

**Minutes
City Council/Public Financing Authority
City of Huntington Beach**

Tuesday, February 21, 2012
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM - ROOM B-8

CALL TO ORDER – 4:10 PM

ROLL CALL - (Mayor Pro Tem Devin Dwyer requested and was granted permission to be absent pursuant to Resolution No. 2001-54; Councilmembers Joe Shaw, Keith Bohr and Connie Boardman notified staff of potential late arrivals) – NO QUORUM.

Present: Harper, Hansen, and Carchio
Absent: Shaw, Dwyer, Boardman, and Bohr

There being no Quorum, the City Clerk recessed until four Councilmembers were present.

~~ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION) - NO QUORUM.~~

~~PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - NO QUORUM~~

~~JOINT STUDY SESSION – CITY COUNCIL OF HUNTINGTON BEACH AND THE INVESTMENT ADVISORY BOARD (IAB) - NO QUORUM~~

Roll Call of the Investment Advisory Board – NO QUORUM:

Present: Jerrold Clarke, Chairperson, and Valerie Dickerson (arrived at 4:20 PM)
Absent: Joe Foye, Bob Glass, David Hatch, and Angela Rainsberger

Upon Councilmember Boardman's arrival in the Council Chambers at 5:18 PM, City Clerk Joan Flynn called for roll to allow Council to convene for Closed Session.

ROLL CALL - (Mayor Pro Tem Devin Dwyer requested and was granted permission to be absent pursuant to Resolution No. 2001-54)

Present: Harper, Hansen, Carchio, Bohr (arrived at 5:23 PM), and Boardman
Absent: Shaw and Dwyer

CONVENE IN CLOSED SESSION

A motion was made by Harper, second Carchio, to convene in Closed Session. The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, and Boardman
NOES: None
ABSENT: Shaw, and Dwyer

CLOSED SESSION

1. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Keith Bateman v. City of Huntington Beach, WCAB Case No. ADJ6761398, Claim No. COHB-08-0025 and 09-0132.
2. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Griffin Dewatering Corp. v. Dorsey Dean Allison, et al., Orange County Superior Court Case No. 30-2010-00344707 (consolidated with Hillcrest Contracting, Inc. v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00441151). In this case, Hillcrest Contracting, Inc. (contractor) claims the City breached its contract for worked performed on the Newland Street Improvement Plan.
3. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Barber v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00456720. Plaintiff, a minor, claims that he fell in Talbert Park.
4. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy City Manager; Bob Hall, Deputy City Manager; Michele Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with MEO

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCE AUTHORITY MEETING - 6:02 PM

ROLL CALL - (Mayor Pro Tem Devin Dwyer requested and was granted permission to be absent pursuant to Resolution No. 2001-54)

Present: Shaw (arrived at 6:16 PM), Harper, Hansen, Carchio, Bohr, and Boardman
Absent: Dwyer

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

PLEDGE OF ALLEGIANCE - Led by Councilmember Carchio

INVOCATION - Provided by Maneck Bhujwala, Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Presentation - Mayor Hansen called on Orange County Human Relations Commissioner Ken Inouye to present the annual report.

Presentation - Mayor Hansen called on Mike Adams and Mary Lou Shattuck from the Huntington Beach Art Center Foundation to present a check to the City as a portion of its annual donation.

Presentation - Mayor Hansen called forward the Ajroudi Family from Baguetier Artisan Bakery on Fifth Street downtown to announce their plans to pledge \$10,000 in support of forming the Huntington Beach Community Foundation.

Mayor's Award - Mayor Hansen called on Public Works Director Travis Hopkins to present the Mayor's Award to Larry Taite, Civil Engineering Assistant. Director Hopkins described Larry's contributions to the City during his 33-year tenure, centering on his strong work ethic and attention to detail. Director Hopkins also described Larry's hobbies and personal accomplishments.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

Communication for Consent Item No. 3 received from Bob Hall, Deputy City Manager, dated February 21, 2012, entitled *Supplemental Information – City Council Agenda Item #3 Approve Appointments to the Mobile Home Advisory Board (MHAB)*.

Communication received for Consent Item No. 10 from Patrick McIntosh, Fire Chief, dated February 14, 2012, entitled *Survey of Fireworks Fees*.

