

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

Monday, June 21, 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
is on file in the Office of the City Clerk and is 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, and Hansen
Absent: Dwyer

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced receipt of a PowerPoint communication submitted by Stanley Smalewitz, Director of Economic Development dated June 21, 2010, titled *Joint Study Session - City Council/Community Development Block Grant*.

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

STUDY SESSION

1. City Council and Citizen Participation Advisory Board (CPAB) members Peter Andres, Diane Campbell, Lew Stowers and Carole Canode reviewed recommendations for the 2010/11 Action Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME).

Housing Manager Sidney Stone presented a PowerPoint presentation entitled *Joint Study Session - City Council Community Development Block Grant - June 21, 2010*, with titled slides: Study Session Items, Consolidated Plan, CDBG Allocation Process, CDBG Category Allocations, Recommendations (Public Services), Recommendations (Public Improvements), 2009/10 Allocation, and Consolidated Plan, Next Steps.

Discussion by members of Council, CPAB and staff centered on:

- Interval House (funded through the Homeless Prevention and Rapid Re-Housing Program (HPRP))
- Funding needs for the Community Care Clinic, Alta Med and Duck-A-Thon (funds request process, budget, administrative costs)
- Federal grant monies that demand public outreach
- Civic Center/ADA renovation
- Housing and Urban Development (HUD) requirements for consolidated plans
- Federal recovery fund dedication (environmental/public services; Interval House, Project Self Sufficiency, Colette's Childrens Home, Senior Services, American Housing)
- Funds that can support the public service sector

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

2. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuit: Huntington Beach Neighbors (H.B. Neighbors) v. The City of Huntington Beach, et al., Orange County Superior Court Case No. 30-2009-00325686. This suit concerns a challenge to the legal adequacy of the Environmental Impact Report prepared for the amendment to the Downtown Specific Plan.

3. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Orange County Water District v. Unocal Corporation, et. al.; United States District Court Case No. CA-03-1742 (Pending in S.D.N.Y.) This matter concerns a civil action against various entities whose business activities may have contaminated the drinking water aquifer and wells.

4. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding whether the facts or circumstances of a recent State mandate may result in litigation by the City. The facts and circumstances are not specified because they are unknown to the potential plaintiffs.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING - 6:01 PM

CLOSED SESSION REPORT BY CITY ATTORNEY

5. Assistant City Attorney Paul D'Alessandro reported that on Monday, June 7, 2010, the City Council convened in Closed Session to discuss the matter of Parks Legal Defense Fund, et al. v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2008-00051261-CU-PT-CXC. Council voted to appeal the award of attorneys' fees to Plaintiffs and to Plaintiffs' former attorney at the hearing of May 20, 2010. The Council voted as follows: 5 Ayes; 2 Noes; 0 Abstentions. Noes: Devin Dwyer, Jill Hardy.

Attorney D'Alessandro also reported with regard to Closed Session Item No. 3 on the June 21, 2010 agenda, Council voted to authorize the Director of Public works to participate with the County to submit a test claim with the State to seek reimbursement for costs related to unfunded state mandates created by the new requirements of the 2009 NPDES permit. In addition, Council authorized the Director of Public Works and the City Attorney to enter into agreements with attorneys representing the County of Orange and other cities within Orange County that file similar unfunded mandate test claims related to the 2009 NPDES permit so as to facilitate cooperation in pursuing the unfunded mandate claim, and to preserve the privilege and confidentiality of any communications related to the matter. The Council voted as follows: 7 Ayes; 0 Noes; 0 Abstentions.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Councilmember Coerper

INVOCATION - Given by Mayor Green

Mayor Green read a poem written by William Ernst Henley entitled *Invictus*.

ANNOUNCEMENT OF LATE COMMUNICATION

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

Communication on City Treasurer's Report Item No. 2 submitted by Shari Freidenrich, City Treasurer, dated June 21, 2010 and entitled Late Communication - Agenda Item No. 2 correcting pages 5-12 (the Sympro Portfolio Management Report).

