

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

Monday, November 1, 2010  
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 is archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

4:00 PM - ROOM B-8

Due to a lack of quorum, the City Clerk recessed the 4:00 PM portion of the meeting to 4:30 p.m. in the City Council Chambers.

4:30 PM – CITY COUNCIL CHAMBERS

ROLL CALL – 4:32 PM

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

ANNOUNCEMENTS OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION –  
None.

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

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

1. 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 MEA.
2. Pursuant to Government Code Section 54957, the City Council recessed to closed session to discuss the following personnel matter: Appointment of Finance Director.

3. Pursuant to Government Code § 54956.9, the City Council recessed to closed session to confer with the City Attorney regarding Omnipoint Communications, Inc. (T-Mobile) v. City of Huntington Beach, United State District Court Case No. CV09-3777 RGK, which involves T-Mobile's project to install antennas at Harbour View Park and Bolsa View Park.

4. Pursuant to Government Code § 54956.9, the City Council recessed to closed session to confer with the City Attorney regarding Barbara L. Agee, et al. v. City of Huntington Beach, et al., Orange county Superior Court Case No. 06CC00125. This suit concerns the affordability covenant for the Cape Ann subdivision located near the intersection of Main Street and Promenade.

5. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding NextG Networks of California v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00119646, and Related Case: Application of NextG Networks to Engage in Ground-disturbing Outside Plant Construction, California Public Utilities Commission Application No. 09-03-007, consolidated with City of Huntington Beach v. NextG, CPCU Case No. 08-04-037, which involve NextG's project to locate its wireless telephone antennas in the public right-of-way.

6. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Sunesys, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00323543, which involves Sunesys' project to construct a fiber optic communication network between the schools of the Fountain Valley School District.

7. Pursuant to Government Code Section 54957.6, the City Council recessed to closed session regarding the following potential litigation: The letters received on October 10th and October 19th, 2010 from Charles Goldwasser & John Mccarron threatening litigation regarding Sunset Beach Annexation tax issues.

8. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Coffin v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009 00296302, which involves allegations of retaliation and discrimination by a female life guard.

6:00 PM - COUNCIL CHAMBERS

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

ROLL CALL

Present: Dwyer, Bohr, Green, Carchio, and Hansen  
Absent: Hardy, and Coerper

The City Council has granted permission for Mayor Pro Tem Jill Hardy and Councilmember Gil Coerper to be absent from the regular portion of the meeting, pursuant to Resolution No. 2001-54, in response to their written request for absence from tonight's meeting.

PLEDGE OF ALLEGIANCE - Led by members of the Huntington Beach Search and Rescue Explorer Post

INVOCATION - Provided by Maneck Bushwala, Huntington Beach Interfaith Council

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

#### EXPLORER POST RECOGNITION

Police Chief Small discussed the history and mission of the Huntington Beach Search and Rescue Explorer Post and recognized the positive impact on the Huntington Beach Community thru the Explorer's many efforts.

#### AWARDS AND PRESENTATIONS

Presentation: Mayor Green called on Amy Castro from Second Harvest Food Bank of Orange County and Karen Hill from Girls Scouts of the USA, to receive a proclamation on behalf of "Scouting for Food."

#### CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported that the City Council met in Closed Session to discuss the items as listed on the agenda. She reported on the following three actions that the City Council took in Closed Session:

***Omnipoint Communications, Inc. (T-Mobile) v. City of Huntington Beach***, United States District Court Case No. CV09-377 RGK; Council voted to appeal the July 9, 2010 court order regarding Measure C. The Council voted as follows: 6 Ayes; 1 No; 0 Abstentions. No: Devin Dwyer.

***Barbara L. Agee, et al. v City of Huntington Beach, et al.***, Orange County Superior Court Case No. 06CC00125; Council voted to authorize acceptance of Robert Johnson's settlement offer of \$5,000.00 payment in lieu of the City's Bill of Costs, and waiver of his right to appeal the Judgment in favor of the City. The Council voted as follows: 7 Ayes; 0 No's; 0 Abstentions.

***NextG Networks of California v. City of Huntington Beach***, Orange County Superior Court Case No. 30-2009-00119646, and Related Case: ***Application of NextG Networks to Engage in Ground-disturbing outside Plant Construction***, California Public Utilities Commission Application No. 09-03-007, consolidated with ***City of Huntington Beach v. NextG***, CPCU Case No. 08-04-037; The Council voted to authorize appeal of CPUC decision of October 18, 2010. The Council voted as follows: 6 Ayes; 1 No; 0 Abstentions. No: Devin Dwyer.

## ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

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

Notice of Absence received from Councilmember Gil Coerper requesting permission to be absent pursuant to Resolution No. 2001-54.

