

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

Monday, May 17, 2010
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

4:00 PM - ROOM B-8

CALL TO ORDER

ROLL CALL

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

ANNOUNCEMENT OF LATE COMMUNICATION

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

PowerPoint communication submitted by Police Chief Ken Small dated May 17, 2010, entitled *Public Safety Staffing*.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit)

Kreg Muller, President of the Huntington Beach Police Officers' Association (HBPOA), spoke to Council about how recommendations made by the Charter Review Commission will affect public safety. He discussed budget reductions and bond/debt repayments related to City infrastructure, and asked Council to seriously consider Public Safety staffing when voting on Charter Section 617 - Public Infrastructure. Mr. Muller stated support for funding infrastructure improvements, but not at the expense of public safety.

Darin Witt, President, Huntington Beach Firefighters' Association, voiced concerns related to maintaining public safety staffing, specifically reduced personnel and engines, and provided statistics related to how reducing fire personnel and engines affect public service coverage.

STUDY SESSION

1. The Police Chief, working with the Fire Chief and Marine Safety Chief made a presentation to the City Council containing information on a plan to maintain public safety considering current budget constraints and personnel vacancies.

Police Chief Ken Small opened a PowerPoint presentation dated May 17, 2010, entitled *Public Safety Staffing*.

Marine Safety Supervisor Kyle Lindo discussed slides titled Marine Safety Reductions, and Summary of Effects.

Fire Chief Patrick McIntosh discussed slides titled Staffing, and Service Reductions.

Police Chief Small discussed slides titled Staffing-Uniformed Patrol, and Summer 2010 Police Officer Assignments.

Members of the City Council and staff discussed the following topics:

- Number of authorized positions filled and vacant within Public Safety Departments
- Building overtime into the City's FY budget
- Financial, safety and liability issues associated with minimum staffing
- Uniform Patrol staffing
- Job class promotion/progression
- Back-filling positions
- Reserve, Beach and School Resource Officers
- Payment guidelines for on-call Police Officers
- Number of Police Officers per capita
- Vacation coverage
- Marine Safety response to calls for service west of Goldenwest Street
- Disaster preparedness program/staffing
- Training
- Helicopter Program
- Downtown and Bella Terra Police staffing
- Grant funds

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

2. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human

Resources; and Bob Wingenroth, Director of Finance, regarding labor negotiations with MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA, and Non-Associated.

3. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuit: The e-mail and letter received on April 26, 2010, from Boyd Hill, threatening litigation regarding Huntington Shorecliffs Mobile Home conversion.

4. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Richard P. McKee v. Huntington Beach Hotel/Motel Business Improvement District; Huntington Beach Conference and Visitors Bureau; Orange County Superior Court Case No. 30-2009-00312450. This action arises out of allegations of violations of the Brown Act and Public Records Act.

5. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Suzzette Joan Diaz v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2009 00123745. This action arises out of allegations of false arrest, defamation, and related claims arising from Plaintiff's arrest on 5/23/07 for auto theft.

6. Pursuant to Government Code Section 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. This action arises out of allegations of an alleged dangerous condition, and resulting car accident.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING - 6:20 PM

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney McGrath reported that by a vote of 7-0 in the case of Richard McKee vs. the City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00312450, the City Council has authorized the City to enter into a stipulated judgment and pay attorneys' fees in the amount of \$14,000 plus \$5,000 for a total of \$20,000 reimbursement to the Marketing and Visitors' Bureau.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Mayor Pro Tem Hardy.

INVOCATION - Led by Father Christian Mondor, Sts. Simon and Jude Catholic Church.

Mayor Green solemnly reported the recent loss of Cpl. Jeffrey W. Johnson, Sgt. Kenneth M. May, and, as yet, an unnamed Marine, all members of the City's adopted 3/1 Battalion, and asked for a moment of silence in their memory.

Mayor Green announced that the month of May, in addition to being recognized as Asian Pacific American Heritage Month, is also recognized as Older Americans' Month.

