

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

Monday, November 5, 2012
5:00 PM – Council Chambers
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 is archived at
www.surfcity-hb.org/government/agengas/**

The City Clerk recessed the 4:00 PM portion of the meeting to 5:00 PM due to an anticipated lack of quorum and no Study Session.

**5:00 PM – Council Chambers – Closed Session
6:00 PM – Council Chambers – Regular Business Meeting**

CALL TO ORDER - 5:00 PM

ROLL CALL

Present: Shaw, Harper (arrived at 5:02 PM), Dwyer, Hansen, Carchio, Bohr, and Boardman
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEMS (Received After Agenda Distribution) - None

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

RECESS TO CLOSED SESSION – 5:01 PM

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

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

CLOSED SESSION

- 1. Pursuant to Government Code § 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 Warren, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with SCLEA.**

2. Pursuant to Government Code § 54957, the City Council recessed to Closed Session to discuss the following personnel matter: **City Manager's Evaluation.**

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:01 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None

ROLL CALL

Present: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman
Absent: None

PLEDGE OF ALLEGIANCE – Led by Huntington Beach Association Girl Scout Flag Unit.

INVOCATION – Given by Charles Bud Long 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 AND PRESENTATIONS

Mayor Hansen called on Gina Magee, the COO of Girl Scouts of Orange County, who provided a brief presentation regarding the organization and received a commendation on behalf of their 100th Anniversary. She expressed appreciation to the City, Council, Girl Scout leaders and participants.

Mayor Hansen called on Cliff Numark, CEO, Red Cross of Southern California Region and Members of the Huntington Beach Employees' Power Team. Mr. Numark provided a description of the organization, the success of a recent blood drive event and presented the City with a resolution in acknowledgement and appreciation of its participation. He and the Huntington Beach Power Team were recognized for the outstanding achievement of the Huntington Beach Employee Blood Drive.

Councilmember Bohr commented on the implementation of the Huntington Beach Community Foundation to raise money for the various non-profits in the City. He reported a pledge of \$10,000 from the owners of the Baguetier Bakery who presented a check to the Foundation.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

City Clerk Flynn reported that for Item No. 23, supplemental communications were received from Robert Dettloff, resident, Donald Mosier, Councilmember from the City of Del Mar, Marilyn Wigglesworth, from San Clemente Green.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speaker's comments indicates the approximate starting

time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Wes Bryan, President of Golden West College, spoke in support of Southern California Edison and relative to Item No. 23, felt that related decisions are best left to the Nuclear Regulatory Commission. (00:18:32)

Mike Ali announced a day-of-giving fundraiser for the victims of the devastation caused by hurricane Sandy on November 17, 2012, between 12:00 Noon and 3:00 PM at Pier Plaza. (00:21:35)

Councilmember Carchio commented on losses experienced by his family in the east coast, commended Mr. Ali for his efforts and urged residents to participate in the event.

Mayor Hansen offered to ensure that the City will do its best to publicize the event.

Regarding Item 23, Yuji Kaneko reported he is visiting from Japan and commented on the nuclear accidents experienced in that country as a result of the tsunami. He reported that radiation contamination has reached Southern California and expressed concerns with risks and dangers associated with the San Onofre Nuclear Power Plant. (00:26:48)

Regarding Item 23, Beverly Findlay Kaneko addressed her emigration from Japan, the hardships faced by the people of Fukushima in their attempts at decontamination and concerns about this country's energy future. She commented on the need to proceed with utmost caution on this matter. She demanded transparency in the process, accountability for escalating costs and assurances over liability. She encouraged the City to join other cities to demand an adjudicatory hearing with independent experts and full transparency. (00:30:11)

Regarding Item #23, Ryan Kaneko spoke of the dangers of San Onofre and reiterated a request for an adjudicatory hearing. (00:33:00)

