

Minutes
City Council/Redevelopment Agency/Public Financing Authority
City of Huntington Beach

Monday, October 17, 2011
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

The City Clerk recessed the 4:00 PM portion of the meeting to 4:30 PM due to an anticipated lack of quorum. Council convened in the Council Chambers at that time.

4:30 PM - COUNCIL CHAMBERS

CALL TO ORDER - 4:31 PM

ROLL CALL

Present: Shaw (arrived at 4:44 PM), Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION) - None.

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

RECESS BY CONSENSUS TO CLOSED SESSION

CLOSED SESSION

1. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session into 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 all labor groups.

2. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Richard Bright v. City of Huntington Beach; WCAB Case No ADJ6772879 ; Claim No COHB-08-0163.

3. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuit: HB Auto I, LLC v. Redevelopment Agency of the City of Huntington Beach, Orange County Superior Court Case

No. 30-2011-00485047, regarding the breach of contract suit that HB Auto has filed against the Redevelopment Agency concerning the Agency's purchase of 7872 Edinger Avenue.

4. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Jennifer Doan v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00119973. Claim for personal injuries resulting from vehicle accident at intersection of Bushard & Banning allegedly caused by dangerous condition of public property.

5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding Omnipoint Communications, Inc. (T-Mobile) v. City of Huntington Beach ("T-Mobile I"), United State District Court Case No. CV09-3777 RGK, Ninth Circuit Court of Appeal Case Nos. 10-56877 and 10-56944, and related case T-Mobile West Corporation v. City of Huntington Beach ("T-Mobile II"), United State District Court Case No. CV09-3777 RGK, which involve T-Mobile's project to install antennas at Harbour View Park and Bolsa View Park.

6. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding MCP v. Vadnais, et al., Orange County Superior Court Case No. 30-2008 00113320. This lawsuit includes a City cross-complaint against Vadnais concerning its failure to successfully construct the Warner Avenue Gravity Sewer line.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING
AUTHORITY MEETING - 6:03 PM

ROLL CALL

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

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

PLEDGE OF ALLEGIANCE - Led by Brownie Troop 351

INVOCATION - Invocation by Maneck Bhujwala from the Huntington Beach Interfaith Council

Mayor Carchio announced October as Breast Cancer Awareness Month, and introduced a video produced by County Music Star Martina McBride entitled "*I'm Gonna Love You Through It.*"

Mayor Carchio called on 2011 Huntington Beach Little League Champion representatives Yvonne and Dylan, and on behalf of the 4th of July Board, extended an invitation for the team's participation in the 2012 Annual 4th of July Parade.

AWARDS AND PRESENTATIONS

Mayor's Award - Mayor Carchio called on Library Director Stephanie Beverage to present the Mayor's Award to Volunteer Services Coordinator Monica Miltko

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

Communication for Consent Calendar Item No. 5 received from Joan L. Flynn, City Clerk, dated October 17, 2011, requesting the Environmental Board Appointment item be pulled from consideration and brought back at the November 7th meeting.

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/>).

Richard Moore spoke to Council regarding Agenda Item No. 12, voicing concerns about abolishing the Finance Advisory Board and loss of government transparency. (00:16:56)

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

Councilmember Dwyer announced that Wednesday night's downtown Art Walk will be taken over by Zombies, explaining that dancers of all ages will be performing Michael Jackson's *Thriller* routine at the Art Center, Electric Chair parking lot, Main Street Fountain, and the Strand at varied times. He also announced *Art for Lunch* on October 20, his attendance at the opening of *Calidoscope* on October 14, and that the Art Center was recently honored by the OC Weekly as "Best Art Show" for their *Economy Portraits* exhibit.

Councilmember Harper revisited a speaker's concerns about a potential violation of the 3 minute time limit when a public speaker providing testimony during public comments at the October 3rd meeting was also depicted in video-taped testimony.

Councilmember Boardman congratulated participating Zombies, and stated her opinion that no time violation occurred during public comments at the October 3rd meeting.

