

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

Monday, July 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
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

Call to Order

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:04 PM, in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Bohr, Cook, Coerper, Green, and Carchio
Absent: Hardy (The City Council granted permission for the absence of Councilmember Hardy pursuant to Resolution No. 2001-54)

(Councilmember Hansen arrived at 4:14 PM)

The City Clerk Announced Late Communications

(Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following communication received by the City Clerk's Office pertaining to the study session portion of the meeting:

PowerPoint communication submitted by the Department of Public Works, undated and titled *Metrolink Connections and Transit Needs Assessment: Go Local Step 1*.

Public Comments — None

(City Council/Redevelopment Agency) Study Session #1 Held — Proposed Water Management Program and Update of Water Supply

Interim City Administrator Paul Emery called on Howard Johnson, City of Huntington Beach Utilities Manager, who provided a brief updated status of the City's Water Management Program. He gave a PowerPoint report which included the following information: California Water Code 375 and Municipal Code 14.18, Huntington Beach water supply - ground water and imported water, City actions to date and in progress, three stages of the Water Management Program based on rationing/shortage levels and recommended City actions.

Manager Johnson introduced Kevin P. Hunt, General Manager, and Joan C. Finnegan, Board Member, Municipal Water District of Orange County (MWDOC); Michael Markus, General Manager and Wes Bannister, District Representative, Orange County Water District (OCWD).

Councilmember Green asked what the State's involvement is in the City's ground water supply allocation. Manager Johnson indicated that the Metropolitan Water District (MWD) supplies water to southern California. In terms of the water program's proposed stages of rationing/shortage restrictions, Councilmember Green asked if increased water allowances would be made for family households with small children. Manager Johnson replied that they are studying those issues and the number of persons in the home would be considered.

Councilmember Carchio addressed the City's future water supply and asked how long the process would take to re-route the Delta due to the dramatic drop of the Delta Smelt population. Manager Johnson indicated that environmentally, it takes a long time (up to 10 years) to go through the process of finding a fix. He identified education and water conservation as the best tools for local cities to address the future water supply.

Councilmember Coerper discussed water reduction and conservation measures, and asked how the City notifies the general public on these issues. Manager Johnson indicated that marketing efforts are coordinated with Laurie Payne, Community Relations Officer; weekly notifications are mailed to the City's top 100 users and homeowner associations, and noted that the *Sands Recreation Guide* is a great source for publishing water information.

Discussion ensued of the proposed restrictions associated with the various stages of water conservation, the required reduction of water usage and ramifications of non-compliance, and public awareness for water reduction efforts.

Manager Johnson concluded by announcing that the City of Huntington Beach has just experienced the lowest water usage recorded in 20 years, and compared current statistics with past recorded use.

(City Council/Redevelopment Agency) Study Session #2 Held — City of Huntington Beach Transit Needs Assessment Study Update: Review of Project Concept Submittals Developed in Cooperation with Stanton, Fountain Valley and Westminster under the OCTA Go Local Program

Interim Administrator Emery called on Travis Hopkins, Director of Public Works, who introduced Bob Stachelski, Transportation Manager, who gave a PowerPoint report titled *Metrolink Connections and Transit Needs Assessment: Go Local Step 1*, that included the following information: The *Go Local* program and concepts, including Concept 1: North/South Commuter Express; Concept 2: Bolsa Chica Intercounty Express; Concept 3: Little Saigon/Fountain Valley/Huntington Beach Express; and Concept 4: Fountain Valley Express. Each concept included description and advantages, opportunities, and the next steps for *Go Local* at Huntington Beach and Orange County Transportation Authority (OCTA).

Manager Stachelski introduced Jeanne Spinner LaMar of Spinner LaMar and Associates representing the Solis Group consultant team, who gave a brief overview of the *Go Local* program funded by Measure M.

Mayor Cook asked why the Orange Metrolink station is preferred over the Anaheim Hills or Santa Ana areas. Consultant Spinner LaMar indicated that at this point Orange is where the Inland Empire line comes in; it does not come into the Santa Ana station.