Communication received from Tim Karpinski for Agenda Item No. 7, dated November 1, 2010, and entitled "Added left turn arrows."

Communication received from Barry Kyler for Agenda Item No. 12, dated October 28, 2010, and entitled *Sunset Beach Vacation Rentals*.

### PUBLIC COMMENTS (3 Minute Time Limit)

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

Carol Settimo, a 10-year member of the Huntington Beach Council on Aging, spoke regarding their current projects and programs, including "Senior Resources." (00:15:05)

Dianne Larson provided a PowerPoint presentation and spoke in opposition to Measure Q (permitting the placement of wireless communication facilities in the City's Harbour View and Bolsa View Parks). (00:18:48)

Leslie Gilson, the Norma Gibbs "Butterfly" Park Restoration Coordinator, spoke in support of Measure O (City Charter Section 617 - Infrastructure). (00:21:21)

John McGovern, a 20-year resident of Huntington Beach, spoke in support of Measure O (City Charter Section 617 - Infrastructure). (00:23:34)

Diane Amendola spoke in support of Measure O (City Charter Section 617 - Infrastructure). (00:26:43)

Heather Grow, a long-time resident of Huntington Beach, voiced her concerns about a candidate for City Attorney not being qualified based on the guidelines outlined in Section 309 of the Huntington Beach City Charter. (00:29:25)

Lori Burrett, a Huntington Beach resident, spoke in opposition to Measure Q (permitting the placement of wireless communication facilities in the City's Harbour View and Bolsa View Parks). (00:32:12)

Jeff Busche, a 40-year resident of Huntington Beach, spoke in opposition to Measure Q (permitting the placement of wireless communication facilities in the City's Harbour View and Bolsa View Parks). (00:34:54)

Connie Boardman, former Huntington Beach Mayor (2003) and current candidate for City Council, requested public support for her election on November 2, 2010, and also for candidates Blair Farley and Joe Shaw. (00:38:19)

Darrin Witt, President of the Huntington Beach Firefighters Association (HBFA), voiced HBFA concerns regarding certain political action committees that attack public employees, and the candidates who support public employees. In closing, he announced the HBFA "Great Balls of Fire" Annual Golf Tournament, which will primarily benefit the Huntington Beach Council on Aging this year. (00:40:51)

Glenn Brooks, a 40-year resident of Huntington Beach, voiced his concern regarding political campaign signs, suggesting that the City Council research the Political Campaign Sign Ordinances adopted by surrounding cities such as Costa Mesa and Newport Beach. (00:44:04)

Councilmember Dwyer, responding to Glenn Brooks' concern, informed the public that Rainbow Disposal will, at no cost, accept Huntington Beach Political Campaign Signs at their Gate # 7. Candidates should contact Cathy at 714-536-5553 and grant Rainbow Disposal permission to accept and hold for pick up or dispose of their individual Political Campaign Signs. (00:46:16)

City Attorney McGrath stated that some candidates may want their Political Campaign Signs back, and Mayor Green noted that Rainbow Disposal will not physically destroy them until November 17, 2010, should any candidate want them back. (00:47:14)

Kreg Muller, President of the Huntington Beach Police Officers Association (HBPOA), voiced HBPOA opposition to Measure O (City Charter Section 617 - Infrastructure), and read a prepared speech regarding multiple "hit pieces" targeting Huntington Beach Public Employee Unions which were published by the Huntington Beach 2020 Vision Political Action Committee, rumored to be run by Councilmember Hansen. In closing, Mr. Muller voiced HBPOA support for City Council candidates Katapodis, Boardman, Carchio and Speaker. (00:48:19)

Dennis Hashin, a resident of Huntington Beach and Chief Financial Officer of the HBPOA, described Councilmember Hansen's association with the Huntington Beach 2020 Vision Political Action Committee. (00:51:26)

Rhonda Friedly, a 12-year Huntington Beach resident, thanked the City Council for their support of the annexation of Sunset Beach, and voiced her support for the continued permitting of Short-Term Rentals in Sunset Beach. (00:54:33)

Steve Stafford spoke regarding an injury accident that occurred on Estate Circle behind Huntington Beach High School. (00:55:53)

John Briscoe, Orange County Ocean View School Board Trustee, spoke regarding the need for more working drinking water fountains in Huntington Beach Public Schools. (00:59:08)

Don McGee read a prepared statement regarding the corrupt influence of cash contributions (hard and soft) on the political process, and the financial imbalance between the classes (rich and poor). (01:02:20)

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

Councilmember Carchio reported attending the NATOA Conference in Washington D.C.