Regarding Item #23, Don Leichtling commented on the TBA Safety Team and explained potential problems that occurred at the San Onofre Power Plant including the use of steam generators and the design of the reactors. (00:34:45)

Regarding Item #23, Ace Hoffman commented on his attendance at a recent San Onofre open house where the operation of steam generators was explained. He expressed concerns with the danger of a possible steam line break and disposal of radioactive waste materials. (00:38:03)

Tim Geddes commented on a recent smear campaign by Atlas Political Action Committee (PAC) targeting Former Mayor Jill Hardy. He urged Council to condemn the smearing and censure Atlas PAC and its Board Members and renounce any endorsements and contributions from the organization. (00:41:51)

Diana LoSchiavo, Member of the Allied Arts Board and past President of the Huntington Beach Arts League, spoke in support of those who have worked to sustain the arts community in the City. She addressed an upcoming awards presentation by the Allied Arts Board, listed the names of the recipients and encouraged the public and Council to attend the awards event. (00:44:28)

Barbara Cleary, Member of the Orange County Grand Jury for 2012/2013, addressed Grand Jury Month and hoped that residents would apply to perform service to the County. She commented on the functions of the Grand Jury, the term, and encouraged residents to participate in the process. (00:46:59)

Regarding Item #23, Berton Moldow commented on issues of trust and listed failures experienced by the Nuclear Power Industry due to mechanical and operator errors. He asked that Council support a request for an evidentiary hearing at San Onofre. (00:49:30)

Grace Von Thillo stressed the importance of carrying out the City's safety mandates to protect the safety of residents and businesses. She urged Council to join other cities in carrying out the resolution under Item No. 23. She spoke in support of energy efficiency, conservation and development of integrated infrastructure upgrades. (00:51:56)

Regarding Item #23, Donna Gilmore, San Clemente, commented on employees at San Onofre being fired for reporting safety problems. She addressed the facility's safety record, steam generators and expressed distrust for Southern California Edison and the NRC. Ms. Gilmore referenced documents distributed to Council for review. (00:54:20)

Regarding Item #23, Torgen Johnson, Solana Beach, addressed the San Onofre Nuclear Power Station, referenced the Fukushima disaster and explained the concept of "exclusion zones". He presented related statistics, referenced an email he sent to Council and noted possible losses in the event of a nuclear accident. He requested a transparent adjudicatory hearing and addressed the many stakeholders in the issue. (00:57:34)

Regarding Item #23, Gary Headrick, Co-founder of San Clemente Green, asked that Council support conducting an evidentiary hearing regarding the San Onofre Nuclear Power Station. (01:00:42)

Regarding Item #23, Celeste Hamil, Member of the Allied Arts Board, spoke in support of the Huntington Beach Arts Center and in opposition to Measure Z. (01:03:37)

Regarding Item #23, Jerry Wheeler, President and CEO of the Huntington Beach Chamber of Commerce, commented on the San Onofre Nuclear Power Plant issue and asked that Council not politicize the issue by making a resolution as a Council, when there is no jurisdiction over the outcome. He spoke in support of Southern California Edison and encouraged looking to the future needs of the area. (01:07:01)

Dean Haidl commented on Item No. 23 noting that he felt the City should not take a stance on the matter at this time. (01:10:12)

Regarding Item #23, Dianne Thompson, business owner and Chair-elect of the Huntington Beach Chamber of Commerce, spoke in support of allowing the Nuclear Regulatory Commission and the Public Utility Commission to do their jobs and not create additional bureaucratic red tape. (01:12:24)

Jeff Stienmetz, San Clemente, reported on a personal experience related to a false alarm from the San Onofre Nuclear Power Plant. He encouraged Council to consider the resolution and not "trust the experts". (01:14:18)

Gregory Hall commented on a blighted area on Ronald Drive and Beach Boulevard and suggested that the City purchase the property and develop it into something that is aesthetically pleasing. He reported a prowler running through his backyard, which is nearby and felt that removing the blight would remedy the issue. Additionally, he questioned the closure of the Police substation at Slater and Beach and suggested that it be reopened. (01:17:34)

In response to an inquiry from Councilmember Shaw regarding the status of the property on Ronald and Beach, staff reported that the architect representing the property has applied for final building permits in order to proceed with construction.

