

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

Monday, April 5, 2010
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/**

The City Clerk recessed the 4:00 PM portion of the meeting to 5:00 PM due to an anticipated lack of quorum.

5:00 PM - Council Chambers - Closed Session

MEETING CALLED TO ORDER AT 5:00 PM.

ROLL CALL

Present: Carchio, Coerper, Hardy (arrived at 5:05 p.m.), Green, Bohr, Dwyer, and Hansen
(arrived at 5:04 p.m.)
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION - None.

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS - None.

RECESS TO CLOSED SESSION

A motion was made by Bohr, second Dwyer to recess to Closed Session. The motion carried by the following roll call vote:

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

CLOSED SESSION

1. (City Council) Pursuant to Government Code Section 54956.9(b)(3)(A), the City Council recessed to Closed Session to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. Number of Potential Cases: Unknown at this time. Subject: Potential Litigation re Utility User Tax.

2. (City Council) Pursuant to Government Code Section 54956.9, the City Council recessed to Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund v. The City of Huntington Beach; Orange County Superior Court Case No. 30-2008-00051261-CU-PT-CXC. This action arises out of allegations of violations of the California Environmental Quality Act ("CEQA"), violations of the City General Plan and the Quimby Act.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING - 6:03 PM.

ROLL CALL

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

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

PLEDGE OF ALLEGIANCE - Led by Major Michael Coerper.

INVOCATION - Led by Maneck Bhujwala with the Huntington Beach Interfaith Council.

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced that the following communications were received by her office following distribution of the City Council agenda packet:

Communications received from Drew Kovacs, Lynn McGowan and Jessica Montoya on Item No. 17 - Councilmember Carchio's proposal to have the City Attorney and the Police Department draft an ordinance stating that no person shall feed any non-domestic animal.

AWARDS AND PRESENTATIONS

Mayor Green called on Police Captain Chuck Thomas who gave a brief introduction to the criminal case from 1979 of convicted murderer Rodney James Alcala, and showed a rebroadcast from ABC Good Morning America highlighting the case and the found photographs the Huntington Beach Police Department has released.

Mayor Green called on Council on Aging President Don MacAllister to present a check to the City to cover legal costs for the appeal of the new Senior Center.

Mayor Green called on Dave Sullivan to recognize the City employees who assisted and contributed money to the 3/1 Marine Foundation Run held March 13, 2010.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number following the speaker's comments reflect the approximate point in the archived audio file located at <http://www.surfcity-hb.org/government/agendas>).

Major Michael Coerper reported on his year in Afghanistan. He expressed his appreciation to the people in Huntington Beach. (00:27:30)

Ken and Stephanie Deagle of the Huntington Beach Relay for Life discussed the May 15-16 Relay at Central Park. Stephanie highlighted the schedule of events for the Relay and asked that caregivers and survivors please come and be recognized. She also requested donations for the event. (00:29:48)

Dave Sullivan commented on Item No. 6 - Huntington Beach Marketing and Visitors Bureau (HBMVB). He voiced concerns about long term financial commitments, suggesting a one year extension period versus five years at this time. He also discussed the HBMVB report and the absence of performance measures, and feels that the Council should be copied on all reports. (00:32:50)

Jeffrey Carrel spoke regarding rent increases at Seacliff Assisted Living in Huntington Beach. He gave accolades to the staff, but was opposed to the 27% increase in his mother's care/rent which he feels has had an adverse affect on the effected seniors. (00:35:48)

Fred Provencher, Chair of the Huntington Beach "Reads One Book" for the past three years, thanked Council for their support. He specifically thanked Mayor Green and Mayor Pro Tem Hardy for welcoming adults and students to a recent author's reception. (00:39:11)

Gordon Smith, Chairman of the Wetlands Conservancy, invited the public to the grand opening event on Saturday, April 17, 2010, and the Wetlands and Wildlife Care Center. Activities will include the release of rehabilitated pelicans, tours, and a visit from actor Will Shadley, "The Spy Next Door" who has narrated a film on the Wetlands. (00:40:59)

Ellen Riley requested that Library hours be reinstated so the Library remains available to residents on Sunday. (00:42:07)

Clint Orr spoke regarding a theater in the Downtown area. He outlined his schedule of priorities including a theater, a surf museum, the Golden Bear Concert Hall, a Tribal Village, public access television, and the Cal Country Dance Foundation. (00:45:13)

COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

1. (City Council) Submitted by Mayor Green - Effective immediately, Councilmember Coerper has asked to step down as the Council Liaison to the School Districts. Councilmember Joe Carchio has agreed to take this assignment.

