

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

Monday, March 4, 2013
4:30 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audio recording of the 4:30 PM portion of this meeting
and a video recording of the 6:00 PM portion of this meeting
are on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org/government/agendas/**

4:30 PM - ROOM B-8

CALL TO ORDER

ROLL CALL - (Councilmember Katapodis requested permission to be absent pursuant to Resolution No. 2001-54)

Present: Sullivan (arrived at 4:32 pm), Hardy (arrived at 4:41 pm), Harper, Boardman, Carchio, and Shaw

Absent: Katapodis

City Clerk Joan Flynn announced that Councilmember Katapodis requested and was granted permission by Council to be absent pursuant to Resolution No. 2001-54.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Study Session

#1. PowerPoint communication submitted by Scott Hess, Director of Planning and Building, entitled "Huntington Beach 2013-2021 Housing Element Update."

#2. PowerPoint communication submitted by Scott Hess, Director of Planning and Building, entitled "General Plan Update Considerations."

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None.

STUDY SESSION

1. Housing Element Update Provided - The City is in the process of updating the Housing Element of the General Plan. The Housing Element is one of the seven State-mandated

elements of the General Plan and must be updated pursuant to California Government Code Section 65588 for the 2013-2021 planning period by October 2013. The City's Housing Element consultant, Karen Warner Associates, presented an overview of the City's housing needs, including the Regional Housing Need Allocation (RHNA), and discussed the City's strategy for meeting these needs.

Scott Hess, Director of Planning and Building, introduced Karen Warner, Karen Warner Associates, and Senior Planner Jennifer Villasenor. Consultant Warner provided a PowerPoint presentation entitled *Huntington Beach 2013-2021 Housing Element Update*, with titled slides: Presentation Overview (Why a Housing Element, Key Housing Needs, RHNA and Residential Sites, Element Goals and Programs), What is a Housing Element?, Benefits of HCD Compliance, 2000-2010 Demographic Trends, Workforce Housing Needs, Who in Huntington Beach Needs Affordable Housing?, Regional Housing Needs (RHNA), Huntington Beach 2013-2021 RHNA, Potential Housing Unites: 2014-2021, 5 Required Components of Housing Element Implementation, Existing Affordable Housing, Adequate Housing Sites, Development of Affordable Housing, Remove Constraints, Promote Equal Housing, and Sustainable Housing.

Mayor Pro Tem Harper and Consultant Warner discussed workforce commutes, including who is commuting into and out of the City, and the percentages of commuters who may or may not be able to afford to live in Huntington Beach.

Mayor Boardman and Consultant Warner discussed needs assessment criteria.

Councilmember Shaw and Consultant Warner discussed Second (Accessory) Units.

Planner Villasenor discussed project timing before the Housing Element Update would ultimately be adopted by Council.

Councilmember Carchio and Consultant Warner discussed circumstances that cause RHNA numbers to change.

2. The Planning and Building Department reviewed considerations for updating the City's General Plan. The General Plan provides goals and policies for City services and a framework for land use and development. The General Plan was last comprehensively updated in 1996.

Scott Hess introduced Planning Manager Mary Beth Broeren who provided a PowerPoint entitled *General Plan Update Considerations*, with titled slides: Reasons for General Plan Update, Workplan Concepts, Possible Timeline, and Budget Factors.

Mayor Boardman and Manager Broeren discussed how General Fund monies paid for the 1996 update.

Councilmember Sullivan and Manager Broeren discussed next steps.

Councilmember Hardy questioned if input should be sought from the community. Mayor Boardman stated her opinion that certain members of the Environmental Board and Public Works Commission would be interested in participating. Councilmember Carchio recommended appointing an ad-hoc committee similar to the Charter Commission. Councilmember Sullivan recommended input come from common stakeholders.

Mayor Pro Tem Harper discussed net migration out of the state, and slow growth in Huntington Beach.

Discussion ensued on moving forward through the Request for Proposal (RFP) process. Staff indicated that consultants would provide cost estimates for different technical studies, and also establish a website to facilitate public outreach.

Mayor Boardman announced: Pursuant to Government Code Section 54957.6.a, the Council takes this opportunity to publicly introduce and identify designated labor negotiators Fred Wilson, City Manager; Bob Hall, Assistant City Manager; Michele Warren, Director of Human Resources; and Lori Ann Farrell, Director of Finance, who will be participating today in Closed Session discussions regarding labor negotiations with MEO and MEA.