AWARDS AND PRESENTATIONS

Presentation - Mayor Green called on Ron Shenkman and Cordula Dick-Muehlke, Ph.D., Executive Director of the Alzheimer's Family Services Center in Huntington Beach to recognize Ron Shenkman as the Service Center's Distinguished Friend of 2010.

Mayor Green read excerpts from a Mayor's Proclamation, and declared that the City Council officially considers Monday, May 17, 2010 as Ron Shenkman Day.

Presentation - Mayor Green and Councilmember Carchio called on Andy Mars to receive a commendation to KinderVision for their efforts to keep our kids safe.

Andy Mars made a brief PowerPoint presentation entitled, *The Greatest Save!*, with topical slides including: Why KinderVision, Who is KinderVision, and What is KinderVision.

Presentation - Mayor Green called on Coach Wendy Baugh, Linda Dwyer, and Kim Hodson to recognize the students from Huntington Christian School, ages Kindergarten to 8th grade, who trained and participated in the "Kid's Run the OC" on May 1st.

Councilmember Dwyer provided information on the *Kids Run in the OC*.

Presentation - Mayor Green called on Gas Company Public Affairs Manager Jennifer Gonzalez to present the Energy Efficiency Champion award to the City's Energy Project Manager, Aaron Klemm.

Presentation - Mayor Green called on Marine Safety Officers Mike Bartlett and Anthony Villalobos to accept a proclamation for Marine Safety Week.

Mayor's Award - Mayor Green called on City Attorney Jennifer McGrath to present the Mayor's Award to Law Office Manager Joan Giguere.

Mayor Green called on Victoria Alberty, Stephanie Deagle and Joan Flynn to announce results from the American Cancer Society's Relay for Life event that concluded on Sunday, May 16 at Huntington Central Park. City employee fund raising events including a cake sale, chili cook off, karaoke, and the 24-hour walk-a-thon resulted in HB United's raising over \$7,000. Councilmember Hansen and his son Ryan were presented with a trophy for winning the Karaoke contest.

Presentation - Mayor Green called on Blake Anderson from the Orange County Infrastructure Report Card to give a presentation regarding infrastructure.

Mr. Anderson provided a PowerPoint presentation *The State of Orange County's Infrastructure 2010*, with titled slides including: A Little Bit of Background, Impartial Analysis and Independent Review, Evaluation Criteria, Report Cards, Flood Control: C-, Ground Transportation: B-, Surface Water Quality: D, Wastewater: B, Water Supply: B-, Two Observations About OC Infrastructure, and What's Next.

ACTION ON PUBLIC HEARING ITEM NO. 10 WAS TAKEN OUT OF ORDER.

10. **CONTINUED TO JUNE 21, 2010** Negative Declaration No. 09-006, General Plan Amendment No. 09-002, Zoning Map Amendment No. 09-002, Zoning Text Amendment No. 09-007, and Conditional Use Permit No. 09-024 (Ward Garfield Specific Plan).

City Clerk Flynn announced that late communications received from Tim Karpinski & Debbi Henigman, and Irmin Langton regarding Negative Declaration No. 09-006, General Plan Amendment No. 09-002, Zoning Map Amendment No. 09-002, Zoning Text Amendment No. 09-007, and Conditional Use Permit No. 09-024 (Ward Garfield Specific Plan) would be included in the June 21, 2010 Council agenda packet.

A motion was made by Carchio, second Hardy to accept request to continue Negative Declaration No. 09-006, General Plan Amendment No. 09-002, Zoning Map Amendment No. 09-002, Zoning Text Amendment No. 09-007, and Conditional Use Permit No. 09-024 (Ward Garfield Specific Plan) to June 21, 2010. The motion carried by the following roll call vote:

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

ANNOUNCEMENT OF LATE COMMUNICATION

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

Communication submitted on Consent Item No. 8 by Michele Carr, Director of Human Resources dated May 13, 2010, entitled *Late Communication: Correction to RCA for the Police Management Association (PMA) Consent Item No. 8*.

