

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, January 5, 2009
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

The City Clerk recessed the 4:00 P.M. portion of the meeting to 5:00 P.M. due to an anticipated lack of quorum.

CALL TO ORDER

Mayor Bohr called the regular meeting of the Huntington Beach City Council/Redevelopment Agency to order at 5:00 PM.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy (arrived at 5:02 PM), and Hansen
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced that no late communication was received on tonight's study session item.

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

STUDY SESSION

1. (City Council) Status Report Presented on Ascon Landfill Site Remediation - Representatives from the California Department of Toxic Substances Control (DTSC), Responsible Parties (RPs) for the remediation of the Ascon Landfill Site, and California Environmental Quality Act (CEQA) consultants to DTSC will provide an update on the status of remediation efforts and the activities planned for 2009.

City Administrator Fred Wilson introduced Fire Chief Duane Olson to open the discussion. Chief Olson discussed tonight's review of activities planned by the project manager and responsible parties in 2009, and provided a brief overview of the remediation efforts on the site during the past 30 years. Chief Olson introduced Fire Marshall Bill Reardon, who introduced

Emad Yemut, P.E., Supervising Hazardous Substances Engineer with the Department of Toxic Substance Control (DTSC). Mr. Yemut recognized the technical and legal experts present from the DTSC including Bonnie Wolstoncroft, Legal Counsel, Safouh Sayed, Project Manager, Eric Maher, CEQA lead / Senior Hazardous Substances Scientist, Sandra Friedman, Public Information Officer, Stacy Lear, Public Participation Specialist, Ted Peng, Ph.D., PG, Engineering Geologist, and Heidi Rous, CPP.

Marshall Reardon introduced Mary Urashima, Cannery Hamilton Properties, LLC, spokesperson for property owners, as well as the 8 responsible parties to the clean up, recognized Glenn Anderson, P.G., and Juan Garcia with Chevron, Mark Cohn, P.G., with ConocoPhillips, and Tamara Zeier, P.E., Project Manager, and Steve Howe, P.E., Deputy Project Manager with Project Navigator. She presented a brief PowerPoint presentation entitled *Ascon Landfill Site: Current Status and Activity Planned for 2009*. She discussed the property's history including its landfill status, when it was closed and secured, and the State's 2003 agreement for remediation of the site. Points identified in the PowerPoint included Ascon key documentation, draft environmental impact report (EIR) metrics for six (6) remedial alternatives, and current and planned activity (oil lagoon drainage, notice of preparation, groundwater monitoring, inspections, and housekeeping).

Councilmember Hansen questioned the City's level of jurisdiction in evaluating and recommending a remediation measure alternative identified in the EIR. Ms. Urashima and Mr. Yemut explained the jurisdictional responsibilities of the DTSC, the City's ability to provide input during the EIR's public comment period, and the City's jurisdictional obligations related to land use decisions. Discussion ensued on the draft Remedial Action Plan (RAP) including RAP and CEQA processes. Councilmember Hansen and City Attorney Jennifer McGrath discussed the City's right to consider legal action if Council does not concur with recommendations made by the DTSC. Councilmember Hansen explained his perception that popular public opinion will support Alternative 6 and 100 percent cleanup of the site. Mr. Wael Ibrahim, former project manager for the DTSC, explained how all criteria will be considered, that alternatives can be reconsidered during the feasibility study period, and that the DTSC has the ability to change RAPs based on public input. Discussion continued on prescribed costs and benefits.

Councilmember Hardy questioned land use reaction to the site based on the chosen alternative. Ms. Urashima explained that the responsible property owners are not considering residential development on the site, and that a zone change will most likely be required for various development options. She also stated the property owner's intent to develop the most appropriate use, versus the highest and best use.

Councilmember Coerper and Ms. Urashima discussed the DTSC's public outreach efforts including town hall forums, attendance at Huntington Beach Southeast Neighborhood Association and Wetland Conservancy meetings, distribution of written communications, and information posted on the DTSC website. Ms. Urashima explained that project activity doesn't always produce new information, and that all investigations and report material are available on the DTSC website's project activity page.

Councilmember Coerper questioned lagoon remediation and how clean up activities relate to recycling. Ms. Urashima explained maneuvering through flowable material to discover materials that may be able to be recycled or reused, and that the process is scheduled to begin in Summer 2009.

Councilmember Green and Tamara Zeier discussed the potential number of truck trips per day during remediation efforts, and the number of years it will take to clean up the site, dependent upon the remediation alternative chosen. Discussion ensued regarding the number of remediation criteria provided per alternative and the CEQA Notice of Preparation (NOP) process.