Communication on Consent Item No. 20, submitted by Stanley Smalewitz, Director of Economic Development dated June 21, 2010, titled Refinancing of the City's Section 108 Loans through the Department of Housing and Urban Development - amending the Recommended Action to include approval by both the City and Redevelopment Agency and adding the Redevelopment Agency titles of "Executive Director" and "Secretary of the Redevelopment Agency."

Communications received by J. F. Pytko, Neighbors Against RV Storage, George A. Goebel, Tim Karpinski, Oscar Sosa, James Poppen, and Aragon Circle Residents Association on Public Hearing Item No. 21 - Negative Declaration Non. 09-006, General Plan Amendment No. 009-

002, Zoning Map Amendment No. 09-002, Zoning Text Amendment No. 0-007, and Conditional Use Permit No. 09-024 (Ward/Garfield Specific Plan - RV Storage).

AWARDS AND PRESENTATIONS

Presentation - Mayor Green called on Coach Shane Borowski and the members of the Ocean View High School Baseball Team to receive a commendation for achieving 2010 CIF Division 3 Championship.

Presentation - Mayor Green called on Jim Engle, Director of Community Services and Ray Frankeny, Community Services Recreation Supervisor, to announce the 2010 Youth Sports Grants Awards.

Mayor's Award - Mayor Green called on Finance Director Bob Wingenroth to present the Mayor's Award to Senior Accounting Technician Corinne Hoffman.

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://huntingtonbeach.granicus.com/ViewPublisher.php?view_id=2).

Tim Karpinski spoke in opposition to Agenda Item No. 21 (Ward/Garfield Specific Plan - RV Storage). (00:19:37)

Gloria Neal spoke in opposition to Agenda Item No. 21 (Ward/Garfield Specific Plan - RV Storage). (00:22:15)

Leslie Gilson, Restoration Coordinator for Gibbs Butterfly Park, asked Council for guidance on applying for State grants that would fund placement of mosaic tiles in Gibbs Butterfly Park. (00:25:22)

Nobu Stillwell spoke in opposition to Agenda Item No. 21 (Ward/Garfield Specific Plan - RV Storage), and showed a home-made video entitled *RV Project Impact on Mariners Point* to suggest how the proposed project will affect existing residents in Mariners Point Mobilehome Park. (00:27:15)

Judy Ann Morris, First Vice President of the Huntington Beach Council on Aging (HBCOA), spoke regarding the HBCOA's annual golf tournament to be held on Friday, June 25, 2010 at Meadowlark Golf Course. (00:30:00)

Gene M. Hyland spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (00:31:58)

Dan Tocii spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (00:33:46)

Stephanie Deagle discussed the results of the American Cancer Society's fundraising event *Relay for Life*, and provided a slide presentation. (00:35:00)

Maria Barragon, representing the LaRouche Political Action Committee, distributed an informational flyer entitled *To Save Our Nation - Congress Must Pass Glass-Steagall and Shut Down Derivatives Now* (draft resolution issued May 24th, 2010) and requested Council support the aforementioned legislation. (00:38:04)

Greg Griffin, President of the Sunset Beach Community Association, spoke regarding the timeline of proposed annexation of Sunset Beach by the City of Huntington Beach. (00:41:45)

Councilmembers Hansen and Carchio clarified that the proposal will be heard in July following receipt of information from the Local Agency Formation Commission (LAFCO).

Matthew "Clint" Orr informed Council that a feasibility study has been completed to support the construction of a new Golden Bear theater. (00:46:23)

Julie Lurie spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (00:49:05)

Larry Crandall spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (00:51:02)

Diana Dodson spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (00:52:47)

Conan Mouts spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (00:55:55)

Daniel Maholik voiced concerns about a cell tower being erected in his neighborhood, and questioned the permit process. (00:58:55)

Tim Geddes spoke in opposition to Agenda Item No. 7 (Parks Legal Defense Fund, et al. v. City of Huntington Beach). (01:00:50)

Scott Dodson spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (01:04:16)

Charles G. Bakaly Jr. spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (01:07:01)

Theresa Chaque, Huntington Beach Community Garden, spoke in support of Agenda Item No. 13 (Huntington Beach Community Garden). (00:08:35)

John Jankowski spoke in opposition to Agenda Item No. 21 (Ward/Garfield Specific Plan - RV Storage). (01:09:42)

Ted Lane voiced concerns about traffic and parking associated with Crossfit. Inc., a workout club that operates from a private residence located at 7736 Sugar Drive in Huntington Beach.