Councilmember Shaw agreed with the speaker and stated there should be urgency placed on getting the subject property developed.

Anna Warner requested that the City provide information regarding pensions and medical benefits of City employees.

She was advised that much of that information is available on the City's website.

Ms. Warner requested that related policies be published and pay increases since 2008.

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

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

Councilmember Boardman wondered if representatives from Southern California Edison are in attendance tonight. She reported that the Wintersburg Task Force is holding a fundraiser to help preserve the buildings at the Wintersburg site that could be threatened with demolition. The Task Force will be hosting a premiere of a film, "Little Tokyo Reporter" at 5:00 and 6:00 PM on November 17, 2012 and 11:30 and 12:30 PM on November 18, 2012 at the Regency Theater on Village Boulevard and Warner Avenue.

Mayor Pro Tem Dwyer reiterated the upcoming Bi-Annual Arts Awards event on Thursday, November 15, 2012 at the Waterfront Beach Resort Hilton Hotel hosted by the Allied Arts Board.

Councilmember Carchio reported his attendance at the completion of the new secondary treatment facility at the Orange County Sanitation District.

Councilmember Shaw reported attending the Wellvolution Conference in Los Angeles on October 14, 2012 and commented positively on the event. He reiterated comments from

Councilmember Boardman on the upcoming film premier and encouraged the public to attend.

Councilmember Harper commented on the length of OCTA and Council meetings.

Mayor Hansen reported Chairing the Regional Transportation Highways Committee of the OCTA approved bringing forward to the Board, consideration of the elimination of the 19th Street Bridge. The recommendation will be heard by the full OCTA Board on November 26,

2012.

CITY MANAGER'S REPORT

City Manager Wilson announced that local election results will be available November 6, 2012 starting at 9:00 PM on HBTV 3.

CITY TREASURER'S REPORT

1. Received and Filed the City Treasurer's September 2012 Investment Summary Report

City Treasurer Cutchen presented details of the City Treasurer's September 2012 Investment Summary report. She addressed a portfolio overview, investments by type, portfolio earnings and performance, benchmarks and returns on investment.

Discussion followed regarding hopes for increased rates in the future.

A motion was made by Carchio, second Boardman to receive and file the Monthly Investment Report for September 2012, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach, as presented. The motion carried by the following roll call vote:

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

CONSENT CALENDAR

2. Received and filed the City Treasurer's August 2012 Investment Summary Report

A motion was made by Carchio, second Boardman to receive and file the Monthly Investment Report for August 2012, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach, as presented. The motion carried by the following roll call vote:

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

3. Adopted Resolution No. 2012-74 approving the Fiscal Year 2012/2013 Investment Policy

A motion was made by Carchio, second Boardman, to adopt Resolution No. 2012-74, "A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2012/2013" adopting the Fiscal Year 2012/2013 Investment Policy. The motion carried by the following roll call vote:

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

4. Approved appointments to the Community Services Commission

A) A motion was made by Carchio, second Boardman to appoint Norm Westwell, Ocean

View School District to a first term ending June 30, 2016. The motion carried by the following roll call vote:

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

B) A motion was made by Carchio, second Boardman to appoint David Hubbard, Westminster School District to a first term ending June 30, 2016. The motion carried by the following roll call vote:

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

5. Return to the Fire Department for a rewrite and resubmittal of the City's response to the Orange County Grand Jury Report on Emergency Medical Response in Orange County

Consent Item No. 5 was pulled for separate consideration by Mayor Hanson.

Mayor Hansen addressed recommendations on the item, referenced a study by the Glendale Fire Department and expressed concerns with the tone of the letter.

