

**Minutes
Study Session
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, September 17, 2007
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

Call to Order

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:06 p.m., in Room B-8 of the Huntington Beach Civic Center.

Present: Bohr, Carchio, Coerper, Green, Hansen, and Hardy.
Absent: Cook.

Mayor Coerper announced a Notice of Absence received from Mayor Pro Tem Debbie Cook. Pursuant to City Council Resolution No. 2001-54, the City Council granted permission for Mayor Pro Tem Cook to be absent.

Councilmember Hardy arrived at 4:09 p.m.

City Clerk Joan Flynn Announced Late Communications

Communication submitted by Jim, editor@highwayrobbery.net, dated September 16, 2007, titled Automated Red Light Camera Systems, facsimile to the Council pertaining to Study Session item #1.

Communication submitted by Steve Stafford, undated and untitled, a memorandum to Council pertaining to the Automated Red Light Camera Systems, Study Session item #1.

Communication submitted by Public Works Department, dated September 17, 2007, titled *Water and Sewer Rate Adjustments in Accordance with Proposition 218*, PowerPoint report pertaining to Study Session item #2.

Public Comments

Norm Westwell spoke in opposition to the Automated Red Light Camera Systems, Study Session item #1, stating his opinion that this program is intrusive and will drive people away from visiting our city. It is his opinion that motorists will avoid Beach

Boulevard if the program is implemented and businesses and car dealerships along Beach Boulevard will suffer due to the decline in vehicular traffic. He noted that an increase in rear-end collisions have been reported in other cities that have the automated red light program.

(City Council/Redevelopment Agency) Study Session #1 Held — Presentation on Technology and Related Costs of Automated Red Light Camera Systems

Chief of Police Ken Small introduced Police Captain Chuck Thomas who gave a PowerPoint report titled, *Automated Red Light Camera Systems*, which included information on the program background, system technology, how the cameras work, still photos of front and rear views of vehicles in intersection, rear plate and face of driver, process flow, legal issues, 2006 statistics, costs, revenue, and aesthetics of the program.

Captain Thomas stated that the Police Department views the proposed program as a means to improve traffic safety in the City. In 2006, Huntington Beach reported 5.2% of collisions were attributed to running red lights. Program studies of Orange County cities show an overall reduction in red light running and a decrease in violations and collisions at intersections with cameras. He thanked Police Sergeant Steve Bushhousen and Transportation Manager Bob Stachelski for providing research and statistics and for the comprehensive presentation.

Discussion ensued amongst Council and staff related to the identification of intersections to be selected for the program, the percentage of tickets that would not be cited due to camera malfunction and/or "fuzzy" photos, the process to evaluate the program at the end of the first year, the potential for an inclusion of a cancellation clause in the contract, and the evaluation opportunities to assess the program's effectiveness. Chief Small reiterated that the Police Department's desire to implement this program is solely based upon the opportunity to save lives by improving traffic safety. It is anticipated that two non-sworn, civilian positions would need to be added to operate the program.

Mayor Coerper polled Council to seek consensus to direct staff to bring back a proposal Council consideration on the Automated Red Light Program. Straw votes of affirmation by all Councilmembers present were taken (Mayor Pro Tem Cook absent).

(City Council/Redevelopment Agency) Study Session #2 Held — Water and Sewer Rate Modification and Majority Protest Procedure.

Dave Webb, Acting Director of Public Works, Operations gave a PowerPoint report titled *Water and Sewer Rate Adjustments in Accordance with Proposition 218*, which highlighted the enhanced sewer service program, the sewer laterals, water and sewer rates past practice, new rates based upon the established methods, the water master plan surcharge, and sewer service fee, majority protest procedure and the proposed schedule for implementation.

Acting Director Webb summarized the new rates for water to include commodity rate decreases, water master plan surcharge decreases and water meter fee increases. New rates for sewer will include a service fee increase. On average, a single-family household is anticipated to have a .89-cent decrease in monthly bill.

Council discussion ensued regarding future use of enterprise funds, questions pertaining to private property issues, pre-qualification of lateral line repair vendors, and commercial, industrial and residential sites as they relate to public laterals.

Mayor Coerper polled the Council to determine interest in pursuing the proposed Water and Sewer Rate Modification Program. Straw votes of affirmation by all Councilmembers present were taken. (Mayor Pro Tem Cook absent).

Recess to Closed Session of City Council/Redevelopment Agency — 5:15 p.m.

Motion by Green, second Bohr to recess to Closed Session on the following items. The motion carried by consensus of all present, Mayor Pro Tem Cook absent.

(City Council) Closed Session - Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: M.M.R. Family LLC, et al. v. City of Huntington Beach; Orange County Superior Court Case No. 06CC07095. This suit challenges the validity of City Ordinance No. 3689, which established minimum relocation benefits in case of a mobile home park closure.

(City Council) Closed Session - Pursuant to Government Code Section 54957.6, the Council shall recess to Closed Session to meet with its designated labor negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Vilella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with MEO, MEA, HBFA, and Non-Associated.

Reconvene City Council/Redevelopment Agency Meeting — 6:18 p.m.

City Attorney Jennifer McGrath Reported the Following Action Taken in Closed Session Pursuant to Government Code Section 54957.1(a) (3) (B). In the case of M.M.R. Family LLC, et al. v. the City of Huntington Beach, Orange County Superior Court Case No. 06CC07095, the Council took a vote of 5-1-1 (Hardy no, Cook absent) to authorize the City Administrator to execute a tolling agreement between the plaintiffs and the City of Huntington Beach, which will permit the City to continue good-faith negotiations but not to continue litigating the case at this time.

City Council/Redevelopment Agency Roll Call

Present: Bohr, Carchio, Coerper, Green, Hansen, and Hardy.
Absent: Cook.

Mayor Coerper announced a Notice of Absence received from Mayor Pro Tem Debbie Cook. Pursuant to City Council Resolution No. 2001-54, the City Council granted permission for Mayor Pro Tem Cook to be absent.

Pledge of Allegiance/Flag Salute - Led by Councilmember Joe Carchio

Invocation - Led by Peggy Price of The Greater Huntington Beach Interfaith Council

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Flynn announced the following Late Communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.

Mayor Coerper, Mayor Pro Tem Cook and Councilmembers Bohr, Carchio, Green, Hansen and Hardy submitted reports pursuant to AB 1234.

Communication submitted by Tami Bui, Region Manager, Local Public Affairs for Southern California Edison, dated September 17, 2007, untitled, a letter pertaining to agenda item D-2, Zoning Text Amendment No. 06-08, Wireless Communication Facilities.

Communication submitted by Sarah Burbidge of MacKenzie & Albritton, LLP dated September 17, 2007, titled *Agenda Item D-2, Wireless Code Amendments*.

