on a pole (where they are now) to resolve the immediate issue in the most cost effective way. Subsequently, a permanent solution was identified behind the Surf Museum in the parking lot.

Councilmember Carchio discussed his close involvement with this matter since he previously owned a nearby business and described the three blackouts experienced in that area of down-

town. He thanked Economic Development and SCE for addressing this issue now; stated that the blackouts have discontinued since installing the pole mount transformers, and stated his preference to wait for completion of the Specific Plan to revisit a permanent relocation in the future.

Councilmember Coerper inquired if the vault for transformer relocation could hold a larger transformer to support increased electricity to also sustain the City's new Strand project, and staff indicated this proposal includes no expansion, only replacement of pole mount transformers.

Administrator Emery explained the current pole mounts were done as a result of the blackouts experienced downtown, and were intended to serve only as a temporary solution. Council-member Green questioned the feasibility of leaving the transformers on poles, and Administrator Emery explained that the City would not permit new developments to allow pole mount transformers, and restated this was to be a temporary solution to fix the blackout issues.

Mayor Pro Tem Bohr stated his support of the proposed solution.

A motion was made by Bohr, second Hardy to

City Council Action: **1)** Approve Conditional Use Permit No. 08-005 for participation in the Downtown Parking Master Plan In-Lieu Parking Fee Program and permit elimination of one off-street parking space at the International Surfing Museum by paying an in-lieu fee of $16,884.39, for the purpose of accommodating two Southern California Edison electrical transformers, subject to the suggested findings and conditions of approval; **2)** Adopt **Resolution No. 2008-24,** *"A Resolution of the City Council of the City of Huntington Beach Consenting to the Payment by the Redevelopment Agency of the City of Huntington Beach of the Costs Associated with (1) the Installation of Two New Transformers at the International Surfing Museum Parking Lot and (2) the In-Lieu Parking Fee for One Space That Will be Lost at the International Surfing Museum Parking Lot as a Result of the Installation of Two New Transformers and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445."*

Agency Recommended Action: **1)** Appropriate $20,385 from the Unappropriated and Undesignated Merged Capital Projects Area Fund Balance into accounts 30580101.88200 for $16,884.39 for the transfer to the Parking In-Lieu Fund and $3,500 into 30580101.82000 for landscaping improvements; **2)** Adopt Resolution No. 371, "Resolution of the Redevelopment Agency of the City of Huntington Beach Agreeing to Pay the Costs Associated With (1) the Installation of Two New Transformers at the International Surfing Museum Parking Lot and (2) the In-Lieu Parking Fee for One Space that Will be Lost at the International Surfing Museum Parking Lot as a Result of the Installation of Two New Transformers and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445." The motion carried by the following roll call vote:

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

FINDINGS AND CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. 08-005
FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The City Council 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 Class 5, Section 15305 of the California Environmental Quality Act which states that minor alterations in land use limitations which do not result in any changes to land use or density are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-005:

1. Conditional Use Permit No. 08-005 to participate in the Downtown Parking Master Plan in lieu parking fee program and allow elimination of one off-street parking space located at the International Surfing Museum by paying an in-lieu fee of $16,884.39, 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. Payment of the in-lieu fee will provide for the effective replacement of the parking space to be eliminated and will ensure no detrimental impacts to parking availability in the Downtown.

2. The conditional use permit will be compatible with surrounding uses because elimination of the parking space will allow installation of two Southern California Edison transformer which are necessary to meet the electrical service requirements of the surrounding uses. In addition, the proposed transformers will be largely screened from view from Olive Avenue by the addition of landscaping in an existing planter on the north side of the transformers and a new landscape planter on the east side.

3. The conditional use permit 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 (HBZSO) and the Downtown Specific Plan. Participation in the Downtown Parking Master Plan in lieu parking fee program, as proposed, is permitted pursuant to the provisions of HBZSO Section 231.10 and Downtown Specific Plan Section 4.2.13(c). In addition, the conditional use permit will comply with the HBZSO requirement for screening of mechanical equipment by providing additional landscaping on two sides of the proposed transformers.

4. The granting of the conditional use permit 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 goals, policies and objectives identified in the General Plan:

   A. Utilities Element

   Goal U 5: Maintain and expand service provision to City of Huntington Beach residences and business.