(01:10:32)

In response to Councilmember Dwyer, staff provided a code enforcement update.

David Baronfeld, President, Huntington Beach Community Garden, spoke in support of Agenda Item No. 13 (Huntington Beach Community Garden). (01:12:52)

Bill Sebring spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (01:15:00)

Kim Henry spoke in opposition to the annexation of Sunset Beach by the City of Huntington Beach. (01:17:59)

Bart P. McGrath, President/Founder of the Huntington Beach Concours d Elegance, Inc., spoke in opposition to Agenda Item No. 21 (Ward/Garfield Specific Plan - RV Storage). (01:20:51)

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

Councilmember Carchio reported on attending a League of Cities policy board meeting for Community Services; Councilmember Coerper reported on attending a League of Cities policy board meeting for Public Safety; and, Councilmember Dwyer commented on the appointment of Eveline Eng to the Allied Arts Board (Agenda Item No. 9).

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

CITY ADMINISTRATOR'S REPORT

1. Director of Finance Bob Wingenroth provided an oral presentation of the Monthly Finance Update for April 2010

Director Wingenroth presented a slide presentation that highlighted information on the first eight months of FY 2010/2011.

CITY TREASURER'S REPORT

2. Reviewed and Accepted the City Treasurer's April 2010 Investment Summary Report

City Treasurer Freidenrich provided a brief PowerPoint presentation.

A motion was made by Coerper, second Carchio to review and accept the Monthly Investment Report for April 2010, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach, **as amended by late communication to replace pages 5-12 (The Sympro Portfolio Management Report)**. The motion carried by the following roll call vote:

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

CONSENT CALENDAR

3. Approved and adopted minutes

A motion was made by Coerper, second Hardy to approve and adopt the minutes of the City Council/Redevelopment Agency/ Public Financing Authority regular meeting of June 7, 2010, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

4. Received and filed City of Huntington Beach Strategic Objectives Update

A motion was made by Carchio, second Coerper 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

5. Adopted Resolution No. 2010-45 to vacate excess right-of-way located on the alley south of Warner Avenue and west of Ash Lane

A motion was made by Coerper, second Hardy to adopt Resolution No. 2010-45, *A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Right-of-Way Easement for Public Alley Purposes Generally Located West of Ash Street, South of Warner Avenue*; and, direct the City Clerk to record the Resolution and attached exhibits with the Orange County Recorder. The motion carried by the following roll call vote:

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

6. Approved Animal Care Services contract renewal Exhibit B with the County of Orange for FY 2010/11; and, authorized the Chief of Police to expend up to \$639,638 for animal care services

Councilmember Carchio pulled the item to discuss the proposed increase that was projected, based on use.

A motion was made by Carchio, second Coerper to approve and authorize the Mayor to execute the contract *Exhibit B to Agreement for Provision of OC Animal Care Services with City of Huntington Beach July 1, 2010 through June 30, 2011*; and, authorize the Chief of Police to expend up to \$639,638 for animal care services. The motion carried by the following roll call vote:

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

7. Appropriated \$170,000 to be used for a three year Professional Services Contract in the amount of \$150,000 with the law firm of Greines, Martin, Stein and Richland for legal and consulting fees and other related expenses in connection with the appeal of the Senior Center lawsuit, entitled *Parks Legal Defense Fund, et al. v. City of Huntington Beach*, OCSC Case No. 30-2008 00051261

Councilmember Dwyer stated his opposition to approving a \$20,000 portion of the identified appropriation of \$170,000.