Councilmember Green questioned if those persons who get the express bus from Anaheim station directly to Boeing would still be facilitated. Director Hopkins responded affirmatively, noting that the persons coming from the Inland Empire would stay on the train for one more stop to the Orange Metrolink station and take the express bus directly to Boeing from there.

Mayor Cook inquired if the express service would operate only during the hours that the Metrolink trains are running. Consultant Spinner LaMar responded affirmatively, indicating that all commuter-oriented services are intended to meet the Metrolink trains. Mayor Cook questioned why the express bus would stop at Westminster Mall, and staff responded that it would only stop there if it was determined that the Mall was an employment center. Manager Stachelski added that the stop could possibly become a Park and Ride site.

Councilmember Green congratulated staff for submitting the City's application by the required deadline to avoid being penalized.

Consultant Spinner LaMar informed Council that in their efforts to involve the community to assess transit needs, they are planning a Town Hall meeting, a co-sponsored community forum with the Chamber of Commerce and informational kiosks at Bella Terra, the Pier and Boeing to become informed of the community's needs for public transit and to identify motivation to switch to public transportation. Discussion ensued on the status and focus of the *Go Local* program at Orange County Transportation Authority (OCTA).

Councilmember Hansen asked what would motivate people to move towards public transit, and Consultant Spinner LaMar discussed convenience and comfort as the strongest factors. Councilmember Hansen stated the need to embrace solutions to get more cars off the road. Consultant Spinner LaMar described convenience factors needed for people who leave their offices unexpectedly and for employers to determine ways to provide alternate access to address emergency issues.

Mayor Pro Tem Bohr, addressing the four proposed transportation lines serving focused markets, inquired as to the most convenient line for a Huntington Beach resident to take to get to Los Angeles. Manager Stachelski indicated that one would likely board the Bolsa Chica Metrolink station or the North/South Commuter Express.

Councilmember Coerper confirmed with staff that Huntington Beach projects have the opportunity to compete with other cities for funding, noting that ridership will be one criteria considered.

Joyce Riddell, Chamber of Commerce, expressed concern that tourist stops are not provided for Bella Terra and the downtown hotels, stating that she does not believe Huntington Beach has been accommodated as well as Westminster or Fountain Valley.

Janis Mantini, Boeing Company, voiced support to bring an express service into the City, stating that commuter links need to accommodate the employees' best interest. She discussed difficulties of getting a professional person to take the bus, acknowledging that it would take an

express bus to accommodate their work hours. She also addressed the Blue Line to be of greater interest to the hotel district than the northern portion of Huntington Beach.

Barbara Delgleize, Keller Williams Realty, confirmed that all concepts have been submitted for consideration and asked if all were implemented, would it be possible to add another connection to the plan. Manager Stachelski confirmed that another stop could be added.

Tom Andrusky, Chamber of Commerce member and resident, confirmed that discussions have been presented to all cities regarding funding.

Mayor Cook inquired if it was too late to connect with other cities such as Santa Ana or Costa Mesa, and Manager Stachelski replied that it depends on what system we are trying to connect with Metrolink, and that other options will be reviewed for those considerations.

Councilmember Green reported that Costa Mesa and Newport Beach are not going to continue with the Go Local program, and that Santa Ana and Anaheim have indicated that we can be a part of their programs at any time. She discussed driving her guests to and from the Blue Line in approximately 40 minutes, and asked if the evaluation criteria was still to accomplish a drive in less than 20 minutes. Consultant Spinner LaMar confirmed that it was OCTA's evaluation criteria, and although not mandatory, certainly important.

Discussion ensued of the timeframes set for each of the four Metrolink stations, and Council thanked staff and consultant for tonight's presentation.

Recessed to Closed Session — 5:08 PM

A motion was made by Coerper, second Bohr to recess to Closed Session on the following items: The motion carried by consensus of all present, Hardy absent.