PUBLIC COMMENTS (3 Minute Time Limit)

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

An anonymous speaker voiced concerns about his perception of a possible Brown Act violation involving Council's use of electronic devices such as iPads and Blackberry cell phones during Council proceedings. He quoted language from two different editions of the Brown Act that addressed new communication technologies. (00:24:00)

Shari Engel voiced concerns to Council about her impression that the City has not fulfilled its commitment to provide a permanent parking lot on the west side of Central Park at 17851 Goldenwest Street in Huntington Beach (Shiple Nature Center). (00:27:45)

Barbara Haynes, Chairman of the Historic Resources Board was joined by fellow board member Kathy Bryant to highlight a recently published brochure entitled *A Walking Tour of Historic Downtown Huntington Beach*. (00:30:55)

Mayor Hansen and Councilmember Carchio recognized the Board's successful efforts to bring the walking tour to fruition.

Councilmember Harper recognized businesses who offer walking tour media to the public, and Councilmember Boardman asked Board representatives to describe how members of the public can obtain information on this and other activities the Board is involved in.

Betsy Crimi announced the formation of a Homeowner's Association in the Rancho Huntington Mobile Home Park, and spoke in support of recommended appointments for Consent Calendar Item No. 3 (appointments to the Mobile Home Advisory Board). She also discussed senior outreach, adult services, and the City's FireMed program. (00:35:54)

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

Councilmember Boardman reported on the Allied Arts Board *Private Collection Tour* scheduled for Friday, March 30, 2012 between 6:30 to 9:30 PM.

Councilmember Carchio reported attending Orange County Supervisor John Morloch's "State of the County" luncheon, the Association of California Cities - Orange County (ACCOC) "City Leaders" Reception in Anaheim, and that Chris Cole, Specific Events Coordinator, represented the City in Manley, Australia, and will present facts about his trip at a later date.

CITY MANAGER'S REPORT - None.

CITY ATTORNEY'S REPORT

1. City Attorney McGrath Reported a Notice of Filed Cross Complaint: Michael Barber, et. al. v. City of Huntington Beach, Orange County Superior Court Case No. 20-2011-00456720 involving an incident that occurred at Talbert Park near Talbert Middle School

CONSENT CALENDAR

2. Approved and adopted minutes

A motion was made by Carchio, second Harper to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Special Meeting of January 31, 2012; and, the City Council/Public Financing Authority Regular Meeting of February 6, 2012, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES:	Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES:	None
ABSENT:	Dwyer

3. Approved appointments to the Mobile Home Advisory Board (MHAB)

The item was pulled by Councilmember Harper to consider alternatives to appointments recommended by staff.

Deputy Economic Development Director Kellee Fritzal provided a timeline of activity that led to tonight's recommendations for appointment to the MHAB.

A motion was made by Harper, second Hansen to approve appointments to the Mobile Home Advisory Board of Daniel Kittredge and Binh Nguyen (At-Large Members), Patricia Taylor (Mobile Home Park Resident), and Michael Cirillo, Ed Pike and Vickie Talley (Park Owner/Park Manager/Representative).

Councilmember Shaw voiced concerns with the political implications of changing appointments recommended by Council liaisons.

Councilmember Boardman expressed support for Council Liaison Shaw and Bohr's recommendations.

Councilmember Bohr asked to confirm Councilmember Harper's motion, and expressed his concerns about the all-inclusive motion of At-Large, Mobile Home Park Resident, and Park Owner/Park Manager/Representatives. Councilmember Harper suggested the voting be divided by groups.

Councilmember Carchio described his experience as past liaison to the MHAB.

Discussion ensued about applicant experience with and knowledge of mobile homes/parks in the City, and concerns about applicants' political ties/involvement with other civic organizations that endorse political candidates.