Mayor Carchio reported attending Coastal Commission and environmental meetings held at City Hall with the City's Energy Project Manager Aaron Klemm.

Councilmember Bohr submitted a written report that will be made available in the City Clerk's office.

CITY MANAGER'S REPORT - None.

CITY ATTORNEY'S REPORT

1. Reported Notice of Filed Cross-Complaint

Pursuant to Council resolution, City Attorney Jennifer McGrath disclosed for the record a cross complaint involving the Pacific Mobile Home Park vs. the City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684. The cross complaint action is for ejection of those mobile homes that are located on the public right-of-way (ROW).

CONSENT CALENDAR

2. Approved and adopted minutes.

A motion was made by Boardman, second Dwyer to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Regular Meeting of September 6, 2011, 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, Dwyer, and Boardman
NOES: None

3. Received and Filed the City Attorney's Quarterly Report - 2nd Qtr 2011

A motion was made by Boardman, second Dwyer to receive and file the City Attorney's Quarterly Report for April 1, 2011, through June 30, 2011. The motion carried by the following roll call vote:

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

4. Received and Filed City of Huntington Beach Strategic Plan Update.

A motion was made by Boardman, second Dwyer 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, Dwyer, and Boardman
NOES: None

5. **CONTINUED TO NOVEMBER 7, 2011** the appointment members to the Environmental Board.

6. Approved the appointment of Keith Krallman, Tiffany Johnson, Sarah Kruszona, Ryan Chin, and Brooke Simon, and the reappointment of Broc Coward, Phyllis Lembke, Eric Newfield, and Tianne Nguyen to the Children's Needs Task Force.

A motion was made by Boardman, second Dwyer to reappoint Broc Coward to the Children's Needs Task Force, with a term of 9/1/2011 to 8/31/15 as recommended by Council liaisons Carchio and Harper; and, reappoint Phyllis Lembke to the Children's Needs Task Force, with a term of 9/1/2011 to 8/31/2015 as recommended by Council liaisons Carchio and Harper; and, appoint Keith Krallman, Tiffany Johnson and Sarah Kruszona to the Children's Needs Task Force for a first term of 9/1/2011 to 8/31/2015 as recommended by Council liaisons Carchio and Harper; and, reappoint Eric Newfield and Tianne Nguyen to a second student representative term of 9/1/2011 to 6/30/2012 as recommended by Council liaisons Carchio and Harper; and, appoint Ryan Chin and Brooke Simon as student representatives to the Children's Needs Task Force for a first term of 9/1/2011 to 6/30/2012 as recommended by Council liaisons Carchio and Harper. The motion carried by the following roll call vote:

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

7. Approved appointment of Sherrie Daugherty and Richard Moore, and the reappointment of Karen Faith Vogel to the Library Board of Trustees.

A motion was made by Boardman, second Dwyer to approve the reappointment of Karen Faith Vogel for a second term effective July 1, 2011, through June 30, 2015; and, approve the appointments of Sherrie Daugherty and Richard Moore to their first four-year terms from July 1, 2011, through June 30, 2015, on the Library Board of Trustees as recommended by City Council Library Board Liaisons Connie Boardman and Matthew Harper. The motion carried by the following roll call vote:

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

8. Adopted Resolution No. 2011-81 for the Summary Vacation of a Water Line Easement at 7601 Edinger Avenue (Bella Terra).

A motion was made by Boardman, second Dwyer to adopt Resolution No. 2011-81, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of a Water Line Easement on Property Located at 7601 Edinger Avenue;" and, authorize the Director of Public Works to instruct the City Clerk to record said Resolution and attached exhibits with the Orange County Recorder on a date to be determined. The motion carried by the following roll call vote:

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

9. Approved and authorized execution of a Parking License Agreement and Covenant between Costco and the City of Huntington Beach - Bella Terra Parking Structure.