PUBLIC COMMENTS (3 Minute Time Limit)

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

Michael Siersema, Chair of the Public Works Commission, provided a PowerPoint presentation entitled *Charter Revisions Sections 617 and 614* with slide topics that included Infrastructure Spending 200-2010, Infrastructure - Hidden Asset, Huntington Beach PCI 2005, How to Fund?, and Closing Remarks.

John McGovern, member of the Public Works Commission, voiced concerns about the current state of the City budget, and requested Council support for Charter Sections 617 and 614 (infrastructure).

Stephanie Deagle, Relay for Life, thanked all who attended the May 15-16 event in Huntington Central Park. She recognized the committee and volunteers, Mayor Green, Joan Flynn, Terry Tintle and Jim Jones, HB Explorer Scouts, Howard Sharp, and Brittany Barnes with the Huntington Beach Independent.

James Powers, League of American Bicyclists, made a PowerPoint presentation entitled *Making Huntington Beach a More Bicycle-Friendly Community*, with slides topics that included: Why Do We Bicycle?, Bicycling Relieves Congestion, What do Bicycle Friendly Community's Have?, and 14 Point Bike Friendly Plan to Start Now.

Dan Hazard, League of American Cyclists, continued with the PowerPoint presentation to discuss Application Criteria.

Peter Van Nuys discussed the upcoming *Bike to Work Week*, and the associated benefits of bicycling (health, traffic, environmental). He requested that Council consider integrating bicycling into the City's planning process.

Tim Geddes spoke regarding Public Hearing Item No. 11 (Shorecliffs Mobilehome Park), requesting that Council deny the applicant's request to subdivide the property, voicing concerns for residents (primarily senior citizens) who, in his opinion, are economically vulnerable.

Candace Bartsch provided information on the month of May being designated *Older Americans' Month*, local statistics on senior citizens, and discussed how the new senior center proposed for Huntington Central Park will serve the needs of the City's senior population.

Dan Kalmick spoke regarding Administrative Item No. 13 (Charter Review), requesting that Council maintain status quo with regard to Measure C and Mayoral election, and also to consider taking the proposed Charter amendments to the voters in an all-inclusive format.

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

Councilmember Coerper recognized Stephanie Deagle's fundraising efforts for the American Cancer Society's *Relay for Life* event, and committed to a personal \$100 donation. He also reported attending a League of Cities meeting, thanking Councilmember Carchio for accepting the League's Director-at-Large position, and concluded by offering appreciation to the 3/1 Marine Battalion.

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

CITY ADMINISTRATOR'S REPORT - None.

CONSENT CALENDAR

1. Received and filed the City of Huntington Beach Strategic Plan Objectives Update

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

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

2. Approved and authorized execution of a Cooperative Agreement with the City of Fountain Valley regarding Street Rehabilitation and Reimbursement for Arterial Rehabilitation within the Fountain Valley city limits.

A motion was made by Coerper, second Hardy to approve and authorize the City Administrator and City Clerk to execute a Cooperative Agreement for the City of Huntington Beach to construct and obtain reimbursement for street improvements within the City of Fountain Valley public right-of-way. The motion carried by the following roll call vote:

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

3. Approved project plans and specifications, authorized execution, and awarded Construction Contract in the amount of \$166,540 to Golden State Constructors, Inc. for the Safe Routes to School Project - Spring View Middle School, CC-1367; and, authorized 15% Change Order.

A motion was made by Coerper, second Hardy to approved the project plans and specifications for the Safe Routes to School improvements in the vicinity of Spring View Middle School (CC-1367); accepted the lowest responsive and responsible bid submitted by Golden State Constructors, Inc., in the amount of \$ 166,540.00; authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorized the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs. The motion carried by the following roll call vote:

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

4. Approved and authorized execution of Amendment No. 1 to the Sales Tax Agreement between the City of Huntington Beach and Applied Computer Solutions (ACS).