A substitute motion was made by Harper, second Carchio to approve appointments of Daniel Kittredge and Binh Nguyen (At-Large Members) to the Mobile Home Advisory Board. The motion failed by the following roll call vote:

AYES:	Hansen, Carchio, and Harper
NOES:	Boardman, Bohr, and Shaw
ABSENT:	Dwyer

A motion was made by Hansen, second Carchio to approve the reappointment of Dan Kalmick, and appointment of Daniel Kittredge (At-Large Members) to the Mobile Home Advisory Board. The motion carried by the following roll call vote:

AYES:	Hansen, Carchio, Bohr, and Harper
NOES:	Boardman, and Shaw
ABSENT:	Dwyer

A motion was made by Boardman, second Shaw to approve the appointment of Sharon Dana (Mobile Home Park Resident) to the Mobile Home Advisory Board. The motion carried by the following roll call vote:

AYES:	Boardman, Hansen, Bohr, and Shaw
NOES:	Carchio, and Harper
ABSENT:	Dwyer

A motion was made by Hansen, second Harper to approve the appointments of Michael Cirrilo, Ed Pike and Vickie Talley (Park Owner/Park Manager/Representative) to the Mobile Home Advisory Board. The motion carried by the following roll call vote:

AYES: Hansen, Carchio, Bohr, and Harper
NOES: Boardman, and Shaw
ABSENT: Dwyer

4. Presented the City of Huntington Beach Strategic Plan Update

A motion was made by Carchio, second Harper to receive and file the updated status of the Six-Month Strategic Objectives. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

5. Approved preliminary unaudited General Fund Balance Designations for Fiscal Year 2010/11

A motion was made by Carchio, second Harper to approve the FY 2010/11 General Fund Year End Fund Balance allocations as follows: the deposit of \$1.3 million to the Capital Improvements Reserve (CIR); and, the deposit of \$1.1 million to the PARS Obligations Reserve; and, the deposit of \$600,000 for the third party administration of the City's Workers' Compensation claims; and, the deposit of \$2.8 million into the Economic Uncertainties Reserve (exact amount to be determined upon completion of the City's audit). The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

6. Authorized the execution of a Change Order to substitute the Springdale Street portion of the Construction Contract with Hardy & Harper, Inc. for the Arterial Rehabilitation Project, CC-1413

A motion was made by Carchio, second Harper to authorize the execution of a Change Order to substitute the Springdale Street portion of the Construction Contract with Hardy & Harper, Inc. for the Arterial Rehabilitation Project, CC-1413. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

7. Adopted Resolution No. 2012-06 declaring intent to vacate a right-of-way easement at Crystal Street, and set a public hearing date of March 19, 2012

A motion was made by Carchio, second Harper to adopt Resolution No. 2012-06, "A Resolution of the City Council of the City of Huntington Beach Declaring Intent to Process a General Street Vacation of That Certain Public Right-of-Way Easement Generally Located West of Gothard Street and North of Clay Avenue (Crystal Street Vacation);" and, set a public hearing date of

March 19, 2012, for all persons interested in or objecting to the proposed street vacation. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

8. Adopted Resolution No. 2012-08 establishing the Independent Medical Examiner (IME) Fee Schedule related to Alternative Dispute Resolution (ADR) process for Workers' Compensation Claims

A motion was made by Carchio, second Harper to adopt Resolution No. 2012-08, "A Resolution of the City Council of the City of Huntington Beach Establishing the Independent Medical Examiner Fee Schedule Related to Alternative Dispute Resolution Process for Workers' Compensation Claims;" and, authorize the City Manager to execute the required documents in a form acceptable to the City Attorney. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

9. Adopted Resolution No. 2012-07 approving and designating the City Engineer as authorized officer of the City to approve Plans and Specifications on behalf of the City to obtain design immunity pursuant to Government Code Section 830.6 (1)

A motion was made by Carchio, second Harper to adopt Resolution No. 2012-07, "A Resolution of the City Council of the City of Huntington Beach to Approve and Designate the City Engineer as the Employee to Exercise Discretionary Authority to Approve Plans or Designs of, or Improvement to, Public Property Pursuant to Government Code Section 830.6." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

10. Adopted Fee Resolution No. 2012-09 establishing fees for Safe and Sane Fireworks

Councilmember Carchio pulled the item to inquire about public safety costs and personnel. Police Chief Small directed his attention to Section 5.90.120 of the ordinance that outlined regulatory fees, and Exhibit 2 that outlined costs for fire suppression teams.