Communication submitted by Travis K. Hopkins, Acting Director of Public Works, Engineering, dated September 17, 2007 requesting communications from the Sea Isle Garden Club and Friends of Huntington Harbour, Inc., Committee of 1,000 be included with Agenda Item H-1a.

Communication submitted by Dorothy Ralphs, dated September 16, 2007 and titled *Edinger Avenue Project*.

Communication submitted by Dorothy Ralphs, dated September 17, 2007 and titled *H-1a Edinger Parkway Landscape*.

City Administrator's Report - None

City Administrator Penelope Culbreth-Graft asked Fire Chief Duane Olson for a brief update on the Big Bear Fire, and Chief Olson reported two fires currently uncontained in the cities of Big Bear and Julian. Chief Olson indicated that there were no firefighter injuries reported, and once the Big Bear fire is contained, it is likely that our firefighters will report to Julian.

The Following Communications Were Submitted During the Meeting

Communication submitted by Brian Rechsteiner, President of Huntington Beach City School District - Board of Trustees, dated September 13, 2007, a letter to Honorable Mayor and City Council Members pertaining to four school sites currently not used for public schools.

Communication submitted by Robert Jystad, Counsel for AT&T, dated September 17, 2007, a letter to the City Council pertaining to Agenda item D-2, proposed Amendment to Zoning and Municipal Codes re: Wireless Communication Facilities.

Presentation — National Hispanic Heritage Month

Mayor Coerper called on Alan Chancellor, Chairman of the Huntington Beach Human Relations Task Force to announce September 15 — October 15 as National Hispanic Heritage Month. Mr. Chancellor introduced Task Force Member Rosa Arredondo who gave an overview of honoree, Erik Faraldo. Mr. Faraldo, in conjunction with Community Technology Partnership (CTP), was instrumental in creating a partnership dedicated to mitigating the digital divide gap among children of low-income parents by providing computers to school children, churches, halfway homes, and women's shelters. Mayor Coerper read from the Proclamation and thanked Mr. Faraldo for his fine work.

Presentation — Time Warner Cable National Teacher Award

Mayor Coerper called on John Borack, Director of Governmental Affairs with Time Warner, to introduce Time Warner Cable's National Teacher Award Winner and Huntington Beach resident Leslie Flores. Ms. Flores is a third-time recipient of this prestigious award and Mr. Borack described her contributions to her 4th grade students. Mayor Coerper read from the Proclamation and thanked Ms. Flores for the programs she has developed. Ms. Flores thanked the Mayor, Council and Time Warner Cable for the award and recognition.

Mayor's Award — Sergeant Les Robinson

Mayor Coerper announced this month's Mayor's Award to be presented to Sergeant Les Robinson. Mayor Coerper called on Chief of Police Ken Small who introduced Sergeant Robinson and described his many achievements over his 35-year tenure in Law Enforcement. Sergeant Robinson thanked the Council for their support and, in particular, Chief Small for his fine leadership and dedication to the Police Department.

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/>)

Ann Baker, real estate agent in South Huntington Beach, voiced compassion for the recent fatal accident of 14-year old Huntington Beach student, Danny Oates. She voiced support of traffic lights, stop signs, and/or speed bumps to be installed to deter the speeding motorists at Indianapolis Avenue and Bushard Street near Sowers School. (24:23)

Brian Rechsteiner, President of Huntington Beach City School District - Board of Trustees, referred to a letter he presented at tonight's meeting pertaining to four school sites (Gisler, Kettler, Burke and LeBard), currently not in use. In an effort to determine the highest and best use for these properties, he indicated that a Request for Proposal (RFP) was distributed to the community for lease, purchase, or trade at these sites. (27:05)

Elaine Marshall spoke in opposition to mandatory spay, neuter and microchipping program for dogs and cats. It is her opinion that responsible pet owners already spay and neuter their pets and she does not believe it is government's place to govern the rights of private citizens who own pets. (28:59)

Chris MacDonald spoke in support of the continuation of *Surf City Nights* on Tuesdays in the downtown area. (31:00)

Tom Black, owner-operator of Crabby's Boat House in downtown Huntington Beach, spoke in support of *Surf City Nights* on Tuesdays in the downtown area, stating that its family atmosphere serves as a real benefit to the community. (31:55)

Dorothy Ralphs, representing the Sea Isle Garden Club, thanked Council for its past support of the street improvements on Edinger Avenue. She spoke in support of the City's proposed allocation of funds (\$122,000) committed to the Edinger Parkway Landscape Improvement Project. She asked for clarification of a potential contingency plan in the event that the City is not successful in obtaining the grant funds for which it has applied. (32:58)

Garry Guzzeta, a concerned parent, member of the community and participant in local sports activities, voiced compassion for the recent fatal accident of 14-year old Huntington Beach student, Danny Oates. He described the fear felt by himself and his family while walking or biking near Sowers Middle School. He stated that motorists are traveling in an excessive speed in this area, and offered options to implement in an effort to slow down the cars. (35:39)

Chip Rowland, business owner on 5th Street, spoke in support of *Surf City Nights* stating that the event has helped his downtown business, and that it contributes towards the City's positive notoriety throughout the County. (38:47)

Ron Bazer, Huntington Beach resident, Little League Coach and parent, voiced concern pertaining to speeding motorists near Sowers Middle School at Bushard Street and Indianapolis Avenue. He reported that within one week after the fatal accident of 14-year old Danny Oates, there have been seven speeding tickets issued. He requested traffic flow analysis be conducted and a device installed to deter speeding. He thanked Councilmember Hansen for his support and involvement in conducting a community forum meeting last Friday evening. (40:54)

Chris Wakefield urged Council to address the speeding motorists on the streets near Sowers School, stating that in addition to the recent fatal accident of Danny Oates, another accident occurred earlier today at the same site.

Councilmember Hansen mentioned the community forum meeting previously held last Friday night, September 14, 2007, and that data from the meeting was collected. He reiterated Council's concern and assured speakers that their voices will be heard. He asked Council and staff their desire to schedule this matter for a future Study Session for further discussion. (43:45)

Karen Taylor Riggs, representing Huntington Beach Impeach, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, and urged Council to place a resolution on a future City Council agenda.

Councilmember Hansen polled Council for its interest in placing a resolution on a future City Council agenda for discussion, and Councilmembers unanimously responded negatively. (46:29)

Aaron Pai, owner of Huntington Surf and Sport, thanked the Council, Steve Daniel, President of the Downtown Business Improvement District (BID), Connie Pedenko, Executive Director of the Downtown BID, and Stanley Smalewitz, Director of Economic Development, for their support and dedication to the *Surf City Nights* event.