RECESS TO CLOSED SESSION

A motion was made by Carchio, second Shaw to recess to Closed Session. The motion carried by the following vote:

AYES:	Sullivan, Hardy, Harper, Boardman, Carchio, and Shaw
NOES:	None
ABSENT:	Katapodis

CLOSED SESSION

3. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Rosendo v. City of Huntington Beach, Orange County Superior Court Case No. 30-2012-00545903. In this case, Plaintiffs were involved in an automobile accident with a City vehicle at the intersection of Gothard and Garfield.

4. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Ocean View School District v. City of Huntington Beach, Orange County Superior Court Case No. 30-2012-00539563. This case involves a CEQA challenge to the City's final EIR No. 10-003 on the project on the southwest corner of Beach Boulevard/Warner Avenue.

5. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Bob Hall, Assistant City Manager; Michele Warren, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with MEO and MEA.

6:00 PM – COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:06 PM

CLOSED SESSION REPORT BY CITY ATTORNEY – None

ROLL CALL - (Councilmember Katapodis requested permission to be absent pursuant to Resolution No. 2001-54)

PRESENT: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
ABSENT: Katapodis

City Clerk Joan Flynn reported that Councilmember Katapodis has requested permission to be absent pursuant to Resolution No. 2001-54 and the permission was granted.

PLEDGE OF ALLEGIANCE - Led by Brownie Troop 87

INVOCATION - The invocation was provided by Maria Khani of the Huntington Beach Interfaith Council.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

AWARDS

Announcement - As part of the City's Human Relations Task Force recognition of federal diversity months Mayor Boardman announced that March is National Women's History month. She addressed the theme and noted Council joins in the celebration in recognition of women's achievements throughout history.

City Clerk Flynn announced the upcoming Sunshine Week noting that it is also called Open Government Week. She addressed the importance of citizen access to public information and addressed ways in which citizens can participate as well as the use of technology to improve public access.

Presentation - Mayor Boardman recognized the members of Explorer Scout Post 558 for their help during the spaghetti fundraiser held for the victims of Hurricane Sandy. She invited them to the podium as well as Former Mayor Gil Coerper for the presentation.

Mr. Coerper expressed his appreciation to Council and acknowledged the efforts of Councilmember Carchio and Mr. Mike Ali in coordinating the event. He reported that approximately \$2,500 was raised and addressed the opportunity to continue in community work.

Presentation - Mayor Boardman called on Coach White from the Edison High Football team to recognize the team for their outstanding accomplishments. She asked Councilmember Carchio to join her in congratulating the team.

Coach White expressed his pride in the team and reported that they won the CIF Championship this year. He thanked the City and Council for acknowledging their accomplishments.

Mayor Boardman acknowledged the presence of Jean Nagy who presented a Western Red Bud tree in celebration of Arbor Day. She invited that public to attend the Arbor Day celebration where a Mighty Oak tree will be planted at the Newland House. The tree will be dedicated to Elaine Craft who worked on behalf of encouraged the City to plant a tree each Arbor Day. The event will be held at 11:00 A.M. on Tuesday, March 12, 2013. Ms. Nagy encouraged residents to plant a Western Red Bud tree in their yards.

Mayor Boardman expressed her appreciation for the efforts of the Huntington Beach Tree

Society in beautifying the City and presented a proclamation in honor of the Tree Society and Arbor Week.

Presentation - Mayor Boardman called on Police Chief Small to announce the officers who have been recognized by Mothers Against Drunk Driving (MADD).

Chief Small lauded the efforts of Mothers Against Drunk Driving and called on MADD Volunteer Cynthia Wong to acknowledge officers who have been recognized by the organization.

Ms. Wong provided personal testimony regarding her involvement in the organization and expressed her appreciation to the officers being recognized. These included Sergeant Bobby Framh, Officer Brian Knorr, Officer Mike Dexter, Officer Mark Van Meter, Officer Jeff Baker, Officer Roman Altenbach, Officer Wade Wilson, Officer Doug Demetre and Officer Brad Smiley.

Chief Small reported that MADD will hold its annual luncheon on Thursday, March 7, 2013 at the Nixon Library where two Huntington Beach Officers will be recognized for both making over one hundred DUI arrests.

Ms. Wong expressed her appreciation on behalf of MADD.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

City Clerk Joan Flynn announced supplemental communications received after distribution of the Agenda as follows.

Consent Calendar

#10. Two anonymous items of communication received regarding the Social Hosting Ordinance dated March 3, 2013.

Ordinance for Introduction

#12. PowerPoint Communication submitted by Police Chief Ken Small entitled, "*Amendment to 5.24 Huntington Beach Municipal Code Massage Establishment*".