Councilmember Dwyer and Public Works Director Travis Hopkins discussed the City's interim plans for improving street conditions in the immediate area so the infrastructure can handle the volume of truck trips.

Councilmember Carchio voiced concerns about how truck trips could negatively impact the surrounding community, including schools. Ms. Urashima provide insight by explaining the positive experience gained during emergency truck trip management involving the Hamilton berms, describing staggered entry, providing only one way in and one way out, and the City's responsibility to select haul routes. She also discussed the importance of keeping the lines of communication open with people that live in southeast Huntington Beach.

Ms. Urashima concluded discussion by explaining the DTSC's total awareness of neighborhood impacts experienced over the years. Mr. Yemut discussed how the EIR process operates concurrently while other investigative actions and technical documents are being established.

RECESS TO CLOSED SESSION

A motion was made by Coerper, second Green to recess at 5:50 PM to Closed Session. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, 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: Paul Emery, Deputy City Administrator; Michele Carr, Director of Human Resources; Jim Engle, Director of Community Services; and Kyle Lindo, Marine Safety Division Chief, regarding labor negotiations with SCLEA.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the regular meeting of the Huntington Beach City Council/ Redevelopment Agency at 6:21 PM.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Councilmember Coerper

INVOCATION - Led by Maneck Bhujwala, Huntington Beach Interfaith Council

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced that she received no late communications pertaining to items on tonight's agenda.

COMMUNICATIONS RECEIVED DURING THE MEETING

A citizen's petition dated December 15, 2008 was submitted by Sharon O'Leary representing the residents of Sea Aira Mobile Estates regarding coyote abatement. The petition will be on file in the City Clerk's Office.

AWARDS AND PRESENTATIONS

3. PRESENTATION - Mayor Bohr called on Kenneth Inouye, Commissioner from the Orange County Human Relations Commission, and Fred Provencher, Chair of the Huntington Beach Human Relations Task Force, to present their annual reports.

Ken Inouye, Commissioner, Orange County Human Relations Commission (OCHRC) and past chair of the Huntington Beach Human Relations Task Force (HRTF) provided a summary of OCHRC accomplishments in 2008 and discussed the Hate Crime Network, the Victim's Assistance Program, local school and task force education programs and supporting a human relations infrastructure. Mr. Inouye presented a commendation to Mayor Bohr.

Fred Provencher, Chair, HRTF, discussed the Friends of the Human Relations Task Force, Making Victims Whole and various school programs, and recognized the efforts of current Task Force members Gwen Black, Karen Jackle, Mary Urashima, Allen Chancellor, Ken Inouye, Charles Goldenberg, Amanda Bloom and Marlene Breverman. He also announced *The Kids From Nowhere* as the 2009 "Reads One Book" selection.

4. PRESENTATION - Mayor Bohr called on Police Chief Ken Small to give a check to HB Human Relations Task Force for their Reads One Book program.

Police Chief Ken Small presented a check on behalf of the Police Officer's Foundation to the Huntington Beach Human Relations Task Force for the HB Reads One Book program.

5. PRESENTATION - Mayor Bohr called on the Chair of the Historic Resources Board for recognition of their hard work on the historic book and exhibit developed for the City's Centennial Celebration. The Historic exhibit will kick off on January 16th at the Art Center on Main Street.

Diane Ryan, Chair of the Historic Resources Board, recognized Board members Rosaline Ezner, Marilyn Harris, Barbara Haynes, Arlene Howard, Billie Kennedy, Luana Robinson, Kathy Shey, Joe Santiago and Debra Watkins for their work on the Historic Book exhibit developed for the City's Centennial Celebration that will debut on January 16.

PUBLIC COMMENTS (3 Minute Time Limit)

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at <http://www.surfcity-hb.org/government/agendas>)

Allen Baylis urged Council to vote against adopting Ordinance No. 3822 (Agenda Item 15) and rezoning of a portion of the Goldenwest College campus for commercial use. He expressed his concerns about loss of green space, and stated that other local residents share his concerns. He also voiced disappointment with the City becoming involved in property foreclosures and his opinion that the program will create problems, recommending that the City reevaluate the program and allow the private sector to handle private property issues. (00:12:45)

Sharon O'Leary, Sea Aira Mobile Estates, spoke to Council about the over-population of coyotes entering the park through the Wintersburg Channel, roaming in broad daylight, and causing harm to residential pets. She stated residents do not feel safe and informed Council that the California Department of Fish & Game has made 4 visits during the past month but taken no action to date because human harm has not yet occurred. She distributed a petition and requested Council assistance for coyote abatement. (00:15:20)

Mayor Bohr called on Chief Small to provide an update on the issue. Chief Small stated the issue will be discussed on Wednesday, January 7 with representatives from Orange County Animal Control, and possibly the Dept. of Fish & Game. He also agreed to contact Ms. O'Leary with meeting results.