A motion was made by Coerper, second Hardy to approve and authorize execution of the "Amendment No. 1 to Sales Tax Agreement Between the City of Huntington Beach and Applied Computer Solutions." The motion carried by the following roll call vote:

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

5. Approved and authorized execution of an Estoppel Certificate for The Boys and Girls Club of Huntington Valley located at 2309 Delaware St.

A motion was made by Coerper, second Hardy to authorize Mayor to execute the Estoppel Certificate for the Boys and Girls Club of Huntington Valley. The motion carried by the following roll call vote:

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

6. Approved delegation of authority to the City Administrator to approve Administrative Items related to the financing or subleasing of City leases.

A motion was made by Coerper, second Hardy to approve delegation of authority to the City Administrator or his/her designee to approve Administrative Items related to the financing or subleasing of City leases. The motion carried by the following roll call vote:

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

7. Approved the Strand Parking Structure budget pursuant to the Operating Agreement with CIM/Huntington, LLC., and appropriated funds to cover operating expenditures.

A motion was made by Coerper, second Hardy to approve the June 2010-April 2011 Strand Parking Budget, which established estimated revenues and expenditures relating to the Strand Parking Structure; and, Appropriate \$402,000 in expenditures (from Strand Parking Revenue) in Fund 712 for FY 2009/10 for payment of operating expenditures related to the Strand Parking Structure through the end of the City's fiscal year (September 2010). The motion carried by the following roll call vote:

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

8. Adopted Resolution No. 2010-39 amending and extending the Memorandum of Understanding between the City and the Police Management Association (PMA), by adopting a Side Letter Agreement.

A motion was made by Coerper, second Hardy to adopt Resolution No. 2010-39, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Police Management Association (PMA), By Adopting the Side Letter Agreement." The motion carried by the following roll call vote:

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

PUBLIC HEARING

9. Approved Housing Element Status Report and forwarded to the California State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR)

City Administrator Wilson referred the item to Associate Planner Jennifer Villasenor, who provided a brief PowerPoint entitled *2009 Annual Report* that included titled slides 2009 Building Permit Activity, Regional Housing Needs Assessment (RHNA) Progress, Housing Program Status, Additional Housing Projects, and Recommendation.

Councilmember Dwyer asked, and City Attorney McGrath confirmed, that the item is not affected by litigation involving the Cape Ann affordable housing development.

Councilmember Carchio and Deputy Economic Development Director Kellee Fritzal discussed receipt of stimulus funds in the amount of \$566,611 and current activity involving transitional housing and an educational program.

Councilmember Carchio, Deputy Director Fritzal and Community Services Director Jim Engle discussed the groups that receive stimulus fund benefits.

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

A motion was made by Carchio, second Coerper to approve the *Housing Element Status Report* and forward to the California State Department of Housing and Community Development and the Governor's Office of Planning and Research (OPR). The motion carried by the following roll call vote:

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

11. Approved Tentative Tract Map No. 17296 and Denied Appeal of Code Requirements (Appeal of Planning Commission's Approval - Huntington Shorecliffs Mobilehome Park Subdivision)

City Administrator Wilson referred the item to Associate Planner Ethan Edwards who provided a PowerPoint presentation entitled *Tentative Tract Map No. 17296* that included the following slide topics: Request, Location and Surroundings, Analysis - Infrastructure, Analysis - Appeal of Code Requirements, Analysis - Summary, and Recommendation.

Associate Planner Edwards identified late communications from the Director of Planning and City Attorney.

Discussion among members of the City Council and staff centered on the following topics:

- Current space rents
- Conditioning sidewalks for new development versus a subdivision
- Cross drainage mitigation
- 2005 Drainage Master Plan
- Cost of drainage improvements

Mayor Green opened the Public Hearing.