City Manager Wilson reported that staff has been looking at opportunities to partner with the City of Fountain Valley and a shared services agreement with Costa Mesa and Newport Beach, who were not interested in pursuing a shared services model. He noted that because the County is so big and diverse, the issue should be done at a more localized level and consider looking at opportunities with other cities to deliver the services. He stated there has not been a lot of interest from other cities. Staff may pursue through the League of Cities or other organizations by exploring better ways to provide those services.

Fire Chief McIntosh commented on the item and stated the key in the response is looking toward the future as to how to provide for the changing needs of the City. He noted the need to evaluate all options going forward and addressed the timeline constraints.

Fire Chief McIntosh explained his rationale in the response presented, noting the City has been a leader in this effort.

Mayor Pro Tem Dwyer commented on the item, stated he would not agree with the letter as presented.

Councilmember Boardman noted that the same company used to study outsourcing of the City Attorney's office, Management Partners, is the same company that recommended that the City of Glendale use the City of Huntington Beach model. She inquired regarding the City's best practices that Management Partners recommended to the City of Glendale.

Fire Chief McIntosh explained the City of Glendale's previous model which was the same that the City of Huntington Beach used in the mid-eighties. This involved taking paramedics off rescue units, place them on the engines to increase paramedic service in the community and use EMTs to staff ambulances. He addressed the efficiencies of the Huntington Beach Fire Department compared to surrounding cities.

A motion was made by Hansen, second Dwyer to return to Council with a revised letter to the Grand Jury that better captures data that documents Huntington Beach's collaboration with other jurisdictions and outlines potentials for realignment and redeployment of future service delivery. The motion carried by the following roll call vote:

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

6. Approved City's response to the Orange County Grand Jury Report on "Transparency Breaking Up Compensation Fog-But Why Hide Pension Costs?"

A motion was made by Carchio, second Boardman to approve and authorize the Mayor to sign communication addressed to The Honorable Thomas J. Borris, Presiding Judge of the Superior Court of Orange County, in response to the findings and recommendations in the 2011-2012 Orange County Grand Jury report on "Transparency Breaking Up Compensation Fog - But Why Hide Pension Costs?" The motion carried by the following roll call vote:

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

7. Approved Final Tract Map No. 17261 for the Village at Bella Terra located on the north side of Edinger Avenue, west of Beach Blvd.

A motion was made by Carchio, second Boardman to approve Final Tract Map No. 17261 for the Village at Bella Terra pursuant to findings and requirements. The motion carried by the following roll call vote:

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

8. Approved appropriation of funds in the amount of \$97,367.51 for the Settlement of City of Huntington Beach v. Alvarez, et al. (Garfield Widening) Orange County Superior Court Case No. 07CC02215

A motion was made by Carchio, second Boardman to appropriate \$97,367.51 from the Traffic Impact Fund balance to account 20685201.69380. The motion carried by the following roll call vote:

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

9. Approved appropriation of \$296,639 for the repair of Civic Center Oil Well #3

A motion was made by Carchio, second Boardman to approve appropriation of up to \$296,639 from the General Fund Equipment Replacement Reserves to the Equipment Replacement – Fire business unit (10040209.83000) for the Repair of Civic Center Oil Well #3. The motion carried by the following roll call vote:

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

NOES: None

10. Approved and authorized execution and recordation of a Quitclaim Agreement with Orange County Sanitation District (OCSD) to transfer 103 linear feet of Sanitary Sewer line from the Orange County Sanitation District to the City of Huntington Beach

A motion was made by Carchio, second Boardman to approve and authorize the Mayor and City Clerk to execute and record the "Quitclaim Sewer Transfer Agreement Between the Orange County Sanitation District and the City of Huntington Beach" to transfer 103 linear feet of sewer line on Newland Street from the Orange County Sanitation District to the City of Huntington Beach. The motion carried by the following roll call vote:

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

NOES: None

11. Approved and authorized execution of Amendment No. 14 to Cooperative Agreement No. C-95-975 with Orange County Transportation Authority (OCTA) for Combined Transportation Funding Programs (CTFP) Project

A motion was made by Carchio, second Boardman to approve and authorize the Mayor and City Clerk to execute "Amendment No. 14 to Agreement No. C-95-975 Between Orange County Transportation Authority and City of Huntington Beach For Combined Transportation Funding Programs Project." The motion carried by the following roll call vote:

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

NOES: None

12. Approved and authorized execution of Cooperative Agreement No. C-2-1831 with Orange County Transportation Authority (OCTA) for Proposition 1B State Local Partnership Program Reimbursement for the Arterial Rehabilitation Project, CC-1433

A motion was made by Carchio, second Boardman to approve "Cooperative Agreement C-2-1831 Between Orange County Transportation Authority and City of Huntington Beach For Proposition 1B State-Local Partnership Program Call For Projects" funding in the amount \$1,132,700 for one-half of the estimated total cost of Arterial Rehabilitation Project CC-1433; and, authorize the Mayor and City Clerk to execute two original Agreements; and, direct the City Clerk to return one original signed Agreement to the Trisha Krinke, OCTA Contract Administrator, 550 South Main Street, P.O. Box 14184, Orange, CA. 92863-1584. The motion carried by the following roll call vote:

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

NOES: None

13. Approved and authorized execution of Amendment No. 1 to the Professional Services Agreement with RBF Consulting for the preparation of an Environmental Impact Report for the Closed Gun Range Site

Consent Item No. 13 was pulled for separate consideration by Councilmember Bohr.

Councilmember Bohr inquired regarding ownership of the gun range and whether it is part of the Central Park Master Plan.

It was noted that the City owns the property and that it is part of the Central Park Master Plan.

In response to an inquiry from Councilmember Bohr regarding the need for more time and money, staff addressed the expansion of possible land uses for the site which generated the need for additional analysis and an update to the previously-prepared biological study. It was noted that there is no new schedule at this time but it is anticipated that by the end of summer, there will be a public hearing before the Planning Commission.

A motion was made by Bohr, second by Hansen to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and RBF Consulting for the Preparation of an Environmental Impact Report" to extend the original agreement to August 2014 and provide additional services in an amount not to exceed \$35,000; and, authorize the appropriation of \$72,000 from fund balance in Gun Range Fund 225 into Gun Range professional services account 22545001.69300 for completion of the Environmental Impact Report. The motion carried by the following roll call vote:

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

14. Approved and authorized execution of Amendment No. 2 to Professional Services Contract between the City of Huntington Beach and Kane, Ballmer & Berkman for Legal Services

A motion was made by Carchio, second Boardman to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Professional Services Contract Between the City of Huntington Beach and Kane, Ballmer & Berkman for Legal Services." The motion carried by the following roll call vote:

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

15. Adopted Resolution No 2012-76 approving the submittal of a grant application associated with an improvement project to the Orange County Transportation Authority (OCTA) for funding under the Comprehensive Transportation Funding Program (CTFP)

A motion was made by Carchio, second Boardman to adopt Resolution No. 2012-76, "A Resolution of the City Council of the City of Huntington Beach Approving the Submittal of an Improvement Project to the Orange County Transportation Authority for Funding Under the Comprehensive Transportation Funding Program." The motion carried by the following roll call vote:

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

- 16. Authorized Holiday Closure of City facilities for the period of December 24, 26, 27, 28, and 31, 2012 in addition to the City recognized holidays of December 25, 2012 (Christmas) and January 1, 2013 (New Year's Day) and accepted Modified Layoff Notification Requirement of 30 Calendar Days by adopting Resolution No. 2012-77 amending the Memorandum of Understanding between the City and the Management Employees' Organization (MEO)**

Consent Item No. 16 was pulled for separate consideration by Mayor Pro Tem Dwyer.