   Objective U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

   Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

   The requested conditional use permit will provide for installation of infrastructure necessary to meet electrical service capacity demands in the second block of Downtown and avoid service disruptions. The project represents a joint effort of the City and a critical service provider (Southern California Edison) to facilitate improved service levels.

B. Coastal Element

Policy C 4.7.8: Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way. The project includes installation of new landscaping for purposes of screening the proposed transformer cabinets from the public right-of-way.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 08-005:

1. The site plan received and dated February 6, 2008 shall be the conceptually approved.

2. Prior to installation of the transformers the following shall occur:

   a. Redevelopment Agency funds in the lump sum amount of $16,884.39 shall be transferred to the In-Lieu Parking Fee Program account.

   b. The easement agreement between SCE and the Redevelopment Agency, as approved by the City Attorney, shall be executed and recorded with the County of Orange.

Consent Calendar — Items Removed for Separate Discussion

(City Council) Approve and Authorize the Mayor and City Clerk to Execute the Second Film Production Agreement Between the City of Huntington Beach and Evolution Film and Tape, Inc. to Allow the Filming and Production of the Television Series, Ocean Force Huntington Beach-OC, Based Upon the Huntington Beach Marine Safety Division

Consent Calendar — Items Approved

A motion was made by Green, second Hardy to approve the following Consent Calendar Items by affirmative vote. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved Minutes — Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of April 7, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed the 230 Park Impact Fee Annual Report for Fiscal Year 2006-07 to Comply with State of California Reporting Requirements on the Construction of New Floor Area for all Commercial and Industrial Development, and all Residential Development Not Covered by Quimby Fees — Received and filed the 230 Park Impact Fee Annual Report - Fiscal Year 2006-2007. Submitted by the Community Services Director. **Funding Source:** Not applicable.

(City Council) Accepted the Resignations of Rosa Arredondo and Michael Robinson from the Human Relations Task Force and Approved the Appointments of Marlene Breverman With a Term to Expire December 31, 2009 and Amanda Bloom With a Term to Expire December 31, 2011 as Recommended by Council Liaisons, City Councilmembers Gil Coerper and Cathy Green — 1) Accepted the resignation of Rosa Arredondo and approved the appointment of Marlene Breverman to the Human Relations Task Force with a term to

expire December 31, 2009, as recommended by City Councilmembers Gil Coerper and Cathy Green; and **2)** Accepted the resignation of Michael Robinson and approved the appointment of Amanda Bloom to the Human Relations Task Force with a term to expire December 31, 2011, as recommended by Councilmembers Gil Coerper and Cathy Green. Submitted by City Councilmembers Gil Coerper and Cathy Green, Liaisons to the Human Relations Task Force. **Funding Source:** Not applicable.

Councilmember Green congratulated Marleen Breverman and Amanda Bloom for joining the Human Relations Task Force.

(City Council) Accepted Faithful Performance Bond and Labor and Material Bond as the Securities Furnished for Installation of Required Public Improvements for the Home Depot Project, Located at 19101 Magnolia Street (Southeast Corner of Magnolia Street and Garfield Avenue); and, Instructed the City Clerk to File the Bonds with the City Treasurer — Accepted the Faithful Performance Bond No. 6531070, and Labor and Material Bond No. 6531070, the securities furnished for installation of the required public improvements, and instructed the City Clerk to file the bonds with the City Treasurer. Submitted by the Director of Public Works. **Funding Source:** No funds required for this action.

(City Council) Received and Filed the City Attorney's Office 2007 Annual Report — Received and filed the City Attorney's Office 2007 Annual Report. Submitted by the City Attorney. **Funding Source:** Not applicable.

(City Council) Approved Acceptance of a One Million Dollar ($1,000,000) Irrevocable Standby Letter of Credit From Rainbow Disposal Company, Inc. in Lieu of a Performance Bond, as Required by the July 3, 2006 Franchise Agreement, in a Form Approved by the City Attorney and the City Treasurer — Approved acceptance of a one million dollar ($1,000,000) Irrevocable Standby Letter of Credit in lieu of a Performance Bond in a form approved by the City Attorney and the City Treasurer. Submitted by the Director of Public Works. **Funding Source:** No funding is necessary for this action.