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

Communication submitted by Robert S. Coldren of Hart, King & Coldren, on behalf of the Park Owner Applicant/Appellant dated May 12, 2010, regarding Tentative Tract Map No. 17296 (Huntington Shorecliffs Mobilehome Park). Communications received regarding the public hearing to consider an appeal of the Planning Commission's approval of Tentative Tract Map No. 17296, Huntington Shorecliffs Mobilehome Park Subdivision: Mary Jo Baretich, Billy & Margaret Bergeron, Marie R. Burns, M. Jack Brooks, Karen Caballero, Harry & Victoria Cargill, Gelsomine Curatola, Elizabeth A. Clark, Sharon Dana, Thelma Evans, Ralph & Betty Haney (2), Judith Harlison, Chris & Gary Hill, Mary Landin, Mike & Lee Lytle, Patti McCabe, Joseph Moore, Mike & Lois Merritt, Don & Lea Ann Rasmussen, Donald Prince, Madeline Seymour (3), Rosemary Robinson, Hila Sweet, William J. Seymour, Larry and Maureen Schrock, Dorothy Ellsworth, Judie & Pamela Smith, Larry Trautman (2), Mary F. Vaughn, Joan Walker, and Mr. Fiewerger.

Communication submitted by Scott Hess, AICP, Director of Planning and Building dated May 17, 2010, entitled *Huntington Shorecliffs - Response to May 12, 2010 Proposal from Appellant*.

Communication submitted by City Attorney Jennifer McGrath dated May 17, 2010, entitled *Agenda Item 11 - 5/17/2010 Meeting LATE COMMUNICATION Tentative Tract Map No. 17296 Huntington Shorecliffs Mobilehome Park Subdivision - For Rent To Ownership*.

Steve Sheldon, representing the Applicant/Appellant, provided a PowerPoint presentation that included titled slides: Project Benefits, Storm Drain, Inlets, City Issues, Code Requirements and Conditions of Approval - Planning and Building Department Code Requirements, Public Works Pre Map Submittal Code Requirements, Public Works prior to recordation of Final Map, Fire Department Code Requirements, and Suggested Conditions of Approval. (01:57:15)

Rob Calderon, Attorney for Applicant/Appellant, voiced opposition to staff reopening discussion on Beach Boulevard frontage improvements that were not supported by the Planning Commission, and concern for staff's response to the applicant's underground storm drain proposal with 15" pipe. (02:04:50)

Mayor Pro Tem Hardy asked staff to identify current litigation involving property improvements with previous owners involving drainage and leases. Staff also explained how a subdivision request triggers property improvements.

Discussion ensued regarding homeowners' ability to own versus rent, and sharing financial responsibility for park improvements. Mr. Calderon addressed residents who fear property ownership will result in potential liability, and stated that the property owner has no plans to sell the property. Discussion ensued about the property owner's right to convert the land.

Councilmember Dwyer asked for clarification of the drainage reimbursement fee.

Councilmember Carchio initiated discussion on the number of vacant spaces, space rents, and how the park owner plans to assist low income residents.

Councilmember Hardy and staff discussed Housing and Community Development (HCD) incentives and restrictions.

Boyd Hill, representing the applicant, discussed conversations with CalTrans about Beach Boulevard frontage improvements, grandfathering of government codes related to drainage fee, and his opinion that the City Attorney's analysis of Harbor Village LTD v. City of Carson is not relevant to the context of this request. (02:33:05)

Mike Cirillo with Star Management who operates Huntington Shorecliffs, voiced concerns cooperating with CalTrans to improve the drainage ditch on Beach Boulevard, and mitigating water that flows into the park from outside sources. He concluded by supporting the owner's pledge to assist, not evict residents affected by the current economic conditions. (02:36:56)

Mary Jo Baretich, Cabrillo Mobilehome Park resident, stated her opinion that staff and Planning Commission analysis of the residents' survey was inadequate. She discussed relevant information included in Assembly Bill No. AB 930, and government codes that speak to the validity of residents' surveys. She urged Council to deny the subdivision. (02:40:25)

Councilmember Hansen attempted to explain how renters may be better protected from park conversion if a subdivision is granted that allows lot ownership. Ms. Baretich reiterated that the residents' survey identified only 25% who were interested in purchasing lots.