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Jolyn Turner announced the current play, *The Mikado* being performed at the Huntington Beach Playhouse until March 17, 2013. A brief performance of "*Three Little Maids*" was presented and it was noted that it will be performed at the Huntington Beach City Library, Fridays, Saturdays and Sundays through March 17, 2013. (00:28:34)

Carol Settino reported on a recent vacation to Australia and New Zealand, including a visit to the City's "unofficial" Sister City, Manly. She commented positively on the experience and expressed her appreciation to Event Supervisor Chris Cole and Councilmember Carchio for setting up a visit with Manly Mayor Jean Hay. She reported presenting information of the

Huntington Beach Council on Aging Program and commented on a tour of their Chambers. Ms. Settino hoped that Manly can become an official Sister City in the future and she presented Mayor Boardman with a letter and gift from Mayor Jean Hay. (00:32:21)

Don Mac Allister reported on his experience visiting the City of Manly as well as the 50th Anniversary celebration of Surfing Australia in Sydney. He reported that the Mayor of Manly and Henry Wong plan on visiting the City of Huntington Beach in July for the U.S. Open and the 20th Anniversary of the Surfing Walk of Fame. He hoped that Manly can become an official Sister City in the future. Mr. Mac Allister commented on his visit of the High Performance Center, a recently-opened surfing training facility. (00:35:50)

Flossie Horgan congratulated Councilmember Hardy and Councilmember Sullivan for their election to Council and spoke in support of Item 13 of the Agenda. She hoped that the matter can move forward successfully and opined that the annexation of Bolsa Chica will serve to increase the City's revenue. (00:39:38)

Kim Kolpin, Executive Director for the Bolsa Chica Land Trust, spoke in support of Item 13 of the Agenda and commented on the benefits of annexation. (00:40:55)

Dave Shenkman, Owner of The Kite Connection, announced the Eleventh Annual Kite Party taking place on March 9th and 10th. He reported that the public can obtain additional information at www.kiteparty.com and invited the public to attend. He noted there is no schedule of events but that prime time would be between noon and 5:00 P.M. (00:41:43)

Howard Hills commented on the Social Hosting Ordinance and felt that it causes a due-process problem for the City. He opined that the Police should not be put in the position of being "nannies" and spoke against the ordinance adding that it will serve to encourage teens to drink in their cars or outdoors because they will not be able to drink in their houses or anyone else's house. He indicated that he has worked with other cities and offered to work with the City Attorney's office to address some of the issues related to the ordinance. In response to an inquiry from Councilmember Carchio, Mr. Hills reported that his services are on a volunteer basis. (00:43:54)

Jerry Wheeler spoke in support of Item 12 noting the need for clarity and resolution to the many massage establishments that have begun operation in the City since the establishment of related State law. He expressed concern that businesses within the City are legitimate, have their licenses, have professionally trained personnel and comply with policies and procedures required of any professional establishment. He addressed the issue of public safety, increased crime, decreased property values and blight. He urged Council to approve the resolution that provides regulation and encourages professionalism and high standards and allows for enforcement, if necessary. (00:47:41)

Jenelle Godges, Co-Chair for Golden West College Annual Gala, announced the event for March 23, 2013 at the Hilton Waterfront and addressed entertainment. She reported that raffle tickets are being sold for the opportunity to win a new automobile, contributed by Gilmore Toyota to raise funds for Golden West College students, many of whom are Huntington Beach residents. She addressed the goal and mission of the foundation and presented invitations to Council and City staff. (00:50:20)

Gina Gleason spoke in support of the Social Hosting Ordinance and addressed some of the

severe and adverse consequences of under-age drinking. (00:52:39)

Jeff Smith, representing Protect Coastal Huntington Beach, presented information regarding the organization and commented on Item 13 regarding the potential annexation of the Bolsa Chica Lowlands. He reported that the organization supports the initiative and will help as needed to help accomplish the goal. He noted the importance of protecting and preserving Bolsa Chica. He encouraged the public to visit www.protectcoastalh.com for additional information. (00:55:35)

Kevin Griffin spoke on behalf of the California Junior Life Guard organization, especially its program in Sunset Beach. He referenced recent actions to terminate the program and felt that Council's job is to do the will of the people. He spoke in support of the Sunset Beach program and its positive effect on many, while the complaints of a few have influenced termination of the program. (00:56:45)

Councilmember Shaw noted that the issue is not up for a vote and that Council has not acted on the matter. He referenced a Memorandum of Understanding between the Sunset Beach Junior Life Guards and homeowners and noted that as part of the annexation of Sunset Beach, homeowners were given the authority to allow or disallow the Junior Life Guards to stay. He indicated that the Sunset Beach Junior Life Guards were aware, for two years that they would not be allowed to stay but have approached the City only recently regarding the matter.