Chuck Scheid, resident and past member of the Finance Board, discussed Agenda Item No. 7 and the series of events taking place prior to the City considering the current course of action. He discussed accounting errors and the City's efforts to allow the overpaid individual time to repay the accounting overage. He stressed his desire to see the City follow thru on completion of attempting to regain this money. (00:19:40)

With no one else present to speak, Mayor Bohr closed public comments.

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

Councilmember Dwyer announced the following liaison appointments: Bob Reed, Planning Commission; Joe Shaw, Public Works Commission; Jerrold Clarke, Investment Advisory Board; and Tom Corkett, Finance Board.

6. (City Council) Submitted by Mayor Keith Bohr: Approved request to appoint Councilmember Dwyer to replace Mayor Pro Tem Green on the newly created Downtown Ad Hoc Committee.

A motion was made by Coerper, second Carchio to approve appointment of Councilmember Devin Dwyer to replace Mayor Pro Tem Green on the newly created Downtown Ad Hoc Committee. The motion carried by the following roll call vote:

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

CITY ADMINISTRATOR'S REPORT - None.

CITY ATTORNEY'S REPORT – None.

7. Reported - City Attorney's Notice of Filed Complaint by the City of Huntington Beach. City of Huntington Beach v. Nilda Brooks, Orange County Superior Court Case No. 30-2008-00116395. Nature of Case: The action was filed to recover supplemental retirement benefits the City paid Ms. Brooks by mistake.

City Attorney Jennifer McGrath announced a Notice of Filed Complaint by the City against Nilda Brooks to recover the overpayment of supplemental retirement funds.

Councilmember Coerper questioned whether criminal charges had been filed, and if the City was researching possible payment discrepancies for other individuals. City Attorney McGrath stated that the item is a civil matter without a criminal investigation attached to it, and that the City is investigating to ensure there were no overpayments to other retirement benefit recipients.

CONSENT CALENDAR

8. (City Council) Approved a Grant of Easement from the City of Huntington Beach to Southern California Edison for construction and maintenance of underground electrical supply systems and communication systems for the Newland Street Improvement Project.

A motion was made by Hansen, second Green to authorize the Mayor and City Clerk to approve and execute the "Grant of Easement" to Southern California Edison. The motion carried by the following roll call vote:

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

9. (City Council) Adopted Resolution No. 2009-02 approving the temporary employment of Dan T. Vilella in the position of Financial Consultant, in accordance with CalPERS requirements and Government Code section 21221(H).

A motion was made by Hansen, second Green to adopt Resolution No. 2009-02, "A Resolution of the City Council of the City of Huntington Beach Extending the Professional Service Contract (Employment Agreement) with Dan T. Vilella in the Position of Financial Consultant." The motion carried by the following roll call vote:

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

10. (City Council) Adopted Resolution No. 2009-03 Approving a Side Letter to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Firefighters' Association (HBFA) Regarding Work Schedules.

A motion was made by Hansen, second Green to adopt Resolution No. 2009-03, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Firefighters' Association, by Adopting a Side Letter of Agreement Regarding Work Schedules." The motion carried by the following roll call vote:

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

11. (City Council) Adopted Resolution No. 2009-04 Requesting Orange County Transportation Authority (OCTA) to Allocate Funds Through the Combined Transportation Funding Programs (CTFP) for the Garfield Avenue Widening Project, CC-1250.

A motion was made by Hansen, second Green to adopt Resolution No. 2009-04, "A Resolution of the City Council of the City of Huntington Beach Requesting the Orange County Transportation Authority to Allocate Combined Transportation Authority to Allocate Combined Transportation Program Funds for Garfield Avenue Widening at Delaware Street, Project Number 00-HBCH-GMA-3080." The motion carried by the following roll call vote:

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

12. (City Council) Adopted Resolution No. 2009-05 that creates a comprehensive policy for environmentally friendly and sustainable purchasing practices.