(City Council) Closed Session - Pursuant to Government Code Section 54956.8, the City Council recessed to 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 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Paul Emery, Interim City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Vilella, Finance Director; and Duane Olson, Fire Chief, regarding labor negotiations with FMA.

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

Reconvened City Council/Redevelopment Agency Meeting — 6:06 PM

There Were No Actions Reported by the City Attorney Taken During Closed Session Which Required a Reporting Pursuant to Government Code §54957.1(a) (3) (B).

City Council/Redevelopment Agency Roll Call

Present: Hansen, Bohr, Cook, Coerper, Green, and Carchio

Absent: Hardy (The City Council granted permission for the absence of Councilmember Hardy pursuant to Resolution No. 2001-54)

Pledge of Allegiance/Flag Salute — Led by Councilmember Coerper

Invocation — Provided by Mark Currie, Bahai Faith of Huntington Beach

The City Clerk Announced Late Communications

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

PowerPoint communication submitted by the Fire Department, titled *Proposed Fire Sprinkler Revisions to the Huntington Beach Fire Code*.

Communication submitted by Duane Olson, Fire Chief, dated July 21, 2008, titled *Late Communication, July 21, 2008 Agenda Item E-8*, clarifying salary and benefits language.

Communication submitted by Travis Hopkins, Director of Public Works, dated July 21, 2008, and titled *Late Communication, July 21, 2008 Agenda Item G-2A*, adding one additional recommended speed limit change to the staff report.

PowerPoint communication submitted by the Department of Public Works, titled *Speed Limit Ordinance Update*.

Communication submitted by Joanne Rasmussen, dated July 21, 2008, titled *Speed Limit Changes in the Orange County Register Today*.

The Following Communication Was Distributed During the Meeting

Communication submitted by Dave Sullivan, undated and titled *3/1 Marines Foundation "Operation Back to School."*

Presentation — Rainbow Disposal

Mayor Cook was joined by Bruce Shuman, President/CEO of Rainbow Disposal who presented a check for \$25,000 to Centennial Committee co-chairs Ron Shenkman and Stephen Bone. Co-chairs Shenkman and Bone thanked President Shuman for Rainbow's ongoing support of the City.

Presentation — Surf City USA Marathon

Mayor Cook was joined by Amy Tomchak, Surf City USA Marathon, who presented a check for \$10,000 to Centennial Committee co-chairs Ron Shenkman and Stephen Bone for Centennial celebrations.

Presentation — Tsunami Ready Proclamation

Mayor Cook was joined by Duane Olson, Fire Chief, Gloria Morrision, Emergency Services Coordinator, Brevyn Mettler, Administrative Aide, and the Community Emergency Response Team (CERT) volunteers who presented a Tsunami Ready proclamation received from the Orange County Board of Supervisors. Chief Olson described the Tsunami Work Plan and Tsunami Ready, and the City's commitment to the safety of its citizens, the notification capabilities associated with the program, and the public education programs that are offered.

Presentation — Commendation to Police Officers

Mayor Cook was joined by Ken Small, Police Chief, who presented commendations to Rick McNaughton and R.J. Garwood, Huntington Beach Police Officers. Chief Small described a frantic mother's call to the emergency 9-1-1 operator because her small son had stopped breathing, was turning blue, and had an object lodged in his throat. Chief Small authorized officers to respond to the call by helicopter and provide lifesaving measures in an attempt to save the small boy's life, since street traffic was extraordinarily high. He described how the helicopter landed and the officers successfully dislodged the object. Ultimately, the boy was transported to Huntington Beach Hospital where he was later released. Officers thanked the Council, Chief Small and the Police Department for supporting the air unit program that allows them to save lives.

Mayor's Award — Michele Diaz

Mayor Cook was joined by Gerald Caraig, Permit and Plan Check Manager, who presented the Mayor's Award to Michele Diaz, Permit and Plan Check Supervisor. Manager Caraig recognized Supervisor Diaz's extraordinary leadership skills and her "out-of-the-box" remedies to solve situations that arise in the Building Permit division. Manager Caraig described Ms. Diaz's outstanding customer service skills and her contributions to various charities and organizations for which she has received awards of recognition. Supervisor Diaz thanked Manager Caraig for his kind words and support, and she accepted her award on behalf of the entire permit technician team.