Mayor Hansen and City Manager Wilson discussed collection of funds, billing, and public education (signage, mandatory fire safety classes). Discussion ensued on the number of firework suppression teams planned to report prior to the 4th of July, and how enforcement actions proceed in neighboring cities (Costa Mesa, Westminster).

Councilmember Bohr discussed the backlog of calls and delayed response for service experienced last year. Chief Small explained how allowing safe and sane fireworks increases the number of illegal fireworks, and justifies the number of staff recommended fire suppression teams.

Mayor Hansen proposed reducing the number of fire suppression teams on days leading up to the 4th of July, and on July 4 from 5 to 3 teams. Councilmember Boardman cautioned Council second-guessing public safety officials on what is needed to enforce the ordinance. She also asked for a strong public safety presence in parks, and encouraged Council to err on the side of caution during the pilot program.

Councilmember Carchio and Manager Wilson discussed costs for public education.

In response to an inquiry from Councilmember Bohr, staff confirmed that civil fine information will be noted on signage.

A motion was made by Carchio, second Boardman to approve Resolution No. 2012-09 "A Resolution of the City Council of the City of Huntington Beach Establishing Fees for Safe and Sane Fireworks." The motion carried by the following roll call vote:

AYES: Shaw, Carchio, Bohr, and Boardman
NOES: Harper, and Hansen
ABSENT: Dwyer

11. Authorized the City Manager to execute all documents on behalf of the Fourth of July Executive Board in furtherance of the sale of Safe and Sane Fireworks

A motion was made by Carchio, second Harper to authorize the City Manager to sign contracts with fireworks vendors and/or non-profit groups to sell fireworks. The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, and Bohr
NOES: Shaw, and Boardman
ABSENT: Dwyer

12. Appropriated Air Quality Management District (AQMD) Subvention Funds of \$61,925.70 for professional services related to the Circulation Element Update

A motion was made by Carchio, second Harper to appropriate \$61,925.70 from the Air Quality Management District Subvention Fund to reimburse consultant services related to the Circulation Element Update. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

13. Approved and authorized execution of Amendment No. 1 to Professional Services Contract with Bucknam & Associates, Inc. for Pavement Management Program (PMP) Update

A motion was made by Carchio, second Harper to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 Agreement Between the City of Huntington Beach and Bucknam & Associates, Inc. for Pavement Management Program Engineering Services." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman

NOES: None
ABSENT: Dwyer

14. Approved and authorized execution of a Lease Agreement with Denny's Inc. for use of Parking Lot at 18477 Beach Boulevard

A motion was made by Carchio, second Harper to approve the Lease Agreement and authorize the Mayor and City Clerk to execute the "Lease Agreement between the City of Huntington Beach and Denny's Inc." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None
ABSENT: Dwyer

15. Reagendized to March 5, 2012 the Adoption of Ordinance No. 3934 amending Section 230.96 of the Huntington Beach Zoning Code and Subdivision Ordinance relating to Wireless Communication Facilities Approved for introduction February 6, 2012

A motion was made by Carchio, second Bohr to adopt Ordinance No. 3934, "An Ordinance of the City of Huntington Beach Amending Section 230.96 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Wireless Communication Facilities." The motion failed by the following roll call vote:

AYES: Hansen, Carchio, and Bohr
NOES: Shaw, Harper, and Boardman
ABSENT: Dwyer

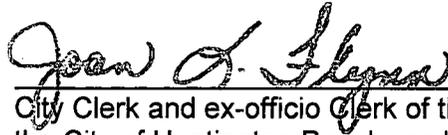
A motion was made by Hansen, second Bohr to reagendize adoption of Ordinance No. 3934, "An Ordinance of the City of Huntington Beach Amending Section 230.96 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Wireless Communication Facilities" to March 5. The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, and Bohr
NOES: Shaw, and Boardman
ABSENT: Dwyer

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Councilmembers Harper, Carchio, Bohr, Shaw, and Hansen.

ADJOURNMENT - At 7:45 PM to the next regularly scheduled meeting of March 5, 2012 at 4:00 PM, 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 Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:



City Clerk, Authority Secretary



Mayor-Chair