Debbie Zaganalis spoke in support of the Sunset Beach Junior Life Guard program noting that hundreds of kids will now have no place to go. She commented on her son's participation and efforts and the benefits he has gained by it. She stated that homeowners chose to live near a public beach and were aware of the trade-offs in doing so. (01:00:52)

Councilmember Carchio reported that the City is willing to absorb the Sunset Beach Junior Life Guard participants into the Huntington Beach program.

Renell Gochman spoke in support of the Sunset Beach Junior Life Guard program and indicated it would be inconvenient for parents to have to drive to the Junior Life Guard facility in Huntington Beach. She pointed out that homeowners must understand that they live adjacent to a public beach that will be used by the public and wondered why they were given the right to disallow the program. She reported that her children have participated in the program and that the group cleans the beach after each use. (01:04:14)

Michael Gates spoke in opposition to the Social Hosting Ordinance noting that he shares Councilmember Hardy's concerns that as it is written; the statute is too vague and ambiguous to apply without abuse or uncertainty. He expressed concerns with enforcement, the broad definition of "alcohol", the definition of "host" and possible impacts to landlords. He stressed that although he acknowledges the problem the ordinance is not the proper mechanism with which to solve it. (01:05:33)

James Balok, CEO of the California Junior Life Guard programs, commented on the Sunset Beach Junior Life Guard program noting that when the matter first came up in 2005, the organization was met with resistance from residents but that the organization worked with residents and various agencies to lessen the impact on homeowners. The organization reduced the program by 50%, implemented trash clean-up and eliminated a "Learning to Surf" camp. He commented on subsequent meetings in an attempt to relocate the program and noted that in

2007, continuance of the program was approved three additional years. He added that a traffic study was conducted and that a recommended plan was put into action immediately. In 2009 the organization was approved for another three years of operation. He reported that in 2010, a Memorandum of Understanding was issued, without their knowledge regarding cancellation of the Sunset Beach program. Meetings were held with various agencies to discuss the possibility of relocating the program to a new area. He addressed annexation and stated that it was unclear as to whether the State, County or City would have jurisdiction over the program. Mr. Balok reported the annexation went through and the organization received a letter notifying them of the discontinuance of the license for the Sunset Beach program. He stated that Orange County is not a place where summer youth programs are killed. (01:09:06)

Michael Shorey commented in support of the Sunset Beach Junior Life Guard program and in opposition to displacing children. He felt that removing children from the community sends them a message that they are unwanted. He stated that the integrity of the beach community belongs to the entire community and opined that a small minority of people should not have the power to change what goes on in the City. (01:12:29)

Councilmember Hardy noted that the Sunset Beach Community Association is an advisory board to Council and does not have any voting power on decisions that are City issues. She addressed the annexation and reported that other parties besides the City and the Association were involved and that all applicable meetings were public.

Laura Karr spoke in support of the Sunset Beach Junior Life Guard program and noted that many of the participants of the program began when they were very young. She addressed the safety training provided by the program as well as building leadership skills and character. She spoke of the benefits provided by the program and expressed concerns with displacing participants that would otherwise have nothing to do and having long-time participants start in another group. She urged Council to find a solution and a place for participants to continue in the program. (01:17:15)

Larry Jacklin, Director of California Junior Life Guard, thanked Council for taking the time to listen to the public's concerns and felt that the Sunset Beach Community Association may not be representing the Sunset Beach community as a whole. He addressed the population of the area and reported that less than 120 voted for the cancellation of the Junior Life Guard program. He reported that the organization has gathered over 300 signatures of Sunset Beach residents who are in favor of the program continuing and were unaware of the motions of the Sunset Beach Community Association under the MOU to cancel the program. He expressed the importance of continuing the program and noted that mistakes can be corrected. He requested that Council place the matter on a future agenda in order to provide an opportunity for a revote. He indicated that the organization is willing to work with the City to develop a compromise in order for the program to continue and meet the needs of everyone involved. (01:20:34)

Patrick Amone spoke in support of the Sunset Beach Junior Life Guard program noting that he has learned many valuable lessons through his participation. He addressed the importance of learning ocean safety and stated that the program allows for less physically-able kids to participate where they would not be able to in other programs and provides an easier time frame for families to fit into their schedules. He hoped that the program will be reinstated. (01:24:25)

John Briscoe stated that he supports the Sunset Beach Junior Life Guard program and plans on contacting the Sunset Beach Community Association regarding this matter. He noted that the