Mayor Coerper thanked Mr. Pai for his generosity and years of support given to the downtown area. (50:43)

Susan Kopicki spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating her opinion that this administration has forbidden government scientists from reporting the truth on global warming and climate change. (52:50)

Pat McCully, Huntington Beach teacher of 20 years, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating her opinion that this administration has denounced the Geneva Conventions, and voiced her opposition to the war in Iraq. (53:29)

Laura Sweet, State Peace Officer and Huntington Beach resident, spoke in support of a resolution to impeach George W. Bush and Vice-President Dick Cheney, stating her opposition to this administration's alleged treasonous leaking of the identity of a CIA agent working to keep weapons of mass destruction out of the hands of our enemies. (55:07)

Allan Beek spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, and stated his opposition to the President's pardon of Lewis Scooter Libby, former Chief of Staff and assistant for National Security Affairs to Vice-President Dick Cheney. (55:43)

Vern Nelson, representing Huntington Beach Impeach, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney. (57:06)

Michael Music, 41-year Huntington Beach resident, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney. (57:54)

Kathryn Lui voiced compassion for the fatal accident of Huntington Beach student Danny Oates. She also spoke in opposition to a mandatory spay, neuter and microchip program for dogs and cats, and stated her opinion that the program should not be implemented as an "administrative issue," but rather by a vote of the people.

Councilmember Hardy clarified the phrase "administrative items," as posted on the Council agendas for public discussion. (58:20)

Dean Inada spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, due to Administration's alleged suspension of the Writ of Habeas Corpus. (1:03:02)

Robert Terrill, 25-year resident, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney for reasons of defiance of the Freedom of Information Act. (1:03:40)

Tom Lash spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney and asked Council why they decided not to place a proposed resolution on a future Council agenda.

Councilmember Bohr acknowledged all public speakers' First Amendment rights to address the Council; however, he stated that the House of Representatives would be the legislative body to contact regarding impeachment issues and he identified U.S. Congressman Dana Rohrbacher as our local representative. (1:04:42)

Louise Stewardson, long-time resident of Huntington Beach and registered nurse, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, indicating her opinion that since the federal government will not support an impeachment movement, she is asking the City to do so. (1:08:02)

Joe Tyndall spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating his opinion that President Bush fought the creation of a 9/11 Commission and what he believes shows a lack of cooperation and non-responsiveness to the discovery issues of September 11, 2001. (1:08:56)

Mika Mitchell voiced concern pertaining to speeding motorists near the Sowers School site. She attended the community forum meeting facilitated by Councilmember Hansen on Friday, September 14, and discussed the information she learned at the meeting. She encouraged Council to work with the community to develop a solution to address this ongoing matter. (1:09:52)

Sarah Kooiman, native of Huntington Beach and mother, voiced her concern regarding the ongoing traffic issues and the potential for continued accidents in our city caused by motorists who are repeatedly speeding and racing on Indianapolis Avenue. (1:12:24)

Jeff Merrick, Huntington Beach resident and veteran, supports a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating his opinion that the current Administration has disgraced our military, and urged the Council to place this item on a future Council agenda. (1:14:26)

Richard Reinbolt, retired English teacher and War veteran, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating his opposition to the war in Iraq and for which it has caused soldiers to have lost their lives. (01:15:26)

Sarah Fulton, employee of The Electric Chair store on Main Street, spoke in support of *Surf City Nights* and the additional business it generates for their store on Tuesday nights. (1:17:45)

Mary Jo Camargo, long-time resident of Huntington Beach, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating her opinion of the President's disrespect for The Constitution of the United States. (1:18:21)

Victor Camargo spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, also stating his opinion that the President does not defend The Constitution of the United States, and he urged Council to place this item on a future Council agenda. (1:19:16)

Marcel Cozza, 20-year resident of Huntington Beach, voiced concerns about the speeding traffic and irresponsible motorists on Indianapolis near Sowers School, and referenced an accident that occurred earlier today at the same location. (1:20:52)

Kari Cozza voiced compassion for the tragic fatal accident involving 14-year old student, Danny Oates. She requested that another community meeting be held at Edison Community Center and thanked Councilmember Hansen for his support, time and involvement. She mentioned the high volume of speeding cars and the accident that occurred at the school site earlier today. She requested the City post large speed signs of 25 m.p.h. at the intersection of Bushard Street and Indianapolis Avenue.

Councilmember Carchio asked Ms. Cozza whether she and two previous speakers who expressed interest in conducting another meeting would be willing to spearhead a community effort via a committee to include staff, community members, and Councilmember(s) to address this matter. Ms. Cozza responded affirmatively. (1:21:52)

Pat Alviso, 15-year resident in Huntington Beach and her son who is a career Marine, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating her opinion that the President has not attended the funeral of a single fallen soldier of war, and she expressed her disagreement with the President's alleged policy that no photographs of coffins returning from Iraq be allowed to be seen by the public. (01:26:05)

Marjorie Niland, a member of the 67th assembly alliance, long-time resident of Huntington Beach and teacher, supports a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating her opinion that the President did not leave his frequent vacations in a timely manner in response to his calls for duty related to the war in Iraq. She also expressed her opinion of the President's misuse of executive power. (1:27:48)

Lynda Hernandez, 29-year resident of Huntington Beach and small business owner, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney and stated her opinion that supporting this resolution defends The Constitution of the United States and fundamental rights. She urged the Council to place a resolution on an upcoming Council Agenda and to join her and other municipalities to hold the current Administration accountable. (1:30:55)

Lee Love, President of a Huntington Beach human resources consultant firm at 4th and Main streets in Huntington Beach, thanked the City Council for its support of the collaboration efforts of the Downtown Business Improvement District and the successful *Surf City Nights* on Tuesdays. (1:34:08)

Dennis Berman, 5-year resident of Huntington Beach, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating his opinion that our troops do not have the proper body armor to fight the war in Iraq. (1:35:25)

Sue Berman, resident of Huntington Beach, supports a resolution to impeach President George W. Bush and Vice-President Dick Cheney, stating her opinion that the war in Iraq is not a partisan issue and she expressed sympathy for everyone who has lost a love one in the War that she believes is unjust. (1:37:50)

Cara Jones, 17-year resident and parent, voiced concerns about the speeding traffic at Bushard Street and Indianapolis Avenue and spoke in defense of children's safety who attend the adjacent public and private schools. She mentioned the various options that are available to deter the motorists from exceeding the speed laws and her availability to serve on a committee, if formed. (1:39:02)

Clark Casler spoke in support of a resolution to impeach President George W. Bush and Vice President Dick Cheney, stating his opinion that the President has appointed to ambassador positions individuals who are not qualified. (1:41:00)

Noor Aljawad, resident and student in Lake Forest, California, spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, and stated her opinion of an excessive budget spent on the war in Iraq. (1:43:59)

Sharon Tipton, presented a display board titled, The United States Constitution, and voiced her support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney, and her concerns about the lack of healthcare funding and the privatization of care for returning soldiers. She thanked Council for its recent action to support a resolution for mandatory healthcare for Veterans. (1:44:55)

Teddi Alves, spoke in opposition to a mandatory spay, neuter and microchipping program for dogs and cats, stating her opinion that the program is a violation of civil rights. She voiced support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney. She also stated her opinion that the City has a "non-open" process for notification of City Council meetings; specifically, as it related to the mandatory spay and neuter program.