Public Comments

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

Dave Sullivan, Chairman of the Huntington Beach 3/1 Marine Adoption Foundation, read an email he received last Friday night from Marine Commander Watson. The email indicated that the Marines were scheduled to be in the Philippines in October to work on projects and assess the quality of life on the island of Luzone. Commander Watson asked if the City of Huntington Beach would be willing to collect school supplies needed for underprivileged students in local schools. Chairman Sullivan identified items needed and drop-off locations at HB Digital Arts, 1615 Alabama (Adams/Alabama), and Seevid, Inc., 5445 Oceanus Drive (Springdale/McFadden). Chairman Sullivan requested Council's assistance and asked anyone interested to please call 714-375-3131, or go to the 3/1 Marines website at www.HB4Marines@aol.com (22:32)

Mayor Cook suggested the possibility of creating another drop-off station for supplies at City Hall, 2000 Main Street, Huntington Beach.

Councilmember Carchio asked the attending media representatives from the newspapers to give the Huntington Beach 3/1 Marines Foundation all the publicity they can.

Councilmember Coerper thanked Mr. Sullivan for his dedication to the Marine Foundation and requested a full status report at a later date.

Andrew Nelson, Red Oak Investments and applicant for the "Ripcurl" mixed-use development at Center Avenue and Gothard Street, provided an updated status of the project's application. He reported that the draft Environmental Impact Report (EIR) was available now during the public comment period for anyone interested in reviewing project plans. He informed Council that he met with the City's Design Review Board and three of their recommendations were incorporated into the plan. He also thanked Council for their earlier recognition of Michele Diaz, Permit and Plan Check Supervisor, who was his first contact at the City. He restated that Ms. Diaz was extraordinarily responsive to his voicemail/email messages, adding that he has never experienced the City of Huntington Beach's level of customer service at any other City's building department. (33:35)

Allen R. Baylis, resident of Huntington Beach, addressed the proposed speed limit reductions on tonight's agenda. He informed Council that he is a lawyer who specializes in traffic ticket defense and he had reviewed the engineering and traffic surveys as justification for the recommendations to reduce speed limits. He questioned the need for permanent limit reductions based upon a perceived temporary condition that may exist for a short period of time each day. He urged Council to reconsider reducing the speed limits at this time. He also referred to the new motto *In God We Trust* that was present in the Council Chambers. He questioned Council's decisions to pass new laws and/or items such as this without the City's broad public support. (36:55)

City Council AB 1234 Disclosure Reporting

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

Council Updates

Councilmember Coerper recognized Dale Miller, Police Department Detention Administrator since 2004, and United States Airforce Reserve activated in 2007, where he served as Commander of the 886 Force Squadron in Iraq. Councilmember Coerper announced that Colonel Miller had received a field promotion from Lieutenant Colonel to Colonel, and that the City welcomed him back to the Police Department on July 7, 2008. Councilmember Coerper congratulated Colonel Miller on his service promotion and his dedication to our community and nation.

Councilmember Green commented that as one of the Council liaisons to the Human Relations Task Force, she wanted to encourage anyone interested in a good read this summer to consider this year's Reads One Book program selection titled *The Kids from Nowhere: The Story Behind the Artic Educational Miracle* by George Guthridge.

City Administrator's Report

Interim City Administrator Paul Emery announced two automated report enhancements recently made by the City. He called on Chief Small to give an overview and demonstration of the newest features designed for the online filing of Police Crime Reports. He walked Council through the demonstration and provided an overview of the successes of the links.

Laurie Payne, Community Relations Officer, gave a computer demonstration that illustrated navigation capabilities for the Centennial Celebration link on the City's website, which highlighted information on the Rose Parade float, volunteer sign ups to decorate the float, an opportunity drawing for float riders, opportunities to provide your story and historical photos of Huntington Beach, as well as sponsorship information.