Nancy Meeks, Cabrillo Mobilehome Park resident, spoke in opposition to the item claiming that the owner has cancelled Section 8 regulations, making it difficult for existing residents to retain Section 8 status. She voiced concerns about higher rents, relocation, and the owner's proposal to postpone and collect rent increases upon a resident's sale of property or passing. (02:49:15)

Elmer F. Smith, Cabrillo Mobilehome Park resident, spoke in opposition to the subdivision and voiced concerns that if approved, area space rents will undoubtedly increase. He urged Council to make things easier for senior citizens. (02:52:18)

Sue Sanders, Huntington Shorecliffs resident, discussed existing water issues and risk behind purchasing within a senior park. She described meeting with the property owner to discuss purchasing property and lending restrictions for mobilehomes related to age, income and property issues. (02:56:48)

Sharon Dana, Huntington Shorecliffs resident, spoke in opposition to the subdivision while showing pictures of water draining into the park, standing water and water damage, discussing how rents have increased, and suggesting that only 8% of Shorecliffs residents are interested in purchasing their home. (03:00:11)

William Seymour, 90-year old Shorecliffs resident, explained that he is not eligible to purchase property due to loan restrictions and spoke of his mistrust of the park owner's representative, describing how he received a letter from the owner for a rent increase of \$295 per month. He urged Council to deny the subdivision. (03:03:42)

Madeline Seymour described a recently imposed rent increase, and voiced opposition to conditioning Beach Boulevard frontage improvements. She discussed the residents' survey, drainage problems caused by flow of water from outside of the park, and park residents who are currently involved in litigation. (03:05:45)

Councilmember Dwyer explained that the City has no jurisdiction over rent increases.

Paula Fitzgerald spoke on behalf of her 93-year old mother-in-law and husband who have resided in Huntington Shorecliffs for 30 years. She described their fixed-income status and how they are trying to remain independent, urging Council to be humane. (03:09:06)

John Fitzgerald spoke regarding affordable housing and voiced concerns about the billable hours in legal fees this request will cause. He characterized Council as good listeners, discussed the Park's deplorable conditions from flooding, and urged Council to deny the owner's request for subdivision. (03:11:45)

Mary Landin, Huntington Shorecliffs resident, described her fixed-income status, receiving a 14% rent increase that may force her to move, and how her financial contributions to her home are subject to loss. (03:14:42)

Joe Shaw, former member of the Public Works and Planning Commissions, urged Council to

deny the request in support of the Huntington Shorecliffs residents who oppose subdivision. (03:16:25)

Frank Krafka, Huntington Shorecliffs resident, urged Council to deny the subdivision request and described how his rent has increased by 50%. He described the number of homes inside the park that are for sale and may face abandonment. (03:18:46)

Dan Kalmick urged Council to deny the subdivision and support senior citizens remaining in their homes, and voiced concerns about the potential for park conversion (03:20:02)

Councilmember Hansen questioned how denial of a subdivision protects renters from a rent increase.

Steve Gullage, President of the Huntington Beach Mobile Home Advisory Board, mobile home owner, and past member of relevant housing advisory boards, described purchasing his home in 1976 and discussed the importance and legal validity of residents' surveys. He urged Council to deny the subdivision. (03:24:41)

Donald Prince, Huntington Shorecliffs resident, provided a PowerPoint that offered historical information about flooding on the property and surrounding area, and identified HCD violations. He identified an existing, illegal well, discussed liquefaction, and how the park owner is responsible to remove water from underneath homes and roads. (03:30:23)

Barbara Hansen, Huntington Shorecliffs resident, discussed sump pumps and mosquito abatement and voiced concerns related to safety for herself and her animals. She also discussed rent increases over three years, how residents are desperate to sell and get out, and questioned lot costs and appraisals identified as fair and reasonable. She stated her opinion that more information is necessary for a qualified decision. (03:34:56)