Association allows voting by residents, not owners and felt that creates a dichotomy. He reported that the Westminster School District of Orange County covers part of the City of Huntington Beach. He reported asking a representative from Stacy Middle School, a school within that district, how many children can be held in two small locker rooms. The response was 720 girls in one and 720 boys in the other. Mr. Briscoe commented that it amounts to one square foot per person and felt that it is unsanitary, disgusting, illegal and wrong. He reported addressing the issue with the Fire Department which investigated the matter and returned with a correct occupancy load of twenty-eight. He reported that seventy to one-hundred children are being crammed into small locker rooms each period and urged parents of children at Stacy Middle School to speak with the superintendent and principal and have them comply with the law. (01:27:24)

Emily Cohen commented on Item 12 noting that she is a massage therapist and the Director of California College of Physical Arts, a massage school located in the City. She felt that the proposed ordinance is redundant and restrictive and referenced actions by the California Massage Therapy Council (CAMTC) relative to creating criteria by which people receive their certification. She added that the law that created CAMTC also created legislative avenues for municipalities to enforce who is conducting massages and where. She felt that many of these tools are being overlooked in favor of unnecessary legislation such as the subject ordinance. She felt that it would be a better use of time to enforce existing legislation rather than creating addition regulations. (01:30:39)

Councilmember Hardy asked Ms. Cohen if she could stay in case questions arise during the agenda matter.

Joe Bob Smith, National Holistic Institute, provided information regarding his organization spoke in opposition to Item 12 and encouraged Council to deny the ordinance and work with the legitimate, professionals regarding the matter to avoid inhibiting their ability to work appropriately. He referenced limits in the ordinance regarding outcall massages and noted that there are many patients who are home-bound that would be affected. (01:33:20)

Mark Dixon reported that he is a massage professional and that he has worked with many Councils and cities to help improve and upgrade massage regulation. He reported that he is certified by the CAMTC and was recently elected to serve as Chair of that organization. He commented on wanting to help the City get rid of the "bad apples" and noted that he is qualified to do that. However, he stated that doing so does not need to be done at the expense of impinging on the rights of qualified massage professionals. He thanked Chief Small, Councilmember Shaw and the City Attorney's office for meeting with them today and asked that Council direct staff to work directly with CAMTC to help with this matter. (01:36:26)

Carrie Thomas, Vice President of the Bolsa Chica Land Trust, spoke in support of Item 13 in order to protect the important eco-system. (01:38:40)

Ahmos Netanel, CAMTC, felt that it is important for his organization to work with the leaders of Huntington Beach to address the closure of illegal massage parlors and provide legitimate professional massage therapists with the opportunity to work in an environment where they and their patients are safe and treated with respect. He referenced the analysis conducted within the ordinance and made corrections to several inaccuracies contained therein. He reported that State law has authorized cities to impose regulations of massage establishments as long as these are congruent with State law and created certifications for massage professionals only.

He stressed that the CAMTC wants to work with the City and referenced a previous meeting for the purpose of creating protocols for collaboration and cooperation. He acknowledged that the ordinance has improvements but there are several provisions that are in conflict with State law. He offered the organization's help and recommended that Council postpone voting on the ordinance to allow staff to receive input from CAMTC prior to formalizing the ordinance.
(01:39:29)

Beverly May, CAMTC, felt that the ordinance offers some needed tools to help prevent the proliferation and help close illicit massage businesses, there are some provisions that are not clear and are not compliant with State law and provided examples of same. She requested that Council postpone acting at this time in order to allow CAMTC to work with staff to make the necessary changes to the ordinance. She referenced recent arrests made and hoped that the City will assist by providing CAMTC with arrest reports in order for CAMTC to make the appropriate actions at this time. (01:42:25)

There being no others wishing to address Council, Mayor Boardman closed the Public Comments portion of the meeting.

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

Councilmember Carchio reported attending the Roast for Will Kempton, CTA and commented positively on his accomplishments. Additionally, he reported on the launch and status of the "Be a Buddy, Not a Bully" program at Marina High School. He acknowledged the cooperation and donations from various residents and businesses including John Groth, General Manager of the local Wal-Mart.

Mr. Groth commented on Wal-mart's partnership and cooperation with the City and expressed his appreciation for the opportunity to help.

Councilmember Carchio recognized the Youth in Government Board in their efforts and cooperation and commented positively on the amount of student participation. He addressed the importance of stopping bullying and also thanked the "*Orange County Register*" for their attendance and subsequent article. He addressed next steps and thanked the Mayor for allowing him the opportunity to go forward with this program.

Councilmember Hardy complimented Councilmember Carchio for his efforts and reported that the program was part of "What if" week and noted that the most successful day was "What if there was no bullying".

Councilmember Shaw reported attending the Orange County Sanitation meeting and thanked Councilmember Carchio for his leadership on the issue of bullying. He referenced the "HB Reads One Book" program and announced that the author of Thirteen Reasons Why, a book about bullying, will visit the City on March 21, 2013 at the public library.