Councilmember Dwyer reported attending the Huntington Beach Search and Rescue Explorer Post Open House, and the Arts Board at the Arts Center.

#### CITY ADMINISTRATOR'S REPORT

City Administrator Wilson reported that Bob Wingenroth, Director of Finance, is resigning to accept a position with the City of Anaheim and thanked him for his significant accomplishments during his 18-month tenure.

#### CITY TREASURER'S REPORT

1. Reviewed and Accepted City Treasurer's September 2010 Investment Summary Report.

City Treasurer Shari Friedenrich provided a brief PowerPoint.

A motion was made by Bohr, second Dwyer to accept the Monthly Investment Report for September 2010, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

#### CONSENT CALENDAR

2. Approved and adopted minutes.

A motion was made by Carchio, second Hansen to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority regular meeting of October 18, 2010 as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

3. Received and filed the Mobile Home Advisory Board (MHAB) Annual Summary Report for the year 2009.

A motion was made by Carchio, second Hansen to receive and file the Mobile Home Advisory Board Annual Summary Report for the year 2009. The motion carried by the following roll call vote:

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

4. Escheated \$144.67 of unclaimed funds under \$15 and \$62,962.54 of unclaimed funds over \$15 to the General Fund per Government Code 50055.

A motion was made by Carchio, second Hansen to review and approve the transfer of \$63,107.21 of unclaimed funds from the City's Unclaimed Funds JDE Liability Account to the City's JDE Miscellaneous Revenue Account #10000100.48550.10025201 in compliance with Government Code Section 50055. The motion carried by the following roll call vote:

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

5. Approved two professional service contracts with Community Services Program, Inc. (CSP) for management of the Juvenile Diversion Program and the Gang Prevention and Intervention Program.

A motion was made by Carchio, second Hansen to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and Community Services Program Inc. for Management of Juvenile Diversion Program;" and, "Professional Services Contract Between the City of Huntington Beach and Community Services Program, Inc. for Gang Prevention and Intervention Program." The motion carried by the following roll call vote:

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

6. Adopted Redevelopment Agency Resolution No. 383 amending the Agency debt pursuant to the Operative Agreement between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project (HBRP) and the Cooperation Agreement between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach regarding certain Capital Improvements related to the Southeast Coastal Project (SCRP) Area.

A motion was made by Carchio, second Hansen to adopt Agency Resolution No. 383, "A Resolution of the Redevelopment Agency of the City of Huntington Beach amending the Agency Debt Pursuant to the Operative Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project, and the Cooperation Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach Regarding Certain Capital Improvements Within, or of Benefit to, the Southeast Coastal Redevelopment Project" for the Merged Huntington Beach Project Area and the Southeast Coastal Project Area. The motion carried by the following roll call vote:

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

7. Approved project plans and specifications and awarded Construction Contract in the amount of \$212,383 to California Professional Engineering, Inc. for three traffic signal modifications, CC-1204, CC-1246, and CC-1247; authorized the Mayor and City Clerk to execute a contract in a form approved by the City Attorney; and, authorized the Director of Public Works to execute change orders not to exceed 15%.

A motion was made by Carchio, second Hansen to approve the project plans and specifications for the modifications of three traffic signals under the federal Hazard Elimination Safety (HES) program (CC-1204, CC-1246, and CC-1247); and, accept the lowest responsive and responsible bid submitted by California Professional Engineering, Inc., in the amount of \$212,383.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize 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, Green, Bohr, Dwyer, and Hansen  
NOES: None  
ABSENT: Coerper, and Hardy

8. Approved and authorized execution of a professional services contract in the amount of \$120,000 with De Par, Inc. dba Associated Laboratories for water quality analysis and sampling services.

A motion was made by Carchio, second Hansen to approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract between the City of Huntington Beach and De Par, Inc. (DBA Associated Laboratories) for Water Quality Analysis and Sampling Services." The motion carried by the following roll call vote:

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

9. Adopted Resolution Nos. 2010-82, 2010-83 and 2010-84 authorizing Holiday Closure for non-represented employees in 2010, and cancellation of the City Council, Public Finance Authority and Redevelopment Agency regular meeting of January 3, 2011.