Blair Farley, Planning Commission Chair, spoke on his own behalf to urge Council to deny the subdivision in support of the residents who voted for them. He discussed how residents are experiencing economic hardship and stressed the importance of Huntington Beach establishing an affordable ordinance for senior rent control. He concluded by reminding Council that the Park's attorney has a financial interest as part owner of the park. (03:34:59)

Councilmember Dwyer and Mr. Farley discussed gaining back capital investment when lots are sold, and how approving the subdivision can pass costs associated with the conditions of approval onto the homeowners. They also discussed conditioning a drainage plan.

Harold Lyons, 92-year old Huntington Shorecliffs resident, thanked Council for their service and urged them to deny the subdivision. He discussed needed park maintenance and voiced concerns about his displacement should the proposal be approved. (03:41:17)

With no one else present to speak, Mayor Green closed the public hearing.

Discussion among members of the City Council, staff, and the applicant centered on the following topics:

- How to support economically challenged residents (rent deferral programs, grants)
- Section 8

- Drainage Master Plan (drainage fees, County 10 to 100 year flood design, storm drain construction, hydrology, pipe diameter)
- Beach Boulevard improvements
- What drives rent increases (lease stipulations, CPI)
- Mitigation of onsite flooding
- Housing and Community Development (HCD) involvement
- Home loan restrictions
- Information included in property title

A motion was made by Hansen, second Dwyer to approve Tentative Tract Map No. 17296 with findings and suggested conditions of approval (which exclude Beach Blvd. improvements), and deny the appeal of identified code requirements.

Staff and Council discussed water velocity, catch basin drainage, and the need for a hydrology study to confirm 24" pipe as best use.

Planning and Building Director Hess suggested that Council allow the departments of Public Works and/or Planning and Building oversight of hydrology plans submitted by the applicant and return to Council with an analysis.

An **amended** motion was made by Hansen, second Dwyer to approve Tentative Tract Map No. 17296 with findings and suggested conditions of approval (which exclude Beach Blvd. improvements), and deny the appeal of identified code requirements, **amended by requiring the applicant to submit a hydrology and hydraulic analysis that analyzes 10, 25, and 100-year storms with approval by the Directors of Public Works and Planning and Building, and allow the applicant to reserve the right to return to City Council if costs identified by hydrology analysis are deemed excessive.** The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION - Taken out of original agenda order.

14. Approved for introduction Ordinance No. 3882 amending Chapter 13.48 of the Huntington Beach Municipal Code limiting the areas of operation for remote or radio controlled vehicles in City parks.

A motion was made by Hardy, second Bohr to after City Clerk reads by title, approve for introduction Ordinance No. 3882, "An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Parks." The motion carried by the following roll call vote:

Councilmember Dwyer voiced concerns about approving the item without alternative sites for remote vehicles being identified.

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

ORDINANCES FOR ADOPTION - Taken out of original agenda order.

15. Adopted Ordinance No. 3880 authorizing the execution of a twenty-five (25) year Franchise Agreement between the City of Huntington Beach and the Southern California Gas Company (SoCalGas). Approved for introduction May 3, 2010.

A motion was made by Hardy, second Coerper to after the City Clerk reads by title, adopt Ordinance No. 3880, "An Ordinance Granting to Southern California Gas Company, Its Successors and Assigns, the Franchise to Construct, Maintain, and Use Pipes and Appurtenances for Transmitting and Distributing Gas for Any and All Purposes In, Along, Across, Upon, and Under the Public Streets and Places Within the City of Huntington Beach." The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS - Taken out of original agenda order.