Mayor Boardman announced that the Huntington Beach Art Center Foundation is presenting "An Intimate Evening of Texas-Americana Folk Music" on March 23, 2013 in the Huntington Beach Art Center.

CITY MANAGER'S REPORT

City Manager Fred Wilson acknowledged the Marine Safety Division for conducting another successful Ocean Life Guard Trial program.

CITY ATTORNEY'S REPORT

1. Notice of filed Cross-Complaint: Plaintiff: Huntington Shorecliff, LP, Defendants: City of Huntington Beach, Cross-Complainants: City of Huntington Beach, Cross-Defendants: State of California, State of California Department of Transportation, M.M.R. Family, LLC, R.F.R. Family, LLC, JS Stadium, LLC, Shorecliff Main, LP, Shorecliff, LP, Huntington BSC Park, LP, Huntington Shorecliff, LP.

City Attorney Jennifer McGrath reported that the City Attorney's office filed a cross-complaint against Plaintiff: Huntington Shorecliff, LP, Defendants: City of Huntington Beach, Cross-Complainants: City of Huntington Beach, Cross-Defendants: State of California, State of California Department of Transportation, M.M.R. Family, LLC, R.F.R. Family, LLC, JS Stadium, LLC, Shorecliff Main, LP, Shorecliff, LP, Huntington BSC Park, LP, Huntington Shorecliff, LP and noted that under Council resolution, she authorized to place same under public record.

CONSENT CALENDAR

Councilmember Sullivan pulled Item 6 for separate discussion and consideration; Mayor Pro Tem Harper pulled Item 10 for separate discussion and consideration.

2. Received and filed City Clerk's Quarterly Report listings of Professional Service Contracts filed in the City Clerk's office between July 1, 2012, and December 31, 2012

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period of July 1, 2012, and September 30, 2012;" and, receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period of October 1, 2012, and December 31, 2012."

The motion carried with the following vote:

AYES:	Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES:	None
ABSENT:	Katapodis

3. Adopted Resolution No. 2013-09 Declaring Weeds and Rubbish a Public Nuisance and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to adopt Resolution No. 2013-09, "A Resolution of the City Council of the City of Huntington Beach Finding and Declaring that Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for

Hearing Protests and Objections to the Abatement thereof.”

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

4. Approved Grant of Overhead Easement to Southern California Edison Company (SCE) for construction, operation, and maintenance of overhead electrical supply and communication systems on City owned property

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to authorize the Mayor and City Clerk to approve and execute the Grant of Overhead Easement.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

5. Approved and authorized execution of Agreements for Landscape Maintenance on Beach Blvd. for the CVS Pharmacy Development located at the northwest corner of Beach Boulevard and Warner Avenue

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to approve and authorize the Mayor and City Clerk to execute the “Agreement for Landscape Maintenance Within State Highway Right of Way on Route 39 Within the City of Huntington Beach” with Caltrans for maintenance of landscaping improvements along the Beach Boulevard project frontage and approve and authorize the Mayor and City Clerk to execute and record the “License Agreement Between the City of Huntington Beach and Garfield Beach CVS, LLC to Provide the Installation and Maintenance of Landscaping Improvements in the Public Right-of-Way.”

The motion carried with the following vote.

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

6. Approved and authorized execution of Inclusionary Housing Agreements between the City and Tri-Pointe Homes, Inc., for Housing Projects at 9191 Pioneer Drive and 10251 Yorktown Avenue

Councilmember Sullivan pulled this Item for separate discussion and consideration. In response to his inquiry, City Attorney McGrath affirmed that residents adjacent to the subject project are suing the City. He asked whether it would be appropriate to act on the Wardlow portion of the project but not the Lamb portion.

City Attorney McGrath reported that the agreement does not take effect until escrow closes and

that escrow will not close until litigation is resolved. Therefore, she opined that there is no reason to delay action. She added that there is no reason to take action as well.

Councilmember Sullivan suggested approving the Wardlow portion of the project at this time and not the Lam portion of the project.

A motion was made by Councilmember Sullivan, second by Councilmember Shaw to approve Inclusionary Housing Agreement by and between City of Huntington Beach, "City" and Tri-Pointe Homes, LLC. "Developer" for 9191 Pioneer Drive; and, authorize the Mayor and City Clerk to sign Agreements; and, authorize the City Manager to sign all related documents to effectuate these Agreements.

The motion carried with the following vote.

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

A motion was made by Mayor Pro Tem Harper, second by Mayor Boardman to approve Inclusionary Housing Agreement by and between City of Huntington Beach, "City" and Tri-Pointe Homes, LLC. "Developer" for 10251 Yorktown Drive; and, and, authorize the Mayor and City Clerk to sign Agreements; and, authorize the City Manager to sign all related documents to effectuate these Agreements.