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

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

City Treasurer Freidenrich first provided Council with an updated status on property tax and foreclosure information, then gave a PowerPoint report of the City Treasurer's May 2008 Investment Summary Report.

A motion was made by Bohr, second Coerper to accept the Monthly Investment Report entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation, and Retiree Medical Trust Activity for May 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
ABSENT: Hardy

City Attorney's Notice of Cross-Complaint Filed by the City of Huntington Beach for Indemnification, Apportionment of Fault and Declaratory Relief. Nature of Case: On December 11, 2006, Denboer Engineering and Construction, Inc. Excavated Land for the City of Huntington Beach at or Near Coral Cay, With Back Hoe Equipment and Damaged Underground Electrical Facilities Owned and Operated by Southern California Edison Company

City Attorney Jennifer McGrath reported a cross complaint filed of indemnification, apportionment of default and declaratory relief, and that on December 11, 2006, Denboer Engineering and Construction, Inc., excavated land for the City of Huntington Beach at or near Coral Cay, with back hoe equipment and damaged the electrical facilities owned by Southern California Edison Company. Attorney McGrath informed Council that Denboer was brought in because the City was sued.

(City Council) Public Hearing Held — Approved Introduction of Ordinance No. 3808 Amending Huntington Beach Municipal Code (HBMC) Chapter 17.56 Regarding Fire Sprinkler and Construction Requirements

Mayor Cook announced that this was the time noticed for a public hearing to consider a communication from the Acting Fire Chief transmitting the following **Statement of Issue:** NOTICE IS HEREBY GIVEN that on Monday, July 21, 2008 at 6:00 PM in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing upon said proposed ordinance: AMENDMENT OF THE HUNTINGTON BEACH MUNICIPAL CODE - an Ordinance of the City Council of the City of Huntington Beach Amending Section 903.2; 903.6.2; and 14.13.1, and adding new Sections 903.2.19; and 1414.1.1 of Chapter 17.56 of the Huntington Beach Municipal Code relating to sprinkler and construction requirements.

Duane Olson, Fire Chief, gave a brief overview of the four issues related to the sprinkler ordinance and amending Chapter 17.56 of the Huntington Beach Municipal Code, known as the Huntington Beach Fire Code (HBFC). He advised Council of the need for the recommended amendments to correct the current deficiency in the sprinkler ordinance.

Chief Olson called on Jeff Lopez, City of Huntington Beach Deputy Fire Marshall, who gave a PowerPoint report, titled *Proposed Fire Sprinkler Revisions to The Huntington Beach Fire Code* which included the following information: Fire Code background, Fire Code issues including solutions and illustrations of existing buildings/structures, and recommended adoption of ordinance to correct identified code issues.

Councilmember Hansen asked if the roof structure removal was recommended for strictly commercial or residential/commercial structures. Deputy Marshal Lopez indicated that commercial or residential had not yet been stipulated, but that the application of the sprinkler ordinance would cover all occupancy types over 5,000 square feet, citing new provisions that would allow certain structures over 5,000 square feet to avoid sprinkler installation.

Mayor Cook opened the public hearing.

City Clerk Flynn restated for the record the PowerPoint communication received as presented this evening by Deputy Fire Marshal Lopez, submitted by the Fire Department, titled *Proposed Fire Sprinkler Revisions of the Huntington Beach Fire Code*.

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

A motion was made by Green, second Coerper to adopt **Ordinance No. 3808**, "*An Ordinance of the City of Huntington Beach amending Sections 903.2, 903.62 and 1413.1, and adding new sections 903.2.19 and 1414.1.1 of Chapter 17.56 of the Huntington Beach Municipal Code relating to sprinkler and construction requirements.*" The motion carried by the following roll call vote:

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

Consent Calendar — Items Approved

A motion was made by Green, second Coerper to approve the following items on the Consent Calendar by affirmative roll call vote, with Coerper abstaining on Consent Item E-1 - Minutes. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved Minutes — Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of July 7, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 5-0-1-1 (Coerper abstained, Hardy absent)