A motion was made by Carchio, second Hansen to adopt Resolution No. 2010-82, "A Resolution of the City of Huntington Beach Establishing Holiday Closure for Non-Represented Employees," and non-essential City services to the public for the period December 27, 28, 29, and 30, 2010, in addition to the City recognized holidays of December 24, 2010 (Christmas) and December 31, 2010 (New Year's Day); and, adopt Resolution No. 2010-83, "A Resolution of the City Council of the City of Huntington Beach Declaring the Cancellation of the Regular City Council Meeting and The Public Finance Authority Meeting of January 3, 2011;" and Directing the City Clerk to Provide Notice of Such Cancellation; and, adopt Resolution No. 2010-84, "A Resolution of the City Council of the City of Huntington Beach Declaring the Cancellation of the Regular Redevelopment Agency Meeting of January 3, 2011;" and Directing the City Clerk to Provide Notice of Such Cancellation The motion carried by the following roll call vote:

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

**PUBLIC HEARING**

10. Adopted Resolution No. 2010-81 and Ordinance No. 3903 accepting modifications to Local Coastal Program Amendment (LCPA) No. 2-10 approved by the California Coastal Commission and amend the Local Coastal Program (LCP) accordingly.

Planning Manager Mary Beth Broeren provided a brief report.

Mayor Green opened the public hearing.

Mark Bixby, Bolsa Chica Land Trust, concurred with Planning Manager Broeren's synopsis and recommended that the City Council adopt the resolution and ordinance.

Mayor Green closed the public hearing.

A motion was made by Bohr, second Hansen to adopt Resolution No. 2010-81, "A Resolution of the City Council of the City of Huntington Beach which acknowledges receipt of the Coastal Commission action and accepts and agrees to Local Coastal Program Amendment No. 2-10 as modified;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3903, "An Ordinance of the City Council of the City of Huntington Beach amending sections 203.06, 216.04, 216.18, 221.10 and 230.82 of the Huntington Beach Zoning and Subdivision Ordinance thereof to conform LCP Amendment No. 2-10 made by the California Coastal Commission." The motion carried by the following roll call vote:

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

11. Approved for introduction Ordinance No. 3902 amending Huntington Beach Municipal Code (HBMC) section 8.43 relating to emergency response costs; Adopted Resolution No. 2010-72 revising the previously adopted Fee Resolution No. 2010-57 to delete all references to motor vehicle related activities and charges for non-residents that use the City's response system Continued from October 18, 2010.

Mayor Green opened the public hearing.

City Clerk Flynn announced there were no public speakers.

Mayor Green closed the public hearing.

A motion was made by Hansen, second Carchio to after the City Clerk reads by title approve for introduction Ordinance No. 3902, "An Ordinance of the City of Huntington Beach Amending Section 8.43.030 of the Huntington Beach Municipal Code Relating to Emergency Response Costs;" and, after conducting a public hearing adopt Resolution No. 2010-72, "A Resolution of the City Council of the City of Huntington Beach Setting the Cost of Emergency Response for Hazardous Materials, Including Pipeline and Power Line Incidents, Rates to be Charged by the Fire Department of the City of Huntington Beach" - revising Fee Resolution 2010-57. The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

12. Adopted Ordinance No. 3901, amending District Maps 21 and 35 (Sectional Maps 19-5-11 and 30-5-11) of the Huntington Beach Zoning and Subdivision Ordinance to prezone the Sunset Beach area located in the County of Orange to the Sunset Beach Specific Plan with Coastal Zone Overlay (SP 17-CZ) (Zoning Map Amendment No. 10-001).  
Approved for introduction October 18, 2010

A motion was made by Bohr, second Carchio to after the City Clerk reads by title, adopt Ordinance No. 3901, "An Ordinance of the City of Huntington Beach Amending District Maps 21 and 35 (Sectional Maps 19-5-11 and 30-5-11) for the Huntington Beach Zoning and Subdivision Ordinance to Prezone the Sunset Beach Area Located in the County of Orange to the Sunset Beach Specific Plan with Coastal Zone Overlay (SP 17-CZ) (Zoning Map Amendment No. 10-001)." The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Comments provided by Councilmembers Dwyer, Hansen, Bohr, Carchio, and Mayor Green.

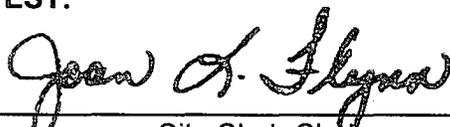
ADJOURNMENT

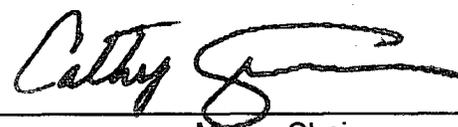
At 7:32 PM, Mayor Green adjourned the meeting in the name of long-time city employee Sergio Martinez, who passed away unexpectedly on October 31, 2010. Sergio had been with the City serving as Senior Plan Checker in the Planning and Building Department since 1973. We will all miss him as a work colleague and friend after his many, many years of service to Huntington Beach.

The next regularly scheduled meeting of the Huntington Beach City Council will be held on Monday, November 15, 2010, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

  
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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:

  
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City Clerk-Clerk

  
\_\_\_\_\_  
Mayor-Chair