Mayor Pro Tem Dwyer expressed his appreciation to staff for the item noting that the time is typically a slow time in the City and results in substantial financial savings for the City.

A motion was made by Dwyer, second Shaw to adopt Resolution No. 2012-77, "A Resolution of the City Council Amending the Memorandum of Understanding Between the City and the Management Employees' Organization (MEO), By Adopting The Side Letter Of Agreement" closing all non-essential City services to the public for the period December 24, 26, 27, 28, and 31, 2012 in addition to the City recognized holidays of December 25, 2012 (Christmas) and January 1, 2013 (New Year's Day), and accepting the Modified Layoff Notification Requirement of 30 Calendar Days. The motion carried by the following roll call vote:

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

- 17. Adopted Resolution No. 2012-75 approving the submittal of a Grant Application to Orange County Transportation Authority (OCTA) Tier 2 Program for the Adams Avenue Frontage Median Retrofit Project**

A motion was made by Carchio, second Boardman to adopt Resolution No. 2012-75, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Funds for the Environmental Cleanup, Tier 2 Grant Program Under Orange County Local Transportation Ordinance No. 3 for the Adams Avenue Frontage Median Retrofit Project." The motion carried by the following roll call vote:

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

- 18. Adopted Ordinance No. 3962 approving Development Agreement No. 12-003 with Archstone Huntington Beach College Park LLC (Developer) for the Archstone HB Lofts Project
Approved for introduction October 15, 2012**

A motion was made by Carchio, second Boardman to adopt Ordinance No. 3962, "An Ordinance of the City of Huntington Beach Adopting A Development Agreement By and Between the City of Huntington Beach and Archstone Huntington Beach College Park LLC (Developer) (Development Agreement No. 12-003)." The motion carried by the following roll call vote:

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

PUBLIC HEARINGS

19. Approved Mitigated Negative Declaration No. 10-07 and Coastal Development Permit No. 10-11 (Appeal of Planning Commission's Approval - Magnolia Oil Storage Tanks Demolition and Transfer Piping Removal - continued from June 6, 2011)

Planning Commission and Staff Recommended Action:
Approve Mitigated Negative Declaration No. 10-07 and Coastal Development Permit No. 10-11 with findings and mitigation measures.

Planning Aide Hayden Beckman presented an overview of the aforementioned item addressing a description of the requests, background and a project timeline, project overview, details of the Mitigated Negative Declaration and mitigation measures, Coastal Development Permit and conformance with the City's Local Coastal Program and the Coastal Act. Mr. Beckman presented details of the appeal, staff analysis and recommendations.

Councilmember Carchio reported that an agreement has been reached between Plains All American Pipeline and the Huntington Beach Wetlands Conservancy.

Mayor Hansen opened the public hearing.

City Clerk Flynn reported no speakers at this time, but noted supplemental communications received from Gordon W. Smith, Ph.D., Chairman of the Huntington Beach Wetlands Conservancy and Mary Jo Baretich, President of the Cabrillo Wetlands Conservancy, and read each into the record.

Mayor Hansen closed the public hearing.

A motion was made by Shaw, second Hansen to approve Mitigated Negative Declaration No. 10-07 and Coastal Development Permit No. 10-11 with findings and mitigation measures. The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

20. Approved for introduction Ordinance No. 3963 amending Chapter 13.08 of the Huntington Beach Municipal Code (HBMC) related to the definition of "Beach"

A motion was made by Bohr, second Carchio to after the City Clerk reads by title, approve for introduction Ordinance No: 3963, "An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Related to Beach Regulations" pertaining to locations of tents and canopies. The motion carried by the following roll call vote:

AYES: Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman
NOES: None
OUT OF ROOM: Shaw

21. Approved for introduction Ordinance No. 3964 adding Chapter 13.10 to the Huntington Beach Municipal Code (HBMC) related to tents, canopies, and camping on public areas