(City Council) Approved and Authorized Execution by the Mayor and City Clerk of a Professional Services Contract with DLT&V Engineering and Controls, Inc. in an Amount Not to Exceed $294,265 for the Water Utility Supervisory Control and Data Acquisition (SCADA) System Upgrade; and, Approved a Transfer Amount of $94,265 From the Water Fund Capital Improvement Account to the Professional Services Account — 1) Approved an additional $94,265 to the professional services authorization for Water Fund business unit 50691003; and **2)** Approved and authorized the Mayor and City Clerk to execute a Professional Services Contract Between the City of Huntington Beach and DLT&V Systems Engineering for Water Utility SCACA System Upgrade. Submitted by the Director of Public Works. **Funding Source:** The fiscal year 2007/08 budget authorizes funds in the amount of $294,265 in Water fund Capital Improvements, Account No. 50691003.82100 (Telemetry - Water Improvements) for this agreement.

(City Council) Adopted Resolution No. 2008-23 Approving the Updated Citywide Records Retention Schedule — Adopted **Resolution No. 2008-23,** *"A Resolution of the City Council of the City of Huntington Beach Adopting the Updated Citywide Records Retention Schedule, Authorizing Destruction of Certain City Records and Rescinding Resolution No. 2002-9."* Submitted by the City Clerk. **Funding Source:** Not applicable.

(City Council) Approved and Authorized the Director of Economic Development to Approve Three Housing Rehabilitation Loans Totaling $205,000 and One Emergency Repair Grant in the Amount of $1,850 Funded by Community Development Block Grant (CDBG) Funds — 1) Authorized the Director of Economic Development to approve a housing rehabilitation loan in a total amount not to exceed $75,000.00 and an Emergency Repair Grant in the amount of $1,850.00 for Mary Novin; and **2)** Authorized the Director of Economic Development to approve a housing rehabilitation loan for Jean Liddell in a total amount not to exceed $75,000.00; and **3)** Authorized the Director of Economic Development to approve a housing rehabilitation loan for Marguerite Taylor in a total amount not to exceed $55,000.00. Submitted by the Director of Economic Development. **Funding Source:** Community Development Block Grant (CDBG) revolving rehabilitation loan fund #21580301, for a total of $206,850.

(City Council) Approved and Authorized the Fire Chief to Execute a Professional Services Contract with Matrix Consulting Group, Ltd. in an Amount Not to Exceed $44,500 for a Feasibility Study of Consolidated Public Safety Dispatch Services; and, Authorized an Appropriation of $44,500 from the Second Tier General Fund Reserve — 1) Approved the attached Professional Services Contract Between the City of Huntington Beach and Matrix Consulting Group for Feasibility Study for Consolidated Communication Center; and, **2)** Authorized the Fire Chief to execute the agreement; and, **3)** Authorized an appropriation of $44,500.00. Submitted by the Fire Chief, Police Chief and Director of Community Services. **Funding Source:** An appropriation of $44,500 from the second tier General Fund reserve to the Fire Department Fire Administration business unit account (10065101.69365) is recommended.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Arbitration Agreement with Makallon Atlanta Huntington Beach, LLC (Makar) for Park In-Lieu Fees for Pacific City, (Tract Map 16338) a 31.5 Acre Site Located at 21002 Pacific Coast Highway — Approved the Agreement Regarding Procedures for Determining Parkland Dedication Fee for Tentative Tract Map No, 16338 Pursuant to Section 254.08 of the Huntington Beach Zoning and Subdivision Code, and authorized the Mayor and City Clerk to sign it. Submitted by the Assistant City Attorney. **Funding Source:** None.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Second Film Production Agreement Between the City of Huntington Beach and Evolution Film and Tape, Inc. to Allow the Filming and Production of the Television Series, Ocean Force Huntington Beach-OC, Based Upon the Huntington Beach Marine Safety Division

Mayor Pro Tem Bohr pulled this item from the Consent Calendar to congratulate and thank City staff, the Marine Safety personnel, and all involved with making the production of Ocean Force Huntington Beach-OC such a successful venture. He indicated that he viewed all eight episodes and thought they were excellent; he believed the series was a great way to showcase the professionalism of our safety officers, and a great side benefit of marketing Huntington Beach.