A motion was made by Bohr, second Coerper to appropriate up to \$170,000 from the Litigation Reserve Fund, to be used for the employment of the law firm of Greines, Martin, Stein & Richland, the law firm of Jenkins & Hugin, and other related expenses in connection with the appeal in the Senior Center lawsuit, entitled *Parks Legal Defense Fund, et al. v. City of Huntington Beach*, OCSC Case No. 30-2008 00051261; and approve *Professional Contract Between the City of Huntington Beach and Greines, Martin, Stein & Richland to Provide As-Needed Legal Services*; and, authorize the Mayor and City Clerk to execute the contract. The motion carried by the following roll call vote:

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

8. Approved As-Needed Professional Contracts for Testing & Inspection Services with AESCO Technologies, Inc., Kleinfelder West Inc., and Twining Inc., each in the amount of \$750,000 with three-year terms

Councilmember Bohr voiced concerns about bringing three large dollar contracts forward as one Consent item, and questioned if soil testing could be conducted by staff. Staff discussed annual contractor costs associated with capital improvement programs.

A motion was made by Hansen, second Hardy to approve and authorize the Mayor and City Clerk to execute *Professional Services Contract between the City of Huntington Beach and AESCO Technologies, Inc. for Testing and Inspection Services*; and, approve and authorize the Mayor and City Clerk to execute *Professional Services Contract between the City of Huntington Beach and Kleinfelder West Inc. for Testing and Inspection Services*; and, approve and authorize the Mayor and City Clerk to execute *Professional Services Contract between the City of Huntington Beach and Twining Inc. for Testing and Inspection Services*. The motion carried by the following roll call vote:

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

9. Approved appointment of Eveline Eng to the Allied Arts Board

A motion was made by Coerper, second Hardy to approve the appointment of Eveline Eng to a term expiring June 30, 2013, as recommended by Council Liaisons Green, Dwyer, and Hansen. The motion carried by the following roll call vote:

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

10. Approved As-Needed Professional Services Contracts for Wage Compliance Services with Amerinational Community Services Inc., and Padilla Associates Inc., each in the amount of \$125,000 with three-year terms

A motion was made by Coerper, second Hardy to approve and authorize the Mayor and City Clerk to execute a *Professional Services Contract between the City of Huntington Beach and Amerinational Community Services Inc. for As-Needed Wage Compliance Monitoring Service*; and, approve and authorize the Mayor and City Clerk to execute a *Professional Services Contract between the City of Huntington Beach and Padilla and Associates Inc. for As-Needed Wage Compliance Monitoring Service*. The motion carried by the following roll call vote:

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

11. Approved Reappointment of Jay Kreitz to the Community Services Commission

A motion was made by Coerper, second Hardy to reappoint Jay Kreitz as a member-at-large for a second term. The term will be from July 1, 2010, through June 30, 2014. The motion carried by the following roll call vote:

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

12. Approved Memorandum of Understanding (MOU) with ASCON Landfill Site Responsible Parties (RP's) for reimbursement of funds related to the Magnolia Street Rehabilitation Project, CC-1341

A motion was made by Coerper, second Hardy to approve and authorize the Mayor and the City Clerk to execute the *Memorandum of Understanding between ASCON Landfill Site Responsible Parties, Cannery Hamilton Properties, LLC, and the City of Huntington Beach Regarding Responsibility for Maintenance, and Repair of Public Roadways Surrounding the ASCON Landfill Site*. The motion carried by the following roll call vote:

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

13. Approved Memorandum of Understanding (MOU) between the City of Huntington Beach and the Huntington Beach Community Garden (HBCG) to manage a community garden on Southern California Edison (SCE) property located at Atlanta Avenue and the Santa Ana River

Councilmember Dwyer and staff discussed the item's status of plans and license agreement.

Councilmember Carchio thanked all who participated in making the item a reality.

Councilmember Coerper and staff discussed costs incurred by the City, including costs related to Southern California Edison (SCE), water service to the site, and lease of property.

A motion was made by Dwyer, second Bohr to approve and authorize the Mayor and City Clerk to execute a *Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Community Garden*. The motion carried by the following roll call vote:

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

14. Accepted the 2010-2011 Refuse Rate calculation for residential and commercial solid waste collection provided by Rainbow Disposal Company, Inc.