Councilmember Hardy asked City Clerk Flynn when her office makes City Council agendas available to the public. City Clerk Flynn responded that City Council agendas are made available to the public no later than Thursday afternoons prior to meetings on Monday, adding that agendas are posted on the City's website, disseminated by email notifications to a mass distribution list and hard copies are available in the City Clerk's Office and posted at City Hall at that time. It was noted that the legal requirement for posting City Council meeting agendas is 72 hours prior to the meeting and the City posts well before that time. (1:46:48)

(City Council) AB 1234 Disclosure Reporting

Councilmember Green announced that she and Mayor Coerper attended the League of California Cities General Meeting and spoke of the re-election of Mayor Coerper as a League of Cities representative. She also announced her re-election to another term on the Orange County Transportation Authority.

Mayor Coerper, Mayor Pro Tem Cook and Councilmembers Bohr, Carchio, Green, Hansen and Hardy submitted reports pursuant to AB 1234.

City Treasurer Shari L. Freidenrich and City Clerk Joan L. Flynn submitted reports pursuant to AB 1234.

(City Council) Mayor Coerper's City Council Liaison Report on the Council on Aging Strategic Plan

Communication from Mayor Gil Coerper on behalf of City Councilmembers Cathy Green and Keith Bohr, Liaisons to the Council on Aging transmitting the following:

Statement of Issue: In accordance with the Memorandum of Understanding between the City of Huntington Beach and the Council On Aging (COA), I would like to invite the COA President, Ms. Cathy Meschuk, to update the City Council on the COA 2007 through 2012 Strategic Plan.

Mayor Coerper called on Council on Aging President, Cathy Meschuk to provide Council with an update on the Council on Aging 2007 through 2012 Strategic Plan. Ms. Meschuk gave a PowerPoint report titled, *Huntington Beach Council on Aging Strategic Plan*, which highlighted 2005/06 Goals and Achievements, the Strategic Planning Hierarchy, Goals for 2007-2012, and Vision and Mission Statements. Ms. Meschuk presented a check to the City in the amount of \$21,000 to fund a part-time social worker position.

(City Council) Approved Recommendation by Mayor Coerper of the Appointment of Councilmember Keith Bohr to Replace Councilmember Jill Hardy on the Economic Development Committee (EDC) and the Economic Development Committee Re: Downtown Issues

Communication from Mayor Gil Coerper transmitting the following:

Statement of Issue: Due to scheduling conflicts, City Councilmember Jill Hardy will no longer be available to attend Economic Development Committee Meetings and Economic Development Committee - re: Downtown Issues Meetings.

Councilmember Carchio announced for the record that he would abstain from voting on this item since he owns a business in the downtown area.

A motion was made by Green, second Hansen to appoint City Councilmember Keith Bohr as Council Liaison to the Economic Development Committee and Economic Development Committee - re: Downtown Issues. The motion carried by the following roll call vote:

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

City Administrator's Report

City Administrator Penelope Culbreth-Graft asked Fire Chief Duane Olson for a brief update on the Big Bear Fire, and Chief Olson reported two fires currently uncontained in the cities of Big Bear and Julian. Chief Olson indicated that there were no firefighter injuries reported, and once the Big Bear fire is contained, it is likely that our firefighters will report to Julian.

City Treasurer's Report

City Treasurer Shari Freidenrich announced that September 24 - 29 is "Dollar Wise Week," a program sponsored by the United States Conference of Mayor's Council. This year's theme is "Saving for Kids and Families," intended to bring awareness to the need for better financial literacy in our nation's cities.

(City Council) Reviewed and Accepted Shari L. Freidenrich, City Treasurer's July 2007 Investment Summary Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for July 2007

City Treasurer Shari L. Freidenrich gave a PowerPoint report, titled *The Monthly Investment Report and Summary of Investments for July 2007*, which was included in the Agenda Packet.

A motion was made by Green, second Bohr to review and accept the Monthly Investment Report. Following review of the report, by motion of Council, accept the Monthly Investment Report entitled Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for July 2007, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. PowerPoint presentation titled July Treasurer's Report is included in the agenda packet. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Public Hearing Held - Approved the Second Implementation Agreement to the Owner Participation Agreement (OPA) Between the Redevelopment Agency of the City of Huntington Beach and Bella Terra Associates, LLC; Adopted Agency Resolution No. 368 and City Council Resolution No. 2007-37 Continued from the 6/18/07 and 7/2/07 meetings

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: MODIFICATION TO THE EXECUTED OWNER PARTICIPATION AGREEMENT FOR THE BELLA TERRA RETAIL CENTER FORMERLY KNOWN AS HUNTINGTON CENTER.

Communication from the Director of Economic Development/Deputy Executive Director transmitting the following

Statement of Issue: The City Council of the City of Huntington Beach ("City") and the Redevelopment Agency of the City of Huntington Beach ("Agency") will conduct a joint public hearing on September 17, 2007 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, 2000 Main Street Huntington Beach, California 92648, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), for the purpose of considering the modification to the executed Owner Participation Agreement for the Bella Terra retail center formerly known as Huntington Center. The proposed Second Implementation Agreement to the Owner Participation Agreement modifies the repayment structure for certain public improvements that were installed and constructed by the developer of the project. A summary containing the following information is available for public inspection and copying during regular office hours at the offices of the City Clerk at 2000 Main Street Huntington Beach, California 92648.

- 1) An identification of the proposed modifications to the executed Owner Participation Agreement;
- 2) Estimates of the amount of tax increment proposed to be used to pay for the installation and construction of the identified public improvements; and
- 3) The redevelopment purpose for which tax increment is being used to pay for the installation and construction.

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

Economic Development Director Stanley Smalewitz gave a brief overview of the project and called on Kathe Head, Principal, Keyser Marston Associates, to give a PowerPoint report to identify proposed changes to the Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Huntington Beach and Bella Terra Associates, LLC.

Mayor Coerper declared the public hearing open.