A motion was made by Coerper, second Hardy to approve assignment of Councilmember Joe Carchio to serve as the City Council Liaison to the School Districts. The motion carried by the following roll call vote:

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

Councilmember Coerper asked for support for the City's 3/1 Marines.

Councilmember Bohr submitted a written AB 1234 report that is on file in the City Clerk's Office.

CITY ADMINISTRATOR'S REPORT

Administrator Wilson recognized Laurie Payne who was recently named a *Women of Distinction* by the Soroptimist International of Huntington Beach.

RECESSED CITY COUNCIL/REDEVELOPMENT AGENCY MEETING - 6:54 PM.

CONVENED SPECIAL MEETING OF THE HUNTINGTON BEACH PUBLIC FINANCE AUTHORITY

CALL TO ORDER

ROLL CALL: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, Hansen (All Present)

ADOPTED RESOLUTION NO. 19 ESTABLISHING REGULAR MEETING DATES FOR AUTHORITY MEETINGS TO COINCIDE WITH THE REGULAR MEETING DATES OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY.

A motion was made by Coerper, second Carchio to adopt Resolution No. 19 of the Huntington Beach Financing Authority establishing regular meeting dates for Authority meetings. The motion carried by the following roll call vote:

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

APPROVED AND ADOPTED MINUTES.

A motion was made by Coerper, second Carchio to approve and adopt the minutes of the December 21, 2009 annual meeting of the Huntington Beach Public Financing Authority as written and on file with the Office of Secretary. The motion carried by the following roll call vote:

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

ADJOURNED HUNTINGTON BEACH PUBLIC FINANCE AUTHORITY SPECIAL MEETING - 6:56 PM.

RECONVENED CITY COUNCIL/REDEVELOPMENT AGENCY MEETING - 6:56 PM

PUBLIC HEARING

2. (City Council) Adopted Resolution No. 2010-32 approving the issuance of tax-exempt bonds by the California Statewide Communities Development Authority (CSCDA) to finance the construction of a solar energy facility by SunEdison, LLC for the Kohl's department store solar project.

City Administrator Fred Wilson briefly explained Kohl's Department Store's plans to install solar panels at the Adams Street location, and referred Council to the City's Energy Director Aaron Klemm, for questions.

In response to Councilmember Dwyer, Mr. Klemm explained the request in more detail.

Mayor Green opened the public hearing. With no one present to speak on the item, the public hearing was closed.

A motion was made by Hardy, second Coerper to adopt Resolution No. 2010-32, "A Resolution of the City Council of the City of Huntington Beach Approving the Issuance by the California Statewide Communities Development Authority of Recovery Zone Facility Revenue Bonds for the SunEdison California Portfolio" in an aggregate principal amount not to exceed \$1.0 million. The motion carried by the following roll call vote:

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

CONSENT CALENDAR

Councilmember Carchio requested to pull Items 6, 9 and 14 for discussion.

3. (City Council/Redevelopment Agency) Approved and adopted minutes.

A motion was made by Coerper, second Carchio to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of March 15, 2010, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

4. (City Council) Modified the order of business on the City Council/ Redevelopment Agency meeting agenda.

A motion was made by Coerper, second Carchio to modify the order of business on the City Council/Redevelopment Agency meeting agenda by having the Consent Calendar precede Public Hearing. The motion carried by the following roll call vote:

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

5. (City Council) Received and filed the City Attorney's Quarterly Report of activity for October 1, 2009 through December 31, 2009.