Brief discussion ensued regarding possible consequences of not acting on this at this time. Staff addressed funding and noted that putting the agreements together will help to ensure State tax credits and that separating the agreements would delay the process.

The motion carried with the following vote.

AYES: Hardy, Harper, Boardman, Carchio
NOES: Sullivan, Shaw
ABSENT: Katapodis

7. Approved and authorized execution of an agreement with BBJAZZ to conduct a jazz concert in Huntington Beach

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to approve and authorize the Mayor and City Clerk to execute the "Agreement Between the City of Huntington Beach and BBJAZZ to Promote and Manage the BB Jazz Festival in Huntington Central Park."

The motion carried with the following vote.

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

8. Approved and authorized execution of Amendment No. 3 to Professional Services Contract with Colantuono & Levine, PC to provide as-needed legal services

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to approve and authorize the Mayor and City Clerk to execute "Amendment No. 3 to Professional Services Contract Between the City of Huntington Beach and Colantuono & Levin, PC to Provide As-Needed Legal Services."

The motion carried with the following vote.

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

9. Adopted Ordinance No. 3971 amending the Huntington Beach Municipal Code by adding new Chapter 17.77 entitled "Reasonable Accommodation Procedures" establishing a process for individuals with disabilities in the application of the City's zoning and building standards and regulations
Approved for Introduction February 19, 2013 - (Vote: 7-0)

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to adopt Ordinance No. 3971, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding New Chapter 17.77 Thereto Entitled "Reasonable Accommodation Procedures."

The motion carried with the following vote.

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

10. Adopted Ordinance No. 3972 amending the Huntington Beach Municipal Code by Amending Chapter 8.42 Relating to Loud Parties or other activities
Approved for Introduction February 19, 2013 - (Vote: 5-2, Hardy, Harper-No)

Mayor Pro Tem Harper pulled this item for separate discussion and consideration. He wondered if there were any comments received endorsing in support of the ordinance from the PTA or student organizations.

City Attorney McGrath indicated that she was not aware of any.

Mayor Pro Tem Harper felt that with only one speaker and no organizations coming forward in support of the proposed ordinance, he stated that he acknowledges the problem of teenage drinking but did not feel that the proposed ordinance directly addressed the problem nor solves it. He felt that it is vague; full of unintended consequences and that the ordinance should be rejected.

Mayor Boardman requested clarification regarding landlord liability.

City Attorney McGrath affirmed that landlords would not be liable as they would not be present. She added that she feels comfortable with the constitutionality of the ordinance but indicated that her office would be happy to review the issue.

Councilmember Carchio noted that the President of the PTA spoke and noted that social hosting was the topic of conversation at the DUI Summit. He stressed the importance of curbing underage drinking and noted that it leads to other drug use.

Mayor Pro Tem Harper reiterated that there has been no organization endorsing or approving the ordinance and compared community input for this matter to the community input received regarding the Sunset Beach Junior Life Guard program.

Councilmember Shaw stated that he did not recall Mayor Pro Tem Harper calling for increased public input on other ordinance that he has supported.

Councilmember Carchio addressed the differences between the social hosting matter and the Sunset Beach matter.

A motion was made by Councilmember Carchio, second by Councilmember Shaw to adopt Ordinance No. 3972, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Chapter 8.42 Relating to Loud Parties or Other Activities."

The motion carried with the following vote.

AYES:	Sullivan, Boardman, Carchio, Shaw
NOES:	Hardy, Harper
ABSENT:	Katapodis

PUBLIC HEARING

11. Public Hearing regarding the appeal of Design Review No. 2012-010 (9/11 Memorial Sculpture) *CONTINUED AT THE APPLICANT'S REQUEST* to the March 18, 2013 City Council meeting

Mayor Board reported that the aforementioned item has been continued to March 18, 2013 at the applicant's request.

ORDINANCES FOR INTRODUCTION

12. Approved for introduction Ordinance No. 3973 amending Chapter 5.24 of the Huntington Beach Municipal Code (HBMC). The proposed amendment augments current state law and enhances the City's ability to regulate massage businesses operating in Huntington Beach.