City Clerk Flynn announced no late communications or public speakers pertaining to this public hearing.

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

A motion was made by Bohr, second Hardy to adopt 1) Agency Resolution No. 368, "A Resolution of the Redevelopment Agency of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant to Health and Safety Code Section 33433 for a Second Implementation Agreement to Owner Participation Agreement Between the Redevelopment Agency of the City of Huntington Beach and Bella Terra Associates," and 2) Approve the Second Implementation Agreement to Owner Participation Agreement By and Between the Redevelopment Agency of the City of Huntington Beach and Bella Terra Associates, LLC, and authorize the Agency Chairman

and Agency Clerk to execute the agreement. City Council Recommended Action, and 3) Adopt City Resolution No. 2007-37, "A Resolution of the City Council of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant to Health and Safety Code Section 33433 for a Second Implementation Agreement to Owner Participation Agreement Between the Redevelopment Agency of the City of Huntington Beach and Bella Terra Associates." The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held - Adopted Zoning Text Amendment (ZTA) 06-08 for Wireless Communication Facilities; Approved for Introduction Ordinance No. 3779 Amending Chapter 230.96 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Titled Wireless Communications Facilities as Recommended by the Planning Commission and City Staff; Approved for Introduction Ordinance No. 3780 Amending Chapter 12.13 of the Huntington Beach Municipal Code (HBMC) Relating to Street Work Generally; Approved for Introduction Ordinance No. 3781 Amending Chapter 12.38 of the Huntington Beach Municipal Code (HBMC) Relating to Encroachments; Approved for Introduction Ordinance No. 3782 Amending Chapter 12.48 of the Huntington Beach Municipal Code (HBMC) Relating to Wireless Digital Communications Radio Networks; and, Approved for Introduction Ordinance No. 3783 Amending Chapter 17.64 of the Huntington Beach Municipal Code (HBMC) Relating to Undergrounding of Utilities (Continued open from the 9/04/07 meeting).

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: ZONING TEXT AMENDMENT NO. 06-008 (WIRELESS COMMUNICATION FACILITIES)

Communication from the Director of Planning, the Acting Director of Public Works/Engineering and the City Attorney transmitting the following:

Statement of Issue: Notice is hereby given that on Monday, September 17, 2007, at 6:00 p.m. in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing on the following Planning and zoning items:

ZONING TEXT AMENDMENT NO. 06-008 (WIRELESS COMMUNICATION FACILITIES)

Applicant: City of Huntington Beach

Request: To amend Chapter 230 of the Zoning and Subdivision Ordinance and Chapters 12 and 17 of the Huntington Beach Municipal Code as they pertain to wireless facilities.

Location: Citywide

Project Planner: Rosemary Medel

NOTICE IS HEREBY GIVEN that Item No. 1 is categorically exempt from the provisions of the California Environmental Quality Act

NOTICE IS HEREBY GIVEN that Item No. 1 will require a Local Coastal Program Amendment certified by the California Coastal Commission.

ON FILE: A copy of the proposed request is on file in the Planning Department, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on August 30, 2007 (Thursday before meeting).

**PowerPoint presentation titled Zoning Text Amendment No. 06-08 and Amendments to HBMC Chapters 12 and 17 is included in the agenda packet.

Planning Director Scott Hess called on Associate Planner Rosemary Medel who gave a PowerPoint report that outlined the background, analysis, and recommendation pertaining to Wireless Communication Facilities.

Councilmember Hansen referred to the Late Communication received from Verizon and asked City Attorney Jennifer McGrath to comment on the communication. Attorney McGrath clarified the material for Council.

Mayor Coerper declared the public hearing open.

City Clerk Flynn restated for the record the following Late Communications pertaining to this public hearing item.

Communication submitted by Tami Bui, Region Manager, Local Public Affairs for Southern California Edison, dated September 17, 2007, a letter pertaining to agenda item D-2, Zoning Text Amendment No. 06-08, Wireless Communication Facilities.

Communication submitted by Sarah Burbidge of MacKenzie & Albritton, LLP dated September 17, 2007 and titled, *Agenda Item D-2, Wireless Code Amendments*.

Tami Bui, Southern California Edison (SCE), addressed concerns regarding franchise rights. She stated that SCE believes that public utilities have the right to encroach into the public rights-of-way.

Robert Jystad, Counsel for AT&T, referred to a letter he presented to Council this evening. He urged Council to postpone making a decision on the issue and give all parties an opportunity to address AT&T's outstanding concerns. AT&T's concerns were described as: (1) wireless carriers are exempt from franchising, (2) the proposed wireless permit requirements in Section 230.96 are overreaching, and (3) the proposed amendments are pre-empted by Section 253 of the Telecommunications Act of 1996.

Patrick Ryan, Next G Networks, stated that his firm is not a wireless carrier, instead it represents clients of wireless carriers and is regulated by the Public Utilities Commission (PUC). Currently, Next G Networks is under contract to deliver services for one of its carriers by March 2008. He stated that a meeting has been scheduled with staff and his client for next week, and it is his opinion that a valid law is in place that

would resolve outstanding concerns, and he urged Council to table the matter at this time.

Leslie Daigle, Verizon Wireless, referred to the case pending at the State Supreme Court in San Diego that may or may not establish that fees may be collected on rights-of-way, but it is Verizon's position at this time that no fees may be collected from carriers. She believes the wireless carriers are being "singled out" to be financially responsible for the undergrounding of utilities.

Alexander Deobois, Royal Street Communications and Metro P.B.S., voiced opposition to the proposed Zoning and Municipal Code amendments pertaining to wireless facilities and stated his belief that will delay and negatively impact the service to its customers.

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

Attorney McGrath informed Council that the matter of wireless communications is currently a litigated matter between the carriers and the different municipalities. The City has attempted to structure the ordinance in a way that is consistent with decisions made at the state and federal level. She reiterated that through the moratorium, Council has established reasonable regulations in the public right-of-way to the extent the law will permit.

Councilmember Hansen asked for clarification of ramifications to the City if Council took action this evening. Attorney McGrath responded that the ordinance, as drafted, could involve fees being returned to carriers as directed by the Court if the above-mentioned litigation was settled in favor of the carriers. City Administrator Culbreth-Graft reiterated the history of this issue and added that the moratorium will expire in March 2008.