(City Council) Adopted Resolution No. 2008-39 Adopting Capital Improvement Programs (CIP) for the Years 2008/2009 Through 2014/2015 For Compliance with Measure M and Proposition 111 Requirements — Adopted Resolution No. 2008-39, "A Resolution of the City Council of the City of Huntington Beach Adopting Capital Improvement Programs for the Years 2008/2009 Through 2014/2015 for Compliance With Measure M and Proposition 111 Requirements." Submitted by the Director of Public Works. **Funding Source:** No funding is required for the resolution. Annual Measure M Turnback allocation is approximately \$2.4 million.
Approved 6-0-1 (Hardy absent)

(City Council) Authorized a \$310,000 Increase (25%) in the Construction Change Order Limit for the Downtown Water Main Replacement Project, CC-1283 for Emergency Repair Services Made by Williams Pipeline Contractor, Inc. on an Unrelated Water Main Project, CC-1238 Located on the Alley Bounded by Frankford Avenue, Geneva Avenue, Hartford Avenue, and Indianapolis Avenue which was Started and Not Completed by Accord Engineering, Inc. — Authorized an increase in construction change order limit for CC-1283 to 25%. Submitted by the Director of Public Works. **Funding Source:** Funds in the amount of \$310,000 are budgeted in the Water Master Plan, Water Main Replacement, Water Improvements, Account No. 50791006.82100.
Approved 6-0-1 (Hardy absent)

(City Council) Adopted Resolution No. 2008-42 Informing the Orange County Transportation Authority (OCTA) that the Circulation Element for the City of Huntington Beach is in Conformance with the Master Plan of Arterial Highways (MPAH), Allowing the City to Qualify for Participation in the Combined Transportation Funding Programs (CTFP) — Adopted Resolution No. 2008-42, "A Resolution of the City Council of the City of Huntington Beach Designating the Circulation Element for The City of Huntington Beach." Submitted by the Director of Public Works. **Funding Source:** No funding is required. CTFP funds of approximately three (\$3) million dollars have been authorized over the next three years.
Approved 6-0-1 (Hardy absent)

(City Council) Approved the Revised Employment Agreement for Ambulance Operator Personnel Which Includes Language Revisions Related to Wages, Benefits and Work Scheduling — Approved the revised *Employment Agreement for Ambulance Operator* personnel in the Huntington Beach Fire Department, **as amended by Late Communication clarifying salary and benefits language.** Submitted by the Fire Chief. **Funding Source:**

Adequate operating account savings in the Ambulance Program business unit (50265403) exist to fund this change.

Approved 6-0-1 (Hardy absent)

Consent Calendar — Items Removed For Separate Discussion and Vote

(City Council) Adopted Resolution No. 2008-40 Confirming Reports of Cost for Weed Abatement on Private Property Within the City 2008 Season and Certify All Charges Listed to the Orange County 2008-2009 Property Tax Roll — Submitted by the Director of Public Works. **Funding Source:** A special assessment totaling \$21,238.44 will be charged to the Orange County property tax roll and reimbursed to the City's General Fund by the County of Orange as part of the ordinary collection process.

Councilmember Green pulled this item from the Consent Calendar and requested clarification of the parcel sizes illustrated on the cost report for weed abatement on private parcels. Interim Administrator Emery clarified that the parcels in question were 25 feet wide by 125 feet deep, identified as the City's encyclopedia lots. He discussed weed abatement proceedings and the related costs of performing this process on an annual basis. It was noted that the parcels are not contiguous, and discussion ensued of staff's outreach efforts to work with the individual owners, including the solicitation of interest for selling the lots to the City at a reasonable sales price.

Stanley Smalewitz, Director of Economic Development informed Council that the City is currently in escrow on two parcels and in negotiations with other property owners. Council asked staff about the current zoning at the parcel site, and Herb Fauland, Planning Manager, stated that the existing zoning has been in place for many years with no changes. Councilmember Carchio asked staff if these parcels have been accessible to the property owners. Interim Administrator Emery affirmed availability and informed Council that for the past seven years, staff has worked with these same owners and nothing about the process has changed.