A motion was made by Boardman, second Dwyer to approve the "Parking License Agreement and Covenant (City Parking Structure)" created by and among Costco Wholesale Corporation, a Washington corporation, and City of Huntington Beach, a California Charter City; and, authorize the Mayor and City Clerk to execute the Agreement and all related necessary documents. The motion carried by the following roll call vote:

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

10. Adopted Ordinance No. 3920 adding Chapter 2.110 of the Huntington Beach Municipal Code relating to the Investment Advisory Board (IAB).

A motion was made by Boardman, second Dwyer to adopt Ordinance No. 3920, "An Ordinance of the City of Huntington Beach Adding Chapter 2.110 of the Huntington Beach Municipal Code Relating to the Investment Advisory Board." The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

11. Approved for Introduction Ordinance No 3924 amending Title 2 of the Huntington Beach Municipal Code by amending various sections pertaining to The Allied Arts Board, The Environmental Board, The Historic Resources Board, The Library Board and The Mobile Home Advisory Board.

A motion was made by Dwyer, second Boardman to approve for introduction Ordinance No 3924, "An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code by Amending Various Sections Thereof Pertaining to The Allied Arts Board, The Environmental Board, The Historic Resources Board, The Library Board and The Mobile Home Advisory Board."

A substitute motion was made by Harper, second Carchio to after the City Clerk reads by title, approve for introduction Ordinance No 3924, "An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code by Amending Various Sections Thereof Pertaining to The Allied Arts Board, The Environmental Board, The Historic Resources Board, The Library Board and The Mobile Home Advisory Board," **excluding Section 7 - Mobile Home Advisory Board**. The motion carried by the following roll call vote:

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

A motion was made by Boardman, second Dwyer to **approve Section 7 - Mobile Home Advisory Board as drafted** within Ordinance No 3924 as introduced, "An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code by Amending Various Sections Thereof Pertaining to The Allied Arts Board, The Environmental Board, The Historic Resources Board, The Library Board and The Mobile Home Advisory Board."

Discussion ensued. Mayor Carchio expressed his opposition because he felt that allowing park owners to appoint a delegate would not change current perception that park owners' fail to attend meetings and participate in decision making.

Councilmember Bohr discussed his perception of a change in distinction (park owner versus designee).

The City Clerk read the Ordinance by title.

The motion carried by the following roll call vote:

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

12. Approved for introduction Ordinance No. 3923 amending the Huntington Beach Municipal Code by adopting an ordinance that abolishes the consolidated Finance and Investment Advisory Board as requested by the City Council at its meeting of 10/3/11.

City Attorney McGrath discussed past Council direction to draft the Ordinance.

A motion was made by Boardman, second Harper to approve for introduction Ordinance No. 3919, "An Ordinance of the City of Huntington Beach Amending Chapter 2.109 of the Huntington Beach Municipal Code Creating the Finance Advisory Board."

Discussion ensued. Councilmembers Bohr, Carchio and Dwyer expressed why they felt that the Finance Board is ineffective.

Councilmembers Boardman and Shaw discussed the Finance Board's value, government transparency, and their support to address/improve the issues identified that present conflict rather than abolish the Board.

Councilmember Harper discussed the Intergovernmental Relations Committee (IRC) recommendation that the Board, if sustained, meet on a quarterly basis.

The motion failed by the following roll call vote:

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

A motion was made by Hansen, second Bohr to after the City Clerk reads by title, approve for introduction Ordinance No. 3923, "An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code by Repealing and Deleting Chapter 2.109 Thereof Pertaining to the Finance and Investment Advisory Board."

The motion carried by the following roll call vote:

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

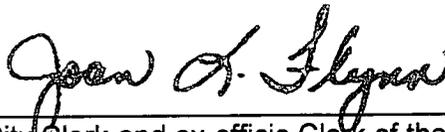
COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Pro Tem Hansen requested to adjourn tonight's meeting in honor of those individuals who lost their lives in the recent Seal Beach shootings.

Mayor Carchio and Councilmembers Harper, Dwyer, and Bohr also provided comments.

ADJOURNMENT

At 6:53 PM, Mayor Carchio adjourned the meeting to Monday, November 7, 2011, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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



Mayor-Chair