A motion was made by Coerper, second Carchio to receive and file the City Attorney's Quarterly Report for October 1, 2009 through December 31, 2009. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen

NOES: None

6. (City Council) Approved the Amended and Restated Grant Agreement between the City of Huntington Beach and Huntington Beach Marketing and Visitors Bureau (HBMVB), (formerly called the Huntington Beach Conference and Visitors Bureau), for Public Relations Services.

Councilmember Carchio pulled this item and invited President Steve Bone to come to the podium and answer questions regarding the need for a multiple year contract.

A motion was made by Carchio, second Hansen to approve and authorize execution of the Amended and Restated Grant Agreement between the City of Huntington Beach and the Huntington Beach Marketing and Visitors Bureau for Public Relations Services. The motion carried by the following roll call vote:

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

7. (City Council) Approved three annual compliance reports on facilities improvement fees collected for development projects: Planned Local Drainage Facilities, Sanitary Sewer Facilities, and the Fair Share Traffic Impact Mitigation Fee.

A motion was made by Coerper, second Carchio to approve the Planned Local Drainage Facility Fund Annual Compliance Report for Fiscal Year 2008/09; and, approve the Sanitary Sewer Facilities Fund Annual Compliance Report for Fiscal Year 2008/09; and, approve the Fair Share Traffic Impact Mitigation Fee Annual Compliance Report for Fiscal Year 2008/09. The motion carried by the following roll call vote:

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

8. (City Council) Adopted Resolution 2010-29 Authorizing the Director of Public Works to Execute Program Supplements to the Caltrans Master Agreement for Transportation Projects.

A motion was made by Coerper, second Carchio to adopt Resolution No. 2010-29, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works to Execute Program Supplements to the California Department of Transportation Master Agreement for Transportation Projects." The motion carried by the following roll call vote:

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

9. (City Council) Approved a Professional Services Contract with Engineering Resources of Southern California, Inc. and with A & E Consultants Group, Inc., each in the amount of \$750,000 for as-needed General Development Engineering Services, and each with a three-year expiration.

Councilmember Carchio pulled the item for clarification. City Transportation Manager Bob Stachelski provided information regarding consultants and the amounts of the contracts.

A motion was made by Carchio, second Coerper to approve and authorize the Mayor and City

Clerk to execute Professional Services Contract between the City of Huntington Beach and Engineering Resources of Southern California, Inc. for As-Needed General Development Engineering Services; and, approve and authorize the Mayor and City Clerk to execute Professional Services Contract between the City of Huntington Beach and A&E Consultants Group, Inc. for As-Needed General Development Engineering Services. The motion carried by the following roll call vote:

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

10. (City Council) Adopted Resolution No. 2010-30 to Vacate excess right-of-way on the northeast corner of Davenport Drive and Baruna Lane.

A motion was made by Coerper, second Carchio to adopt Resolution No. 2010-30, "A Resolution of the City Council of the City of Huntington Beach Ordering the summary vacation of excess right-of-way on the northeast corner of Davenport Drive and Baruna Lane" as described and depicted on the attached Legal Description and Plat Map, Exhibit "A" and Exhibit "B" respectively; and, direct the City Clerk to record the Resolution and attached exhibits with the Orange County Recorder. The motion carried by the following roll call vote:

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

11. (City Council) Accepted Grant for Violence Against Women Program for 2010 between the California Emergency Management Agency (Cal EMA), Law Enforcement and Victim Services Division, and the City of Huntington Beach; Appropriated \$194,667 of which \$146,000 is to be reimbursed by grant funds; Authorized expenditure of \$194,667 plus interest accrued to pay for the professional services contract between the City of Huntington Beach and Community Service Program, Inc. (CSP) for Victim/Witness Advocate and operating costs related to the Domestic Violence Program; and, Authorized the Mayor and City Clerk to execute contract.