Police Chief Ken Small presented background regarding Senate Bill 731 which created the California Massage Therapy Council (CAMTC) and reduced local governments' regulatory authority over massage establishments. He addressed prior amendments to the City ordinance to be in compliance with State law and the impacts of those changes. He defined "illicit massage establishment" and clarified the difference between illicit establishments and the legitimacy of businesses and the professionalism of certified therapists in non-illicit establishments. He presented information regarding the number of establishments in the City, including "erotic" massages, internet ads for some of the City's new establishments and

addressed "victimless" crimes noting that often, the real victims are the massage therapists some of whom are victims of human trafficking. He presented recommendations and detailed areas of improvements being addressed by the ordinance. He added that the source of the ordinance was the City of Redondo Beach and it was then adapted for the City of Huntington Beach.

Mayor Pro Tem Harper commented positively on the ordinance and expressed his support.

Mayor Boardman referenced previous public comments and wondered what part of the proposed ordinance conflicts with State law.

Beverly May, CAMTC, addressed the provision regarding extra restrooms noting that it is prohibited under State law and the limitation on massage offered by independent massage therapists and medical clinics in addition to travelling to homes. She noted that the ordinance in Redondo Beach does not include a limitation to home visits. Additionally the hours are unclear and more restrictive than other cities.

Ahmos Netanel, CAMTC, reported receipt of the ordinance early this morning and indicated the need for further review of the ordinance. He reported that they have not had a chance to review many of the provisions, specifically, but that in general, the State allows for city regulation of massage therapy businesses, as long as they are applied to other professionals as well.

City Attorney McGrath noted that outcall massage is not prohibited but rather that it is limited in the hours of service.

Councilmember Shaw noted that this is the first reading and staff can take into consideration comments from the CAMTC and possibly do another first reading. He urged the City Attorney and Chief of Police to work with the CAMTC prior to returning the item to Council.

Police Chief Small clarified the issue of home visits. He added that the ordinance will require massage establishments to register as such within the City.

Councilmember Carchio noted the importance of making sure that massage therapists conducting business in the City are following the rules.

In response to Councilmember Hardy's inquiry, City Attorney McGrath reported that she is comfortable with the adoption for first reading of the ordinance. She would like to explore other issues and felt that if there will be changes, they will not be huge.

Councilmember Hardy noted the recent proliferation of illegitimate massage businesses in the City and stressed the importance of moving forward with the ordinance and suggested that the City Attorney, Police Chief Small and CAMTC meet to address concerns.

A motion was made by Councilmember Hardy, second by Councilmember Carchio to approve for introduction Ordinance No. 3973, "An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments."

After the Clerk read by title, the motion carried by the following vote.

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw
NOES: None
ABSENT: Katapodis

COUNCILMEMBER ITEMS

13. Submitted by Mayor Connie Boardman and Councilmember Joe Carchio - Requested Staff to Update the Bolsa Chica Annexation Feasibility Study

Recommended Action:

Mayor Boardman commented on this item and addressed the recommended actions.

Councilmember Carchio commented on the matter and stated that he feels it is important in order to make the City whole. He urged staff to work with LAVCO and expedite the issue.

Mayor Boardman thanked Councilmember Carchio and stated that she imagines that the issue of Harriett Wieder Park would be addressed as part of the feasibility study.

Mayor Pro Tem Harper commented on similar areas in San Bernardino County and noted the support of the local Board of Supervisors regarding this item.

Councilmember Sullivan expressed opposition noting the pension problem being faced by the City. He felt that the City cannot afford to take this on and indicated that he is satisfied with the County's stewardship of the area.

A motion was made by Mayor Boardman, second by Councilmember Carchio to direct staff to update the Bolsa Chica Annexation Feasibility Study.

The motion carried with the following vote.

AYES: Hardy, Harper, Boardman, Carchio, Shaw
NOES: Sullivan
ABSENT: Katapodis

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Pro Tem Harper commented on the recent approval of a bond by the Coast Community College District and noted the proposed adoption of a project labor agreement that would not allow for effective and competitive construction practices. He felt it important for residents to be aware of the matter.

Councilmember Carchio reported attending the Chamber Leadership event and its 108th Annual Gala and commented positively on the events. Additionally he reported attending the Parent University Anti-Bullying presentation and stated he looks forward to the upcoming Jazz Festival.

Mayor Boardman reported speaking at a recent meeting of the Meredith Gardens Homeowners' Association meeting and delivering a eulogy for former Fountain Valley Mayor Gus Ayre.

ADJOURNMENT

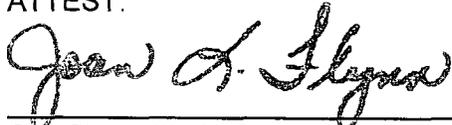
There being no further business to come before Council, Mayor Boardman adjourned the meeting at 8:50 P.M.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is **Monday, March 18, 2013**, at 4:30 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach,
and Secretary of the Huntington Beach
Public Finance Authority

ATTEST:



City Clerk, Clerk, Secretary



Mayor-Chair