A motion was made by Bohr, second Carchio to after the City Clerk reads by title, approve for introduction Ordinance No: 3964, "An Ordinance of the City of Huntington Beach Adding Chapter 13.10 to the Huntington Beach Municipal Code Relating to Camping in Public Areas" making it unlawful to camp or store personal property in public areas and the Civic Center. The motion carried by the following roll call vote:

AYES: Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman
NOES: None
OUT OF ROOM: Shaw

Mayor Hansen commented on the establishment of the Councilmember Items Agenda Delivery Rule. He encouraged Council to adhere to the timeline to ensure timely delivery of the packets.

22. Submitted by Councilmember Carchio: Coastal Commission appeal of Coastal Development Permit (CDP) 12-05 regarding an auto auction to be held within an existing beach parking lot

Councilmember Carchio presented background on the item. He stated that he believes the project provides economic benefit to the City and complies with the Coastal Act. He asked that Council designate two Councilmembers to meet with the two Coastal Commissioners who appealed the item in order to discuss the project and their appeal.

Mayor Pro Tem Dwyer offered his services to be one of those Councilmembers.

A motion was made by Carchio, second Dwyer to designate Councilmember Carchio and Mayor Pro Tem Dwyer to meet with the two Coastal Commissioners who appealed the Auto Auction CDP to discuss the economic benefits of the project and its compliance with the Coastal Act. The motion carried by the following roll call vote:

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

23. Submitted by Councilmember Boardman: Consider drafting a resolution regarding the San Onofre Nuclear Generating Station

Councilmember Boardman explained her rationale for asking to place this item on the agenda and reported meeting with groups of residents on the issue. She noted that she is not prone to knee-jerk responses and noted resident concerns regarding the item. She stated actions taken by other cities. She felt that it is not unreasonable to request an evidentiary hearing and suggested a possible study session to allow Council a chance to discuss the issue.

Councilmember Shaw stated that he did not think it unreasonable to ask for more transparency or protection for taxpayers. He indicated agreement with the Resolution issued by the City of Laguna Beach and noted the importance of the issue. He stated support for some sort of action on the matter.

Councilmember Carchio wondered if there was a representative from Southern California Edison present to respond to Council inquiries.

Victoria Gutierrez, Vice President of Local Public Affairs for Southern California Edison, responded to Council inquiries regarding the grid and its stability. She addressed actions taken to stabilize the grid during a critical time and noted ways of replacing lost megawatts. She noted that the Nuclear Regulatory Commission focuses on safety and stated that currently, there is not enough wind and solar energy to replace the San Onofre Power Plant noting that they are very different sources of energy. Ms. Gutierrez noted that renewable energy cannot be stored and explained the process for determining liability. She noted that no employees were terminated nor harassed for whistle blowing. She stated that in the nuclear industry, safety is the number one job and priority.

Ms. Gutierrez addressed the safety record at the San Onofre Power Plant. She stated recommendations to not politicize the process and allow the Nuclear Regulatory Commission to do their job in terms of safety considerations.

Discussion followed regarding related costs and the anticipated length of the process.

Councilmember Harper inquired regarding the Public Utilities Commission's interaction with Southern California Edison and what costs get passed on to the consumer.

Ms. Gutierrez explained the process noted that costs are dealt with in litigation and that it will be a public process. She explained the makeup of the Public Utilities Commission and that most of the proceedings are through litigation.

Mayor Pro Tem Dwyer reported meeting with the PUC and noted the movement of peak power usage to 8:00 PM. He wondered about the effects AB32 and SB375.

Ms. Gutierrez reported that San Onofre does not have greenhouse gas emissions and would have a difficult time complying with AB32. She noted that many issues will have to be addressed through the AQMD and commented on carbon credits.

Ms. Gutierrez addressed the height of the tsunami wall and stated that the concern regarding Council action is the integrity of the process. She spoke against changing the process and politicizing it. She stressed the importance of standards and stated that information is available on line and through community outreach for open transparency. She added that several open hearings are forthcoming where the public has opportunity to comment.