A motion was made by Hansen, second Green to adopt Resolution No. 2009-05, "A Resolution of the City Council of the City of Huntington Beach Creating Public Policy that Better Protects the Environment from Pollution." The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

13. (City Council) Continued to February 2, 2009 - Approve for Introduction Ordinance No. 3817 amending Chapter 5.08 of the Huntington Beach Municipal Code (HBMC) relating to Business License Procedures by allowing specific exemptions from the Business License Tax for Real Estate Sales Agents; and, authorize staff to refund taxes and fees paid by Real Estate Agents to the City in Tax Year 2006, 2007, and 2008.

Continued from the December 15, 2008 Council meeting.

A motion was made by Coerper, second Hansen to continue Introduction of Ordinance No. 3817 to February 2, 2009. The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

14. (City Council) Adopted Ordinance No. 3821 amending Chapter 9.90 of the Huntington Beach Municipal Code (HBMC) relating to door-to-door solicitation signage.

A motion was made by Coerper, second Green to after City Clerk reads by title, adopt Ordinance No. 3821, "An Ordinance of the City of Huntington Beach Amending Chapter 9.90 of the Huntington Beach Municipal Code Relating to Door-to-Door Solicitation Signage." The motion carried by the following roll call vote:

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

15. Adopted Ordinance No. 3822, amending District Map 15 (Sectional District Map 14-5-11) to rezone the real property generally located on a 1.5 acre site at the southeast corner of Goldenwest Street and McFadden Avenue on the Golden West College campus from PS (Public-Semipublic) to CG (Commercial General).

Councilmember Hardy noted a conflict of interest and recused herself from voting on the item.

A motion was made by Coerper, second Carchio to after the City Clerk reads by title, adopt Ordinance No. 3822, "An Ordinance of the City of Huntington Beach Amending District Map 15 (Sectional District Map 14-5-11) to Rezone the Real Property Generally Located at the Southeast Corner of Goldenwest Street and McFadden Avenue from PS (Public-Semipublic) to CG (Commercial General) (Zoning Map Amendment No. 08-006)." The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Coerper congratulated the Huntington Beach Lion's Club for a successful Polar Plunge event with 250 participants on New Year's Day, including a pancake breakfast.

Councilmember Carchio reported attending the Project Self-Sufficiency Christmas Celebration and thanked Michelle Hart and the Huntington Beach Fire Department for their participation. He also congratulated Laurie Payne, Ron Shenkman, Steve Bone and the entire Centennial Committee for receiving the Mayor's Award for their 2009 Rose Parade Float entry. He concluded by wishing Patty Fogarty, a 37-year employee, a happy retirement.

Councilmember Dwyer mentioned attending a gallery showing for local artist Bill Anderson and pieces that celebrate the history of Huntington Beach. He also provided condolences to the family of Joe Manginelli, City employee who recently passed, and gave thanks to Laurie Payne

for her work on the Rose Parade event.

Councilmember Coerper also mentioned attending Masonic Lodge 380's reception for Eric Ramsey who received the Volunteer Police Officer's Award, DJM's holiday luncheon at the King's Fish House, recognized Jim Moore's retirement and almost 34 years of City service, and thanked Laurie Payne for her Centennial work.

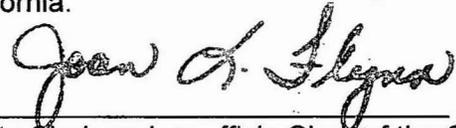
Mayor Bohr expressed sympathy for the loss of 33-year City employee Joe Manginelli and announced that services will be held on Wednesday, January 7 at 11:00 AM in the City of Cypress. He also congratulated Nicholas Beecher Anderson for his Eagle Scout Court of Honor achievement held on December 28, 2008.

Mayor Bohr discussed the activities of the Rose Parade event and thanked Laurie Payne and Karen Reed. He also asked Ms. Payne to present a short video clip of the Huntington Beach Rose Parade Float coverage. Laurie Payne stated that pieces of the Huntington Beach Rose Parade float will be kept and used in the 4th of July parade event.

Councilmember Hardy reminded the public of the Downtown Art Center Centennial Celebration exhibit on January 16-22, 2009.

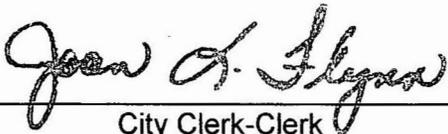
ADJOURNMENT

The meeting was adjourned at 7:00 PM to the next regular meeting of the Huntington Beach City Council/Redevelopment Agency on Tuesday, January 20, 2009 at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:


City Clerk-Clerk
Mayor-Chair