Mayor Pro Tem Bohr stated for the record his abstention from voting since some of these parcels are within close proximity to his home.

A motion was made by Hansen, second Coerper to **1) Adopt Resolution No. 2008-40, "A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property Within the City 2008 Season"; and, 2) Direct that all charges listed thereon be certified to the Orange County 2008-2009 Property Tax Roll.** The motion carried by the following roll call vote:

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

(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$1,288,675 to Ken Thompson, Inc., for the Water Main Replacement Project at Various Locations Along Beach Boulevard, CC-1331; Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney; and Authorized the Director of Public Works to Approve up to Fifteen Percent (15%) in Construction Change Orders - Submitted by the Director of Public Works. **Funding Source:**

Funds are available in the Water Master Plan, Water Main Replacements, Water Improvements, Account No. 50791006.82100. The engineer's estimate for this project was \$2 million.

Councilmember Carchio pulled this item from the Consent Calendar to clarify the quality of work proposed by Ken Thompson, Inc. Director Hopkins discussed other bids received in alignment with the bid by Thompson, Inc., and discussed the evaluations conducted by staff, the favorable references provided by the firm, bonds checked, and the monitoring by staff assigned to the project.

A motion was made by Carchio, second Coerper to **1) Approve the project plans and specifications for Water Main Replacement Project, Various Locations Along Beach Boulevard, CC-1331; 2) Accept the lowest responsive and responsible bid submitted by Ken Thompson, Inc., in the amount of \$1,288,675.00; 3) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and 4) Authorize the Director of Public Works to approve up to fifteen percent (15%) in construction change orders.** The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2008-41 Adopting a Policy Relating to Temporary Use Permits (TUP) for Outdoor Retail Sales on Private Property Within the Downtown Specific Plan Area as Recommended by the Downtown Ad-Hoc Committee — Submitted by the Director of Economic Development and the Director of Planning. **Funding Source:** Not applicable.

Councilmember Green pulled this item from the Consent Calendar and questioned whether the City is locked into the ad-hoc committee's recommendation of a Temporary Use Permit (TUP) having a five-year maximum limit and 50 days maximum per calendar year for having outdoor sales. She voiced concerns of the frequency and appearance of the outdoor sales, in particular along Pacific Coast Highway. Stanley Smalewitz, Director of Economic Development, discussed the cross-section of stakeholders who support the outdoor sales and reasons why the ad-hoc committee suggested the recommendation.

Mayor Pro Tem Bohr commented that he had conversations with Aaron Pai and other owners of retail uses downtown, which convinced him this recommendation would work. He described compromises that were reached such as displaying professional signs versus handmade signs and dressing up tables with skirting. He expressed difficulty in trying to come to terms with "numbers that fit" everyone, and how he arrived at his final agreement with the recommended action. He indicated to Councilmember Green that he originally shared her same concerns.

Councilmember Coerper asked Aaron Pai, owner of Huntington Surf and Sport (HSS), to come forward to describe improvements made to the appearance of the outdoor sales at his Warner Avenue store. Owner Pai described the new navy blue color theme, the new navy uniforms worn by his staff, the new blue signs, and the custom made table cloths to fit the tables with coordinating umbrellas. Director Smalewitz added that the areas for the outdoor sales have been reconfigured where actual displays would be. Councilmember Coerper asked Owner Pai for the number of times during the year the outdoor sales were conducted and Owner Pai confirmed 49 times. He added that his customers love the sidewalk sales, that HSS proactively advertises the

sales via the Internet and the Orange County Register, and he knows there is customers who come downtown to shop at his store that end up supporting other downtown businesses as well.

Councilmember Carchio voiced support of the improvements made in the outdoor sales events downtown, thanked downtown business owners for their responsibility to promote downtown businesses, and expressed appreciation that businesses abide by the policies set by Council.