A motion was made by Hardy, second Carchio to **1) Approve Zoning Text Amendment No. 06-08 with Findings for Approval, and Approve for Introduction Ordinance No. 3779, "An Ordinance of the City of Huntington Beach Amending Chapter 230.96 of the Huntington Beach Zoning and Subdivision Ordinance Titled Wireless Communications Facilities" Additional Staff Recommendation: 2) Approve for Introduction Ordinance No. 3780, "An Ordinance of the City of Huntington Beach Amending Chapter 12.13 of the Huntington Beach Municipal Code Relating to Street Work Generally," 3) Approve for Introduction Ordinance No. 3781, "An Ordinance of the City of Huntington Beach Amending Chapter 12.38 of the Huntington Beach Municipal Code Relating to Encroachments," 4) Approve for Introduction Ordinance No. 3782, "An Ordinance of the City of Huntington Beach Amending Chapter 12.48 of the Huntington Beach Municipal Code Relating to Wireless Digital Communications Radio Networks," and 5) Approve for Introduction Ordinance No. 3783, "An Ordinance of the City of Huntington Beach Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Undergrounding of Utilities."** The motion carried by the following roll call vote:

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

FINDINGS

ZONING TEXT AMENDMENT NO. 06-08

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 the City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves minor amendments to Huntington Beach Zoning and Subdivision Ordinance, Chapter 230 (Wireless Communication Facilities) and the Huntington Beach Municipal Code Chapter 12 and 17 pertaining to wireless facilities.

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 06-08:

1. Zoning Text Amendment No. 06-08 to amend Chapter 230 Wireless Communication Facilities of the Zoning and Subdivision Ordinance is consistent with the objectives, policies, general land uses and programs specified in the General Plan because the amendment will encourage and facilitate wireless facilities throughout the city while preventing visual clutter thereby furthering the City's development goals.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning districts for which it is proposed. The introduction of the Wireless Permit will ensure that wireless facilities will not have adverse impacts citywide nor within the public right-of-way.
3. A community need is demonstrated for the change proposed as directed by the City Council because the amendment will require that when possible wireless facilities are located in the least obtrusive site necessary in order to continue wireless coverage in the area.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice by addressing wireless facilities in the public right-of-way, adopting a wireless permit procedure and creating a zoning and subdivision ordinance more reflective of City priorities.

Consent Calendar — Items Approved

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

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

(City Council/Redevelopment Agency) Approved Minutes — Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of September 4, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Escheated a Total of \$802.21 of Unclaimed Funds Over Three Years Old and Less Than \$15.00 and a Total of \$21,703.32 of Unclaimed Funds Over Three Years Old and More Than \$15.00 to the City's General Fund per Government Code Section 50055 — Reviewed and approved the transfer of \$22,505.53 of unclaimed funds to the unappropriated General Fund in compliance with Government Code Section 50055. Submitted by the City Treasurer. **Funding Source:** Not applicable.

(City Council) Approved and Authorized Execution by the Mayor and City Clerk of a Use Authorization and Consent Agreement with Lessee, Los Angeles SMSA Limited Partnership, dba Verizon Wireless, and California Tower, Inc. as Sublessee for Co-Location of Certain Telecommunication Equipment at the Warner Fire Station — 1) Approved the Use Authorization and Consent Agreement; and 2) Authorized the Mayor and City Clerk to sign and execute the Use Authorization and Consent Agreement. Submitted by the City Attorney, Fire Chief and the Director of Economic Development. **Funding Source:** Under the lease terms, California Tower, Inc. assumes all responsibility for any costs associated with the installation, maintenance, and liability of its telecommunications facilities. This co-location would generate an additional 15% of the gross rental revenues received by California Tower, Inc. per year in revenue to the City.

(City Council) Approved Two Professional Services Contracts With Community Service Programs Inc. (CSP) in the Amounts of \$269,038 for the Management of the Juvenile Diversion Program and \$157,625 for the Gang Prevention and Intervention Program, Each With a Three-Year Expiration — Approved and authorized the Mayor and City Clerk to execute three-year contracts with Community Service Programs, Inc., Professional Services Contract Between the City of Huntington Beach and Community Service Programs, Inc. for Management of Juvenile Diversion Program and Professional Services Contract Between the City of Huntington Beach and Community Service Programs, Inc. for Gang Prevention and Intervention Program. Submitted by the Chief of Police. **Funding Source:** Sufficient funds are available in the Police Department's 2007-2008 budget, under the General Fund, Account Numbers 10070203 and 10070106. No additional appropriation of funds is necessary.

(City Council) Approved a Sole Source Procurement With Standard Automation and Control of League City, Texas for the Purchase of Supervisory Control and Data Acquisition (SCADA) Software for the City's Water and Flood Control Facilities — Approved a Sole Source Procurement with Standard Automation and Control of League City, Texas for the purchase of SCADA software. Submitted by the Acting Director of Public Works, Operations. **Funding Source:** Funds for the purchase of the software are available in Water Fund business unit, 50691003.82100 and in Sewer Service Fund, business unit 51189003.82600.

(City Council) Adopted Resolution No. 2007-62 Authorizing the Sale of Water Outside the City Limits to the Orange County Flood Control District (OCFCD) for Water Service to Irrigate a Proposed Landscape Area Along the Westerly Santa Ana River Levee Bordering the City Between Garfield Avenue and Adams Avenue — Adopted Resolution No. 2007-62, "A Resolution of the City Council of the City of Huntington Beach Providing for the Sale of Water Outside the City Limits." Submitted by the Acting Director of Public Works, Operations. **Funding Source:** The

cost of providing water service is recouped through the monthly municipal services billing process.

(City Council) Approved the Huntington Beach Downtown Business Improvement District (BID) Annual Report for FY 2007-2008 BID Renewal; Adopted Resolution No. 2007-61, Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Downtown Business Improvement District (BID) for FY 2007-2008; and, Directed the City Clerk to Schedule a Public Hearing for October 1, 2007, and Notify Each Business to be Assessed and Provide Public Notification

Councilmember Carchio announced for the record that he would be abstaining from voting and recused himself since he owns a business in the downtown area.

The City Council considered a communication from the Director of Economic Development transmitting the following **Statement of Issue**: On September 7, 2004, the City Council approved Ordinance No. 3661 establishing the Huntington Beach Downtown Business Improvement District (BID) as a method of marketing the downtown area. The State of California Parking and Business Improvement Law of 1989 requires an Annual Report be filed for each fiscal year, and a public hearing date be set. **Funding Source**: Revenues and expenses are included in the 2007/08 Downtown Business Improvement District Budget (Fund 710).

Councilmember Bohr asked to address Consent Calendar items E-2, and E-10 together, pertaining to the Annual Report for the Downtown Business Improvement District (BID) and the Management Agreement with the Downtown Business Improvement District (BID). He asked for clarification of expense items listed in the 2007/08 BID Budget Proposal pertaining to salary, marketing, promotion and event costs allocated to *Surf City Nights*, the commitments for sponsorships, and the various costs illustrated to be the responsibility of the Redevelopment Agency. Director of Economic Development Stanley Smalewitz discussed the pilot program costs supported by the Agency for *Surf City Nights* and the cost the Agency targeted to go forward with the program. Councilmember Bohr asked for clarification of expenses targeted for marketing services and "capacity building," and Director Smalewitz described the high-volume communications and promotional responsibilities anticipated to handle the transition from Business Improvement District to Merchant Association.