A motion was made by Coerper, second Hardy to maintain the existing residential refuse rate of \$0.6122 per unit per day (approximately \$18.62 per month); and, receive and file the rate sheet for Commercial Solid Waste Disposal Service effective July 1, 2010. The motion carried by the following roll call vote:

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

15. Adopted Resolution No. 2010-44 amending the setting of fines for Civil Violations of Chapter 5.44 of the Huntington Beach Municipal Code (HBMC)

A motion was made by Coerper, second Hardy to adopt Resolution No. 2010-44, *A Resolution of the City Council of the City of Huntington Beach Amending the Setting of Fines for Civil Violations of Chapter 5.44 of the Huntington Beach Municipal Code*. The motion carried by the following roll call vote:

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

16. Approved and authorized execution of an Exclusive Negotiation Agreement (Potential Hotel Site) by and between the Redevelopment Agency of the City of Huntington Beach and Ayres Holdings, LLP. for the development of 7872 Edinger Avenue as a hotel site

A motion was made by Coerper, second Hardy to approve the *Exclusive Negotiation Agreement (Potential Hotel Site) by and between the Redevelopment Agency of the City of Huntington Beach and Ayres Holdings, LP.*; and, authorize Chairman and Agency Clerk to sign and execute the Agreement; and, authorize the Executive Director or designee to take any action and execute any and all documents and agreements necessary to implement this Agreement. The motion carried by the following roll call vote:

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

17. Adopted Resolution No. 2010-43 establishing an annual Gann Appropriation Limit for Fiscal Year 2010/2011 of \$902,730,066

A motion was made by Coerper, second Hardy to adopt Resolution No. 2010-43, *A Resolution of the City Council of the City of Huntington Beach Establishing the Appropriation Limit for Fiscal Year 2010/2011 of \$902,730,066*. The motion carried by the following roll call vote:

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

18. Approved project plans and specifications and awarded construction contract in the amount of \$1,926,341 to All American Asphalt for the Slater Avenue Rehabilitation Contract, CC-1379

A motion was made by Coerper, second Hardy to approve the project plans and specifications for the Slater Avenue rehabilitation from Beach Boulevard to Newland Street, CC-1379; and, appropriate \$2.3 million from the Fund 218 balance to Account No. 21890008.82300; and, accept the lowest responsive and responsible bid, including the additive alternate project bid items for two additional street segments submitted by All American Asphalt in the amount of \$1,926,341.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

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

19. Dissolved the Charter Review Commission

A motion was made by Coerper, second Hardy to dissolve the Charter Review Commission. The motion carried by the following roll call vote:

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

20. Refinanced the City's Section 108 Loans through the Department of Housing and Urban Development

A motion was made by Coerper, second Hardy to approve the refinancing of the Section 108 Loans and Authorize the City Administrator and City Clerk to execute all Agreements, after the City Attorney has approved to form, **as amended by late communication to include approval by the Redevelopment Agency, and subsequent officer titles of Executive Director and Secretary**. The motion carried by the following roll call vote:

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

PUBLIC HEARING

(The number following the speaker's comments reflect the approximate point in the archived audio file located at http://huntingtonbeach.granicus.com/ViewPublisher.php?view_id=2).

21. Denied General Plan Amendment (GPA) No. 09-002 and ~~adopt Resolution No. 2010-27;~~ Zoning Map Amendment (ZMA) No. 09-002 and ~~approve for introduction Ordinance No. 3875;~~ Zoning Text Amendment (ZTA) No. 09-007 and ~~adopt Resolution No. 2010-28;~~ Conditional Use Permit (CUP) No. 09-024, and Negative Declaration No. 09-006 (Ward Garfield Specific Plan - RV Storage) (Appeal of Planning Commission's Approval of CUP and ND) (Continued from May 17, 2010)

Senior Planner Jane James provided a PowerPoint presentation entitled *Ward Garfield Specific Plan No. 16 - RV Storage*, with titled slides including: Proposed Project, Background and Site History, Planning Commission Action and Appeal, Request, ZMA/ZTA, CUP 09-024, Negative Declaration Process, GPA Analysis, ZMA and ZTA Analysis, Comparison of Plans, CUP / RV Storage Analysis, Street Widening, and Recommendation.