A motion was made by Coerper, second Carchio to accept the grant between the California Emergency Management Agency and the City of Huntington Beach; approve the appropriation of \$194,667 of which \$146,000 is to be fully reimbursed by the grant from the California Emergency Management Agency. The remaining \$48,667 will be funded from appropriations in the Police Department's budget; authorize the expenditure of funds of \$194,667 plus interest to pay for the professional services contract between the City of Huntington Beach and Community Service Program, Inc. (CSP) for Victim/Witness Advocate, and some operating costs related to the Domestic Violence Program; and, approve and authorize the Mayor and City Clerk to execute the professional services contract between the City of Huntington Beach and Community Service Program, Inc. (CSP) for Victim/Witness Advocate. The motion carried by the following roll call vote:

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

12. (Redevelopment Agency) Approved Sublease Agreement and Master Landlord Consent Thereto between C.S. B. Partnership (Sublandlord) and Big O Tires, LLC (Subtenant) for Agency owned property at 7872 Edinger Avenue.

A motion was made by Coerper, second Carchio to approve as to form the Sublease Agreement and Master Landlord's Consent Thereto; and, authorize Chairperson and Agency Clerk to sign and execute the Consent of Master Landlord. The motion carried by the following roll call vote:

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

13. (City Council/Redevelopment Agency) Adopted City Resolution No. 2010-31 and Agency Resolution No. 381 approving revised policies and procedures for the Affordable Homeowner Rehabilitation Loans and Grants Program.

A motion was made by Coerper, second Carchio to approve Resolution No. 2010-31, "A Resolution of the City Council of the City of Huntington Beach Approving the Housing Rehabilitation Loan Program (City Council); and, approve Resolution No. 381, "A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Housing Rehabilitation Loan Program" (Redevelopment Agency). The motion carried by the following roll call vote:

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

14. (Redevelopment Agency) Increased Redevelopment Agency budget appropriations in the amount of 3,009,510 in response to legislative changes, contractual obligations, and spending priorities.

Councilmember Carchio asked the City Attorney about the increase in legal services noted in this RCA to determine if the amount is \$40,000 or \$60,000. Deputy Economic Development Director Fritzal clarified the request.

A motion was made by Carchio, second Coerper to increase appropriations in the respective Redevelopment Agency (RDA) funds: Increase Merged Project Area Fund 30580101.69300 by \$490,000; Increase Low-Income Housing Fund 30680301.69300 by \$40,000; Increase Low-Income Housing Fund 30680301.75000 by \$1,587,706; Increase Low-Income Housing Fund 30680302.89250 by \$500,000; and, Increase Merged Project Area Debt Service Fund 40780101.75000 by \$391,804. The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

15. (City Council) Approved for introduction Ordinance No. 3876 amending a section of Chapter 5.24 of the Huntington Beach Municipal Code (HBMC) that pertains to exemptions for those who do not need to be state certified to provide massage services.

A motion was made by Hardy, second Carchio to after the City Clerk reads by title, approve for introduction Ordinance No. 3876, "An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments." The motion carried by the following roll call vote:

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

16. (City Council) Approved for introduction two Ordinances modifying Huntington Beach Municipal Code (HBMC) Section 3.02 adding an Environmentally Preferred Purchasing Policy, and Section 3.03 to include debarment and suspension verification before awarding professional services.

A motion was made by Hardy, second Dwyer to after the City Clerk reads by title, approve for introduction Ordinance No. 3877, "An Ordinance of the City of Huntington Beach amending Chapter 3.02 of the Huntington Beach Municipal Code Relating to Purchases of Goods and Services," and, approve for introduction Ordinance No. 3878, "An Ordinance of the City of Huntington Beach amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services." The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

17. (City Council) Item Proposing that the City Attorney and the Police Department draft an ordinance stating that no person shall feed any non-domestic animal including, but not limited to, coyotes, foxes, opossums, raccoons, and skunks in residential neighborhoods
WITHDRAWN BY COUNCILMEMBER CARCHIO.

COUNCILMEMBER COMMENTS (Not Agendized)

Comments made by Councilmembers Dwyer, Bohr, Hardy, Coerper, Carchio and Green.

ADJOURNMENT - - The meeting adjourned at 7:32 p.m. to the next regularly scheduled meeting of Monday, April 19, 2010, at 4:00 p.m. in Room B-8, Huntington Beach Civic Center.



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