Mayor Coerper asked for clarification of total costs (\$87,000) for the pilot program period *Surf City Nights* to present (3/06/06 - 9/30/07). Assistant Project Manager Nova Punongbayan gave an historical background associated with the event's marketing and advertising costs and weekend closures. Mayor Coerper asked if \$10,000 designated for cleanup would be paid by the BID and Director Smalewitz responded affirmatively.

Council discussion ensued regarding the future of *Surf City Nights* and the desire that the majority of the fiscal burden be the responsibility of the BID, with phased reduced monies contributed by the Agency, including marketing services.

A motion was made by Bohr, second Coerper to 1) approve the Huntington Beach Downtown Business Improvement District Annual Report for FY 2007-2008 BID Renewal; and 2) Adopt City Council Resolution No. 2007-61, "A Resolution of the City

Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2007-2008 Within the Huntington Beach Downtown Business Improvement District"; and 3) Direct the City Clerk to schedule a public hearing to be held on October 1, 2007, send copies of the Resolution of Intention, including the BID Boundary Map and assessment formula to each business to be assessed and publish same in a newspaper of general circulation as required. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Appropriated \$86,769 From the Merged Project Area Unappropriated Fund Balance and Authorized the Executive Director to Enter Into a Management Agreement With the Downtown Business Improvement District (BID) in an Amount Not to Exceed \$86,769 for Capacity Building of the Downtown BID and to Continue the Agency's Financial Participation in Surf City Nights.

Councilmember Carchio announced for the record that he would be abstaining from voting and recused himself on this item since he owns a business in the downtown area.

The City Council considered a communication from the Economic Development Director/Deputy Executive Director transmitting the following **Statement of Issue:** Since the commencement of the Main Street trial closures for Surf City Nights on March 6, 2006, the Downtown Business Improvement District (BID) has experienced growth and overall increased sales revenue on Tuesdays. The BID administration is a critical component to the strategic growth of its organization into a thriving, self-sustainable organization. Additionally, the BID administration has been a principal partner in the management of the Surf City Nights and weekend event closures. Staff proposed to continue to share approximately one-half of the Surf City Nights' operational costs, organizational development and marketing costs with the BID. The Agency's financial participation will ensure the BID's continued efforts in the downtown are cohesive with the City's overall vision to become more of a destination economy and encourage tourism. **Funding Source:** Economic Development 2007-08 Budget Account No. 30581002, augmented, if necessary, by Merged Area Undesignated Fund Balance not to exceed \$86,769.

A motion was made by Bohr, second Coerper to 1) Appropriate \$86,769 from the Merged Project Area Unappropriated Fund Balance into account #30581002 for capacity building of the Downtown BID and to continue the Agency's financial participation for Surf City Nights; and 2) Authorize the Agency Executive Director to enter into a Management Agreement with the Downtown BID in an amount not to exceed \$86,769. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved and Authorized the Mayor and City Clerk to Execute Amendment No. 1 to the Professional Services Agreement With Freedman, Tung and Bottomley (FTB) in the Amount of \$117,599 for Preparation of a Corridor Revitalization Strategy and Specific Plan for Beach Boulevard (Including Edinger Avenue); and, Appropriated \$117,599 from Redevelopment Agency Merged Capital Funds to the Redevelopment Agency Professional Services Account; and, Authorized the Director of Planning to Expend Funds for the Contract.

The City Council considered a communication from the Deputy Executive Director and Director of Planning transmitting the following **Statement of Issue**: Submitted for Council approval is an amendment to the professional service agreement with Freedman, Tung and Bottomley for the Beach Boulevard/Edinger Avenue Corridor Study in the amount of \$117,599. **Funding Source**: An appropriation of \$117,99 from the Redevelopment Agency Merged Capital Funds to the Redevelopment Agency Professional Services Account No. 30580101.69365.

Councilmember Bohr pulled this item to discuss costs and fees associated with the Agreement between the City/Agency and Freedman, Tung and Bottomley (FTB), and stated his desire for staff to scrutinize all billings, especially the hourly rates indicated by the firm's principals. Director Smalewitz stated that staff has the fiduciary responsibility to scrutinize all invoices and he described the fees related to dynamic workshops conducted and the course of work completed. Discussion ensued regarding rates charged by the sub-consultants.

Councilmember Green stated her support of the process and the successful workshops conducted. She stated her preference for the consultant (FTB) to attend and/or speak at the City's joint Annual Economic Conference with the Chamber of Commerce.

A motion was made by Bohr, second Green to **1)** have the City approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to Agreement Between the City of Huntington Beach and Freedman, Tung and Bottomley in the amount of \$117,599 for preparation of a corridor revitalization strategy and specific plan for Beach Boulevard (including Edinger Avenue); and **2)** for the Agency to appropriate \$117,599 from Redevelopment Agency Merged Capital Funds to account 30580101.69365 for the FTB contract and authorize the Director of Planning to expend Agency Funds allocated to the FTB contract. The motion carried by the following roll call vote:

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

City Administrator Culbreth-Graft described the logistics of the evolving process on the last critical corridor in our City. Councilmember Carchio asked City Administrator Culbreth-Graft why FTB was unable to anticipate the increase in fees, and it was explained that the scope of the contract originally granted is now being expanded since staff has responded to citizens' input on issues that need to be addressed before citizens would support the process.

(City Council) Adopted Ordinance No. 3778 Amending Chapter 9.20 of the Huntington Beach Municipal Code Relating to Public Dressing - Approved for Introduction September 4, 2007.

A motion was made by Green, second Hardy to approve after the City Clerk reads by title, Adopt Ordinance No. 3778, *"An Ordinance of the City of Huntington Beach Amending Chapter 9.20 of the Huntington Beach Municipal Code Relating to Public Dressing"* by roll call vote. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3784 Amending Huntington Beach Municipal Code Section 17.56.060 Regarding Permissible Sprinkler Omissions and Schedule a Public Hearing for October 15, 2007

Communication submitted by the Fire Chief transmitting the following

Statement of Issue: Whether to adopt an ordinance amending Municipal Code Section 17.56.060 regarding permissible sprinkler omissions.