Council and staff held a dialogue involving the following issues:

- Granting special lot access outside of established hours of operation (6:00 am to 10:00 pm)
- Office hours (Monday through Friday, 7:00 am to 5:00 pm)
- Eight foot high wall separating the proposed RV storage lot from the mobile home lot
- Five foot landscape buffer; five foot setback
- RVs navigating the median on Yorktown Avenue (lane width)

Mayor Green opened the public hearing.

City Clerk Joan Flynn read into the record late communications submitted following distribution of the Council agenda packet:

Communications received by J. F. Pytko, Neighbors Against RV Storage, George A. Goebel, Tim Karpinski, Oscar Sosa, James Poppen, and Aragon Circle Residents Association on Public Hearing Item No. 21 - Negative Declaration Non. 09-006, General Plan Amendment No. 009-002, Zoning Map Amendment No. 09-002, Zoning Text Amendment No. 0-007, And Conditional Use Permit No. 09-024 (Ward/Garfield Specific Plan - RV Storage).

Communications submitted during the meeting included:

A compact disc (cd) that included a PowerPoint presentation submitted by the Aragon Circle Residents dated June 21, 2010.

A cd and hard copy PowerPoint presentation submitted by Robert W. Harrison, PE, dated June 21, 2010 entitled Proposed Huntington Beach RV Storage Facility.

Communication entitled "Environment Issues" dated June 21, 2010 submitted by James Poppen.

Mike Adams, representing the applicant Doc Rivers, addressed compatibility and safety, and discussed public benefits including Ward Avenue becoming an arterial highway, having a right turn only out of the complex (northerly out, southerly in), an increase in the employment base, and RV owners will buy supplies in town. He also discussed how RVs are not removed as often as people think, and that the project is consistent with Southern California Edison (SCE) and Fire Department standards for safety. (02:06:08)

Doc Rivers, applicant and owner of Anaheim RV Storage, spoke in support of the item. He addressed concerns about the potential for live-ins, having a quiet, remote controlled entry gate with a computer system that records entry and exits, safety, and security. He also discussed SCE's list of regulations, and described like facilities in Anaheim, Garden Grove, and other neighboring areas. He concluded by describing enforcement of conditions of approval for entitlement. (02:08:45)

Mike Adams stated that members of the project team were available for questions, and addressed Mayor Pro Tem Hardy's concerns about granting special access outside of operating hours.

Debbi Henigman spoke in opposition to the item and provided a slide presentation that addressed concerns related to 5-foot setbacks, high voltage transmission lines near the Mariners Mobilehome Park, absence of need, and the lack of consistent character with regard to the General Plan's Specific Plan Overlay. She also explained that her slide presentation would continue with individual residents addressing specific areas of concerns. (02:13:45)

Tim Henigman spoke in opposition to the item and addressed precedent involving the Los Angeles County Fire Department and Edison Company Charter (prevention regulations related to storage of RVs and boats under transmission lines), and how a similarly proposed project failed in the City of Orange. (02:16:58)

Tim Karpinski spoke in opposition to the item and addressed fire dangers associated with containing fires within a five foot setback, and showed a video that demonstrated significant risks associated with RV fires. He also discussed how it took 21 firefighters to extinguish a recent RV fire in town. (02:20:03)

Andy Speiser spoke in opposition to the item and addressed serious health concerns associated with toxic vehicle emissions and pollutants that put children and the elderly at risk, and noise. (02:22:30)

Nobu Stillwell spoke in opposition to the item and addressed dangers associated with living in a seismic area and responding to an earthquake event (active faults, downed power lines, etc.) (02:25:35)

Tamme Gallinger spoke in opposition to the item and addressed concerns related to traffic (recent changes and the absence of an independent traffic study). (02:28:50)

Jon Enge spoke in opposition to the item and addressed concerns related to lighting (negative to surrounding home owners, security lighting too bright for adjacent homes). (02:31:52)