A motion was made by Bohr, second Hardy to approve and authorize Mayor and City Clerk to execute the second *Production Agreement Between the City of Huntington Beach and Evolution Film and Tape, Inc. for Ocean Force Huntington Beach-OC* to allow the filming and production of a television series, Ocean Force Huntington Beach-OC, based upon the Huntington Beach Marine Safety Division. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3800 Amending Chapter 7.08 of the Huntington Beach Municipal Code (HBMC) Relating to Licensing Provisions for Dogs

A motion was made by Green, second Coerper to after the City Clerk reads by title, **Adopt Ordinance No. 3800,** *"An Ordinance of the City of Huntington Beach Amending Chapter 7.08 of the Huntington Beach Municipal Code Relating to Licensing Provisions for Dogs"* by roll call vote. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3802 Authorizing an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPers) and the City of Huntington Beach Implementing Enhanced Retirement Benefits — CalPers 2.5% @ 55 Formula for Municipal Employees' Association (MEA), Management Employees' Organization (MEO), Police Officers' Association (POA) Miscellaneous (Non-Safety) Members, and Non-Associated (NA) Employees; and, Authorized the City Clerk to Execute the Certification of Employee Election and Final Action of Governing Body

The City Council considered a communication submitted by the Director of Human Resources transmitting the following **Statement of Issue:** The City and representatives of Municipal Employees' Association (MEA), Management Employees' Organization (MEO) and Police Officers' Association (POA) met and conferred regarding the implementation of enhanced retirement benefits - CalPers 2.5%@55 Formula. Appropriate modifications to Memorandums of Understanding have been approved by Council. **Funding Source:** The cost to implement the retirement plan enhancement will be borne by the affected employees in all groups; MEA, MEO, POA miscellaneous (non-safety) members and Non-Associated (NA) employees.

A motion was made by Green, second Coerper to after the City Clerk reads by title, **1)** Approve introduction of **Ordinance No. 3802,** "*An Ordinance of the City of Huntington Beach, authorizing an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Huntington Beach;* **2)** Authorize the City Clerk to execute the Certification of Employee Election (PERS-CON-15); and **3)** Authorize the City Clerk to execute the Certification of Final Action of Governing Body (PERS-CON-5). The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3803 Amending Chapter 2.07 of the Huntington Beach Municipal Code (HBMC) Relating to Campaign Contribution Reform.

The City Council considered a communication submitted by the City Attorney transmitting the following **Statement of Issue:** On March 17, 2008, during the Study Session on Campaign Contribution Reform, the City Council directed the City Attorney to prepare an ordinance and proposed language for five different Campaign Contribution Limitations options for the City

Council to review and take motion on during the next City Council meeting. **Funding Source:** Not applicable

The following five alternative options were offered for Council's consideration to replace the current language in Chapter 2.07.050 of the Huntington Beach Municipal Code:

Option 1 - Status Quo
Option 2 - Index the Contribution Limitation to the Cost of First-Class Postage
Option 3 - Follow State Law
Option 4 - State Elective Office Limit
Option 5 - Adopt an applicable Consumer Price Index

Mayor Pro Tem Bohr voiced support of Option 1 for campaign contribution limits to remain status quo. It is his opinion that we don't need more money in local politics and stated support for keeping the playing feel equal for all candidates.

Councilmember Green explained why she wants to follow State Law, expressing her support of Option 3.

A motion was made by Green, second Hansen to approve introduction of **Ordinance No. 3803,** *"An Ordinance of the City of Huntington Beach Relating to Campaign Contributions and titled an Ordinance of the City of Huntington Beach Amending Chapter 2.07 of the Huntington Beach Municipal Code Relating to Campaign Reform,"* **as amended to Include Option 3: Follow State Law** - to repeal in its entirety the current language in Chapter 2.07.050 relating to Campaign Contribution Limitations to follow State Law which has no limit. (Vote to follow)

Councilmember Hardy discussed previously identified exceptions to State Law.

Councilmember Hansen thanked Council, staff and the public who participated in studying the Campaign Reform Ordinance, and acknowledged contributions made by political action committees to support candidates. He stated his opinion that there is too much money in campaigns that has the ability to get buried and is hard to identify. He referenced the article written by Daniel Weintraub, *Contribution Caps Haven't Limited Money in Politics,* and suggested interested persons read the article. He discussed the ideal scenario of candidates soliciting their own financial support, and acknowledged that status quo campaign contribution limits do not work any longer in local campaigns.