A motion was made by Coerper, second Carchio to adopt **Resolution No. 2008-41**, "A Resolution of the City Council of the City of Huntington Beach Adopting a Policy Relating to Temporary Outdoor Retail Sales on Private Property Within the Downtown Specific Plan Area." The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3807 Amending Title 2 of the Huntington Beach Municipal Code (HBMC) Relating to Administration and Personnel. Approved for Introduction July 7, 2008

A motion was made by Green, second Carchio to after City Clerk reads by title, **Adopt Ordinance No. 3807**, "An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code Relating to Administration and Personnel." The motion carried by the following roll call vote:

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

(City Council) Approved Introduction of Ordinance No. 3809 Amending the Huntington Beach Municipal Code (HBMC) Chapter 10.12 Relating to Speed Limits by Increasing the Speed Limit by Five Miles Per Hour on Four Street Segments and Decreasing the Speed Limit by Five Miles Per Hour on Eight Street Segments

The Council considered a communication submitted by the Director of Public Works transmitting the following

Statement of Issue: The California Vehicle Code requires periodic review and updating of posted speed limits on various streets within the City to enable the Police Department to continue to use speed-measuring devices for enforcement. The recommended action includes reaffirming current speed limits on 44 of the 66 surveyed street segments, increasing the limit by five miles per hour on four segments, and decreasing the speed limit by five miles per hour on eight segments. The Police Department concurs with the update and recommended changes.

Interim Administrator Emery called on Bob Stachelski, Transportation Manager, to give a brief overview of this item. Manager Stachelski acknowledged the late communication received on this item, presented the speed limit ordinance update and identified modifications recommended in the staff report.

Councilmember Carchio inquired if the street segments surveyed included consideration of side streets feeding into those surveyed street segments, and pedestrians crossing the streets into oncoming traffic. He then gave an example of another street configuration where a pedestrian trying to cross the street was killed. Manager Stachelski confirmed those considerations are included in the surveys, as are review of accident history, the street's width, and other engineering evaluations.

Councilmember Green asked if Councilmembers can participate in the vote since it appeared to be in conflict within the radius of their homes, and Attorney McGrath confirmed all of their participation.

Councilmember Coerper asked for clarification as to how speed limits are designated. Manager Stachelski discussed State law which designates the strict process of limitations based upon local conditions, with significant emphasis placed on conducting samples of actual speeds that motorists are traveling on a street. He gave examples of other activities of key factor value for reducing speed limits, and working with the Police Department for baseline information. Councilmember Coerper asked who makes the final determination for the reduction or increase in speed limits. Manager Stachelski described working with the Police Department on various facets of the recommendation, but explained that the Transportation Manager is ultimately responsible for studying streets and making recommendations, and for providing the final signature on all speed survey forms. Councilmember Coerper thanked Manager Stachelski for doing an excellent job in his report and presentation.

Mayor Cook stated her understanding that every five years a street survey and speed limit survey are conducted and that limits have to be set within a narrow range. Manager Stachelski clarified that the surveys are required every seven years. They discussed speed enforcement and illustrated for the public why the speed limits get addressed and passed the way they do.

A motion was made by Bohr, second Green to after City Clerk reads by title, approve Introduction of **Ordinance No. 3809**, *"An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits."* The motion carried by the following roll call vote:

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

Council Comments — (Not Agendized)

Mayor Pro Tem Bohr reported his attendance and congratulations to Kyle Wesley Mecham of Troop 567 who celebrated his Eagle Scout Court of Honor on Saturday, July 19.

Councilmember Coerper thanked all City employees who have served in the military, and informed Council that he would be placing an item on a future Council meeting agenda to recognize others who have also served in the military.

Councilmember Carchio congratulated Bernie Bischof on the grand re-opening of the Old World Festival Hall and Beer Garden on July 13; he reported attending the Municipal Employees Association (MEA) picnic on Saturday, July 19 and congratulated everyone involved in making it such a success.

City Council/Agency Adjournment

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at **7:42 PM**.

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



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:



City Clerk-Clerk



Mayor-Chair