Mike Garner spoke in opposition to the item and addressed concerns related to crime. (02:34:53)

Amanda Garner spoke in opposition to the item and addressed concerns related to property devaluation. She offered loss estimates provided to certain Mariners Circle and Aragon Circle residents by property appraisers, and also voiced concerns about heat radiation and fumes. (02:38:15)

David Stillwell spoke in opposition to the item and addressed concerns related to the heat islands (exposed asphalt). (02:41:33)

Jesse Henigman spoke in opposition to the item and voiced concerns about coyotes if Council decides to approve the project and remove the existing Village Nursery. (02:44:40)

Charles King spoke in opposition to the item and addressed concerns related to the General Plan's Specific Plan Overlay, specifically hazardous conditions caused by five-foot setbacks, and decreased quality of life. He also described his impression of how the Huntington Beach Zoning and Subdivision Ordinance does not include development standards for RV vehicle storage. (02:45:36)

Gloria Neal requested Council deny the project because of risks associated with fire, earthquakes, decreased property values, policing rules and codes, decreased health and quality of life, vehicle emissions, traffic, heat, noise, and privacy. She requested they deny findings for all related entitlements, and discussed how other agencies such as the Los Angeles County Fire Authority do not permit storage of RVs under high voltage power lines. (02:48:50)

George Goebel, Ward street resident, spoke in opposition to the item and voiced concerns related to fire hazards associated with combustible engines. (02:52:35)

Lorna Randolph, resident of Mariners Mobilehome park, spoke in opposition to the item and voiced concerns related to the potential fire hazards associated with propane tanks and combustible structures. She also communicated concerns about increased traffic, toxic fumes, and noise. (02:56:03)

Sharon Kay spoke in opposition to the item, and urged Council to deny the project. (02:59:15)

Helen Ford spoke in opposition to the item and urged Council to consider the concerns of the affected residents. She also stated her opinion that the RV storage proposal needs strict perimeters for public and environmental safety and impact. (02:59:52)

Linda Ramaglino spoke in opposition to the item, and described her efforts to relocate her mobile home into another park. She voiced concerns about fire hazards and earthquakes, and feels that it would be unethical to place an RV park adjacent to senior citizens and create dangerous living conditions. (03:01:37)

Robert Harrison spoke in opposition to the item and provided a slide presentation entitled *Proposed Huntington Beach RV Storage Facility* that addressed aging resident issues in Mariners Mobilehome Park, noise, traffic, and safety in storing RVs within five feet of mobile homes. He also voiced concerns about onsite security, loss of a greenbelt, and the Ward Street upgrade. (03:04:35)

Roselle Bailey spoke in opposition to the item, voicing concerns related to losing the quiet, safe surroundings Glen Mar residents currently enjoy. She also had concerns about decreased property values, increased traffic, air pollution, fire hazards from combustible equipment, and drainage. (03:08:09)

Frank Swatek, Real Estate Appraiser, disputed information presented by a previous speaker on property appraisal of 19522 Aragon Circle. He specifically addressed zoning, lot size, detriment of property value (already exists due to existing high voltage power lines), room count, and other factors he found problematic in the report. (03:10:46)

John Scandura, Planning Commission member, spoke regarding the Conditional Use Permit conditions of approval and his surprise that fire concerns were not addressed at the Planning

Commission level. While he stated that he does not advocate for or against the proposed project, he recommended Council ask tough questions about fire prevention. (03:14:20)

Steve Stafford suggested that Fire and Police personnel participate in pre-planned exercises designed to respond to fire and criminal threats, and fire hydrant placement every 80 to 100 feet. (03:16:39)

Rick Gilliam described his architectural involvement with the project, stated that the Mariners Point property owner supports the project, and stated that any kind of fire threat can be mitigated. He also addressed concerns by speakers related to crime, heat island, traffic conditions, and noise pollution. (03:18:50)

Geary Powell, Director of Service with Mike Thompson's RV, addressed concerns related to fire and safety. He described standards established by the Recreational Vehicle Industry Association (RVIA), American National Standards Institute (ANSI), National Fire Protection Association (NFPA), the International Standards Organization (ISO), and the Department of Transportation (DOT).