A **substitute motion** was made by Bohr, second Hardy to approve introduction of **Ordinance No. 3803,** *"An Ordinance of the City of Huntington Beach relating to Campaign Contributions and titled an Ordinance of the City of Huntington Beach Amending Chapter 2.07 of the Huntington Beach Municipal code Relating to Campaign Reform,"* **Option 1: Status Quo** - to keep the current language in Chapter 2.07.050 of the Huntington Beach Municipal Code. The motion failed by the following roll call vote:

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

The original motion to approve introduction of **Ordinance No. 3803,** to include **Option 3: Follow State Law,** carried by the following roll call vote:

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

(City Council) NO ACTION TAKEN ON THIS ITEM. Submitted By Councilmember Coerper - Recommend the City Council Adopt a Policy Honoring the Residents of Huntington Beach Who Turn 100 Years of Age

The City Council considered a communication from Councilmember Coerper transmitting the following

Statement of Issue: I would like to propose that the City Council adopt a policy of honoring Huntington Beach citizens who turn 100 years of age by having the Mayor, or a designee, present the centenarian a proclamation and a bouquet of flowers. The approximate cost of a bouquet would be about $30.

Councilmember Coerper informed Council why he believed this item was important for the City to honor its citizens who reach 100-years of age, and why he was requesting Council consideration and approval.

A motion was made by Coerper, to move the recommended action.

Mayor Cook asked Attorney McGrath how this proposal could be justified or viewed to not be a gift of public funds, and Attorney McGrath suggested that whatever findings are made on the record reflect that there is a valid public purpose, stating that it doesn't appear on its face that it does, so the findings should be made as part of the motion.

Councilmember Green asked if, instead of using General Fund monies, if Council could use its departmental budget, and Attorney McGrath confirmed that the restrictions would remain the same since the department budgets are also public funds.

Discussion ensued amongst Council of providing findings for public purpose, discussions of proclamations currently presented, and how other cities justify buying bouquets for its elderly citizens.

Councilmember Coerper withdrew his motion and further consideration of this item at this time.

Council Comments — (Not Agendized)

Councilmember Green stated interest for soliciting donations to fund the proposed historical arches presented in tonight's study session. She also solicited Council consensus for monetary donations made by Council to purchase bouquets of flowers when honoring the residents of Huntington Beach who turn 100 years of age.

Councilmember Carchio thanked all involved with coordinating Youth in Government Day on April 17, and acknowledged Councilmember Hardy's hard work in making the day such a success; he reported attending the Arbor/Earth Day celebration at Gibbs' Park on April 19, identifying the Park's location on Graham Street, between Warner Avenue and Heil Avenues; he reported attending two events on April 20: the successful *8th Annual Taste of Huntington Beach,* and the Surf Museum's Summer Festival, which included the new exhibit featuring Dean Torrance and the new theater lounge chairs donated from the recently closed theater downtown.

Councilmember Coerper reported attending Eagle Scout Court of Honor for Austin Charles Deuel on April 19; he thanked City Clerk Joan Flynn and Don and Betty McFarland for bringing dinner to the Coerper family during his wife's recent surgery; and he thanked Cathy Fikes, Council Administrative Assistant, for sending flowers to his family from the Council, and stated his good

fortune with the tremendous "friendships of family" made in the fantastic City of Huntington Beach.

Councilmember Hardy thanked the City's Youth Board for doing a fantastic job organizing Youth in Government Day, and in particular, Gisela Campagne, staff liaison with Community Services, who works so hard to coordinate this event every year.

Councilmember Green reported attending the Surf City Bank Event and Raffle, and mentioned that the Huntington Beach Education Foundation won the opportunity raffle to be this year's entry as the non-profit float in the City's 4th of July Parade.

Mayor Cook announced that anyone who has items of donation, please consider the Assistance League of Huntington Beach at 8071 Slater Avenue, Suite 255, Huntington Beach, California. She indicated that the League does really good work and provides needed assistance to our community. Anyone interested in information can visit: www.huntingtonbeach.assistanceleague.org.

City Council/Agency Adjournment

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at **8:17 PM.**

The next regularly scheduled meeting will be Monday, May 5, 2008, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California

Joan L. Flynn

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:

Joan L. Flynn

City Clerk-Clerk

Debbie Cook

Mayor-Chair