12. Approved a City Council position on legislation, a regulation, or budget issue pending before a federal, state, or regional government as recommended by the City Council Intergovernmental Relations Committee (IRC)

A motion was made by Hardy, second Coerper to support AB 2531 (Fuentes) Redevelopment - Economic Development; and, authorize the Mayor to send a Letter of Support for a Request for Federal Funding for Reconstruction of the Runway at the Los Alamitos Joint Forces Training Base. The motion carried by the following roll call vote:

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

13. Reviewed and took straw votes on the Charter Review Commission's recommended revisions to the City Charter. **(All changes recommended, which were not included in the straw votes were considered accepted by the City Council as presented).**

Council discussed continuing the item to a special meeting date.

A motion was made by Hardy, second Coerper to continue the item to an agreed upon date. The motion failed by the following roll call vote:

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

Councilmember Carchio requested to amend Section 617 by allowing adding language that in the case of a natural or national disaster (earthquake), a super majority of Council can divert monies to the general fund. The request failed to become a straw vote due to a lack of a second.

A motion was made by Coerper, second Hardy to Amend Section 300 - CITY COUNCIL, ATTORNEY, CLERK AND TREASURER, TERMS to allow three (3) consecutive 4-year terms for City Council. The motion failed by the following roll call vote:

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

A motion was made by Hardy, second Green to accept Section 306 - MAYOR PRO TEMPORE, by inserting Mayor rotation language into Charter versus resolution. The motion carried by the following roll call vote:

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

A motion was made by Hardy, second Green to amend Section 306 - MAYOR PRO TEMPORE (b)(3) by striking proposed language and replacing with ***Appointed City Council members cannot serve as Mayor until elected to the office. Once elected, consecutive service will include the appointed time served.*** The motion carried by the following roll call vote:

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

A motion was made by Hansen, second Bohr to amend Section 306 - MAYOR PRO TEMPORE by adding language that allows Council to vote to override the documented rotation process if extenuating circumstances exist. The motion failed by the following roll call vote:

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

A motion was made by Hardy, second Dwyer to amend Sections 309 (CITY ATTORNEY), 310 (CITY CLERK) AND 311 (CITY TREASURER) POWERS AND DUTIES by removing management experience requirement. The motion carried by the following roll call vote:

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

A motion was made by Carchio, second Coerper to amend Section 401 - POWERS AND DUTIES (a) by restricting the City Manager from having hiring/firing authority over the Police and/or Fire Chief. The motion failed by the following roll call vote:

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

A motion was made by Hardy, second Green to retain City Administrator title (status quo) The motion failed by the following roll call vote:

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

A motion was made by Hansen, second Dwyer to accept the Charter Review Commission's proposed form of government change from City Administrator to City Manager. The motion carried by the following roll call vote:

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

A motion was made by Dwyer, second Hansen to amend Section 617 - INFRASTRUCTURE FUND language in paragraph four, sentence three to read ***Upon adoption of the 2015/2016 2017/2018 budget, debt service, or any other indirect costs, shall not be included in the 15% calculation of the general fund expenditures for infrastructure improvements, repair and maintenance.*** The motion carried by the following roll call vote:

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

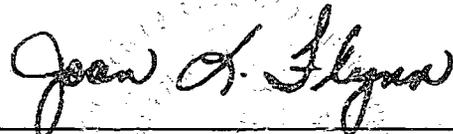
A motion was made by Bohr, second Green to amend Section 804 - CHARTER REVIEW language ... ***no less frequently than every ten years the City Council shall convene to consider a citizen's Charter Review Commission to conduct a review of the City Charter.*** The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

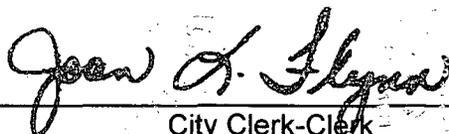
Comments were provided by Councilmembers Dwyer, Coerper, and Green.

ADJOURNMENT – Adjourned at 1:50 AM on Tuesday, May 18, 2010 to the next regular meeting of June 7, 2010 at 4:00 PM, Civic Center, 2000 Main Street, Huntington Beach, CA 92648.



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

ATTEST:


City Clerk-Clerk
Mayor-Chair