Mayor Pro Tem Hardy voiced concerns about the validity of the speaker's arguments when RV vehicle fires present conditions that are difficult to extinguish.

Blair Farley, Planning Commission Chair, explained his opposition to the item, describing how the property owner was unwilling at the start of the project to consider suggestions to rearrange the project footprint. He also stated his opinion about public utility leasing which profit at the expense of the existing residents. (03:28:16)

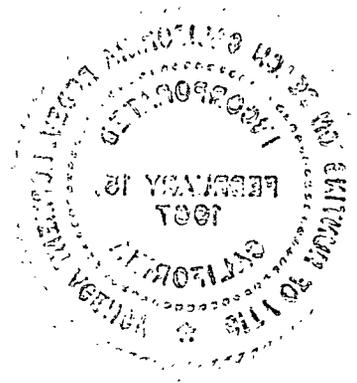
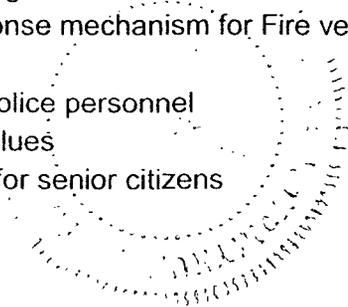
Mayor Green closed the public hearing.

Southern California Representative (SCE) Jenelle Froisland responded to Councilmember Hansen's questions relating to SCE's current policy on land leases involving RV storage.

A motion was made by Hansen, second Carchio, to Deny Negative Declaration No. 09-006 with findings for denial; deny General Plan Amendment No. 09-002 and, deny Zoning Map Amendment No. 09-002 with findings for denial; and, deny Zoning Text Amendment No. 09-007 with findings for denial; and, deny Conditional Use Permit No. 09-024 with findings for denial.

Council and staff discussion ensued regarding:

- Dump station location/relocation
- Number of RVs near Edison Substation
- Moving an access road behind mobile homes
- Number of fire hydrants onsite
- Fire vehicles driving the Ward Street curve
- Access gate response mechanism for Fire vehicles
- Property setbacks
- Access keys for Police personnel
- Reduced home values
- Hardship created for senior citizens



- Potential crime
- RV fires

The motion carried by the following roll call vote:

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

22. Approved Zoning Text Amendment (ZTA) No. 2010-003 and approve for introduction Ordinance No. 3881 amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) relating to the number of political signs and placement of temporary signs

Acting City Administrator Paul Emery stated that the item recommends a minor amendment clarifying location of political signs on private property. Assistant City Attorney Paul D'Alessandro reminded Council of a comprehensive sign code revision adopted by Council the previous year, and why reinstatement of past practice regarding treatment of political signs is recommended.

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

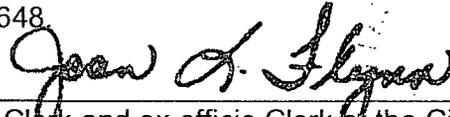
A motion was made by Coerper, second Hardy to approve Zoning Text Amendment No. 2010-003 with Suggested Findings for Approval; and, after the City Clerk reads by title, approve for introduction Ordinance No. 3881, "An Ordinance of the City of Huntington Beach Amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Signs." The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

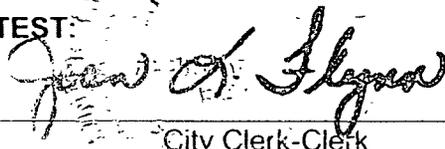
Comments were provided by Councilmembers Dwyer, Carchio, Coerper, Green, and Bohr.

ADJOURNMENT - at 10:01 PM to the next regular meeting of July 6, 2010 at 4:00 PM, Civic Center, 2000 Main Street, Huntington Beach, CA 92648.

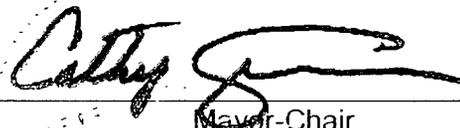


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California.

ATTEST:



City Clerk-Clerk



Mayor-Chair