A motion was made by Hansen, second Hardy to after City Clerk reads by title, approve Introduction of **Ordinance No. 3784**, *"An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.56 - The Huntington Beach Fire Code - Pertaining to Sprinklers"* and direct the City Clerk to publish a Notice of a Public Hearing pursuant to Government Code Section 6066, and Schedule a Public Hearing for October 15, 2007. The motion carried by the following roll call vote:

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

(City Council) Submitted By Councilmember Green - Edinger Parkway Landscape Improvement Project

Communication from Councilmember Green transmitting the following

Statement of Issue: At the June 13, 2005, City Council Meeting, City Council Member Bohr submitted an H-Item to request a reconnaissance study for the subject project, the cost of which was shared by the Sea Isle Garden Club (SIGC). Subsequently, the City Council at its September 12, 2005, meeting authorized the expenditure of \$90,000 towards curb work, with an additional \$60,000 as matched by the SIGC. In 2006, the City, with the concurrence of the SIGC, applied for a Transportation Enhancement Activity (TEA) grant, administered through OCTA, utilizing the aforementioned local funding as a match. Unfortunately, the application was unsuccessful. Upon meeting with OCTA to discuss the application, it was suggested that the construction documents be prepared in order to be "project ready" should money become available, which staff and the SIGC collectively agreed to move forward with. At the urging of the SIGC, staff put out to bid a project to construct the curb and general earthwork for this project and on August 6, 2007, the City Council awarded a contract for this work. In late August, OCTA announced a call for projects for the 2007 TEA grant cycle. City staff has attended the grant workshop and met with OCTA representatives to improve on the previous year's application. One of the major changes to the scoring is in regard to the

local match. While a minimum of 25% match is necessary, additional points are given for a greater match.

Currently, the City has approximately \$10,000 left from the previous allocation and the SIGC has an additional \$40,000 for a total of \$50,000. The projected cost to complete this project is \$400,000. Therefore, to meet the minimum 25% match of \$100,000, an additional \$50,000 needs to be committed in order to apply for this project. However, to garner more points in order to be competitive, I am recommending that the City provide a 61% match, resulting in a total match commitment of \$244,000 from the Second Tier Reserve. It is currently the City's understanding that the SIGC will commit to raise a total of \$122,000, which is 50% of the match. In the event that the grant application is not successful, I recommend that the City funding be returned to the Second Tier Reserve.

Recommended Action: Motion to:

Direct staff to submit the required Agency Resolution Requesting Funds for Approved Project for the Edinger Avenue Parkway Landscape Improvement Project, committing the City to a \$244,000 match for this project.

Councilmember Bohr abstained from voting on this item and recused himself.

Councilmember Green described the costs associated with Edinger Avenue curb work and the call for projects by the Orange County Transportation Authority (OCTA) for a Transportation Enhancement Activity (TEA) grant. Staff met with OCTA to determine that a 61% match would be required to garner more points in order to be competitive. Sea Isle Garden Club (SIGC) will commit \$122,000, which is 50% of the match.

Councilmember Hardy asked for the City's financial contribution to date towards the project and Acting Director of Public Works, Engineering Travis Hopkins responded \$140,000.

Mayor Coerper and Councilmembers Carchio, Green, Hansen and Hardy stated their support of the project and thanked the SIGC for its financial contribution.

A motion was made by Green, second Coerper to direct staff to submit the required Agency Resolution requesting funds for approved project for the Edinger Avenue Parkway Landscape Improvement Project, committing the City to a \$244,000 match for this project. The motion carried by the following roll call vote:

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

Council Comments — Not Agendized

Mayor Coerper asked City Administrator Culbreth-Graft to assist him in forming a committee to address the traffic issues near Sowers School raised tonight by the public speakers, and she responded affirmatively.

Councilmember Carchio announced his attendance at the Welcome Retired Employees of Los Angeles County to Huntington Beach at the Central Library on September 6, The Council on Aging 19th Annual Senior Saturday festival on September 8, the Firefighters Annual Memorial in Santa Ana and the Patriot Day Ceremony at Pier Plaza on September 11, and Save our Strays Pancake Breakfast at Lake Park on September 15. He reminded everyone to attend *Surf City Nights* on Tuesday night.

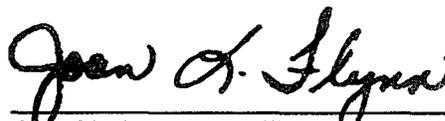
Councilmember Green announced her attendance at the Fire Family Annual Monument Memorial (she read the Oath of Office quote from Monsignor John F. Sammon), and the Patriot Day Ceremony at Pier Plaza on September 11; the Public Safety Awards Luncheon on September 12, (she thanked award recipients for the following categories): Award of Heroism: Anthony Rizco and Greg Wells (Public Works); Brandon Prince, Terry Bullock, Scott Underhill and Dennis Rafferty (Fire Department); Good Samaritan Award: Paige Bisson, Kylie Cucinotti, Carly Zylstra, Greg Eisele, and Shane Kohls (Community Services); Paul Renfrow, Robert Marshal, and Amanda Frank, Cathy Serif, Jamie Murphy, Kevin Prentiss (Fire Department); Police Officer Shawn Randell and Police Officer Francisco Jimenez (Police Department); and Award of Valor: Police Officer Frankie Choyeski and Police Officer Michael Thomas of the Police Department); and Save our Strays Pancake Breakfast at Lake Park and the CERT Awards Luncheon on September 15.

Councilmember Hardy announced her attendance at the League of California Cities in Sacramento, Policy Committee meeting on "In-Care Homes" for elderly on September 5, and the Patriot Day Ceremony at Pier Plaza on September 11 (she thanked sponsors for moving the event during the week to 6:00 p.m.).

Councilmember Bohr announced his attendance at the Firefighters Annual Memorial Ceremony on September 11, the Public Safety Awards Luncheon on September 12, Save our Strays Pancake Breakfast at Lake Park and the Eagle Scout Court of Honor for Kyle Watson Campana on September 15.

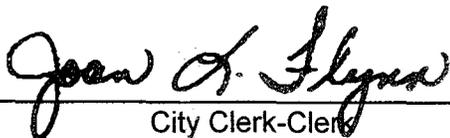
Mayor Coerper announced his attendance at the Oktoberfest at Old World on September 9, benefiting the Therapeutic Riding Center Huntington Beach, the Patriot Day Ceremony at Pier Plaza on September 11, the Spurgeon Award Luncheon with Councilmember Green honoring Dr. Arnold Beckman of Beckman Industries Inc., and Dave Maggard, Chief of Police of Irvine on September 13, the Save Our Strays Pancake Breakfast at Lake Park on September 15, and the Eagle Scout Court of Honor for Tyler Briscoe on September 16.

Council/Agency Adjournment at 10:06 p.m., to Monday, October 1, 2007, at 4:00 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:


City Clerk-Clerk
Mayor-Chair