Councilmember Boardman inquired regarding how the City can participate in the process.

It was noted that staff will need to speak with appropriate parties to find out what role the City could play.

Discussion followed regarding the City's evacuation plan specific to San Onofre.

Fire Chief McIntosh reported that it would be similar to a tsunami evacuation plan including strong coordination with the County down to local government and addressed communication systems that are in place. He stated the existence of equipment that measures radiation.

In response to an inquiry from Councilmember Harper, City Attorney McGrath noted that the City has no jurisdiction over the San Onofre Power Plant as to regulation but that the City is permitted to make a resolution setting forth a policy statement by Council.

Discussion followed regarding the possibility of scheduling a study session on this matter.

Councilmember Boardman asked that staff provide information regarding how the City can participate in the process, going forward.

An open invitation was given for Southern California Edison to provide regular updates on the matter to the South East Huntington Beach Committee.

Councilmember Shaw noted that the intention is to shine a light on the process.

Councilmember Harper commented on the ability of Councilmembers to comment individually regarding this item rather than generating staff time.

Councilmember Carchio indicated the need to allow the Nuclear Regulatory Commission to move forward with their process and act, if appropriate, depending on the results.

No action was taken on this item at this time, other than to ensure that SCE has all the information they need to attend and update the Southeast Huntington Beach (SEHB) Committee meetings.

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Harper reported attending the ACCOC City Leadership reception, provided a brief update and commented positively on the event. In addition he attended the USC Dean Speaker Series regarding the election as well as the Mayor's Ball in the City of Fountain Valley.

Mayor Pro Tem Dwyer reported attending the ACCOC City Leadership reception and provided a brief update. In addition, he attended the Surf City Beach Derby on behalf of the Mayor and commented positively on the event. He addressed the loss of Taylor McLoud and reported on an event that gave citizens a greater understanding of drug use in the community. He reported on an event at First Christian Church regarding drug use and preventing teens from getting into drug use. He reported on a new program hosted by the School District, Parent University, providing six different classes on various topics. He encouraged residents to obtain additional information online and participate in the program.

Councilmember Bohr reminded residents of the upcoming elections on November 6, 2012.

Councilmember Boardman thanked Pastor Bob Ewing for hosting the Parents' Drug Awareness Night and commented positively on the event. She reminded residents to vote.

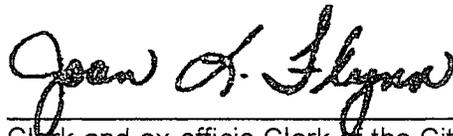
Councilmember Carchio reported attending the Edinger Plaza grand opening event, an event honoring George Scott, Former Mayor of Fountain Valley, a ribbon-cutting at the Hudson Wellness Center, the City Employee's Night at October Fest, a Celebration for the 11th Anniversary at Fritz, the Mayor's Ball and the Parents' Drug Awareness Night. In addition, he reported speaking to the 7th and 8th Grade Social Studies students at St. Simon and Jude.

Councilmember Harper noted the recent passing of former Mayor and Councilmember of the City of Westminster Frank Fry.

Mayor Harper expressed wishes for a quick recovery to the City's first woman Mayor, Norma Gibbs.

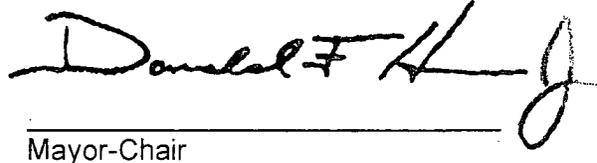
ADJOURNMENT

At 9:10 PM, Mayor Hansen adjourned the meeting to a Regular Meeting on Monday, November 19, 2012, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California, 92648, in memory of Frank Fry.



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, Secretary
Mayor-Chair