

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

Monday, April 6, 2009
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/**

6:00 PM - COUNCIL CHAMBERS

The 4:00 PM portion of the meeting was recessed by the Deputy City Clerk to 6:00 PM in the Council Chambers due to an anticipated lack of quorum.

CALL TO ORDER

Mayor Bohr called the meeting to order at 6:05 p.m.

ROLL CALL

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

Councilmember Hardy arrived at 6:10 p.m.

PLEDGE OF ALLEGIANCE AND FLAG SALUTE - The First Battalion 558 Infantry Explorer Post Boy Scouts of America presented the colors and led the Flag Salute.

INVOCATION - Led by Reverend Peggy Price, Huntington Beach Interfaith Council.

ANNOUNCEMENT OF LATE COMMUNICATION

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

Communication submitted by City Treasurer, Shari Freidenrich, dated April 6, 2009, entitled *Late Communication – Agenda item #13 (c)* attaching a list of the current California Debt and Investment Advisory Commission.

PowerPoint communication dated April 6, 2009, entitled *City of Huntington Beach Water Management Program - Item #14*.

Communication submitted by Mark Bixby, dated April 5, 2009, entitled *Opposition to April 6, 2009 agenda item #16 regarding term-limited campaign committee changes - Item #16*.

COMMUNICATIONS RECEIVED DURING THE MEETING

Communication received by Jean Nagy entitled Huntington Central Park Tree Assessment Survey May-July 2008.

ANNOUNCEMENTS AND PRESENTATIONS

ANNOUNCEMENT: Mayor Bohr called on Mary Lou Shattuck who announced the activities for the month of April to celebrate the City's Centennial. The month of April is designated as "Environmental Month" and she reported on the various events and activities to recognize the importance of our environment both locally and globally.

In conjunction with the Centennial's Celebration of our environment, Jean Nagy received a proclamation declaring the City as a "Tree City U.S.A."

PRESENTATION: Mayor Bohr called on Energy Project Manager Aaron Klemm who presented the video of Huntington Beach's Earth Hour program participation & introduced Tami Bui, representing the Southern California Edison Company, who presented a check to the City of Huntington Beach for energy project incentives.

PRESENTATION: Mayor Bohr called on City Administrator Fred Wilson to recognize the City's Finance Department and Department Director Dan Villella, to receive the "Distinguished Budget Presentation Award" from the Government Finance Officers Association.

PRESENTATION: Mayor Bohr called on Gil Flores to receive a proclamation in support of the upcoming United States 2010 Census. The theme of the census is "Be Counted."

PRESENTATION: Mayor Bohr called on former Mayor, Dave Sullivan, Chair of the 3/1 Marine Foundation, to recognize the volunteers who assisted with the first Marine 3/1 Run on March 8th and receive Centennial commemorative items.

PRESENTATION: Mayor Bohr called on Pam Alagata who introduced the 2009 Miss Huntington Beach Kate Brewster and her Court - Chauntelle Ruehman, Samantha Bullat, Emily Walker and Kelsey Schulte.

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>)

Elaine Craft, resident, discussed the Arbor Day event and the City's designation as a "Tree City USA." (00:34:37)

Jean Nagy discussed a tree inventory report that was distributed to the Council. (00:35:45)

Allan Chancellor, Huntington Beach Human Relations Task Force, thanked all who participated in the "HB Reads One Book" program, discussed the mission of the Task Force, and updated the public on its upcoming activities. (00:38:56)

Mike Glosecki introduced the new Huntington Beach Symphony Orchestra and its mission. (00:42:20)

Mayor Bohr noted that staff would promote the Symphony's upcoming activities on HDTV Channel 3.

Sam Sediry introduced and discussed the activities of the 558 Infantry Explorers Program. In response to an inquiry from Councilmember Coerper, Mr. Sediry announced the finish times of explorers in the recent 3/1 run. (00:44:12)

Erika Cleogh expressed her concern regarding the Brethren Christian School expansion project and its potential impacts on her neighborhood. (00:47:55)

Mayor Bohr announced that the appeal for the project would be heard on May 18, 2009.

Robert Johnson expressed concerns regarding Cape Ann affordable housing issues. (00:49:27)

Bob Watts expressed concerns and discussed his small claims court filing against a local auto service center. (00:52:48)

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

1. (City Council) Councilman Carchio reported on a proposed study by the County to consider consolidating the Orange County Vector Control District with the Orange County Agricultural Commission.

Councilman Carchio reported on a proposed study and letter received regarding the consolidation of the Orange County Vector Control District with the Orange County Agricultural Commission. Mr. Carchio is opposed to the consolidation and stated various reasons for this opposition. Various Councilmembers made inquiries regarding the proposed consolidation, however there was no final direction or action taken on this item.

CITY ADMINISTRATOR'S REPORT - None.

CITY CLERK'S REPORT

The City Clerk announced that the audio stream of the City Council meeting would be available the day after the Council meeting.

The City Clerk announced that on Thursday, April 9, 2009 at 10:00 AM at the Rodgers Senior Center, the City Clerk's office will partner with the Police Department and offer a free one-hour class on identity theft and personal records management to interested citizens. Citizens are also encouraged to participate in the City's Centennial Earth Day "Shred-While-You-Watch" event that will take place on Sunday, April 19, 2009 from 10:00 AM to 3:00 PM at the Rainbow Disposal Facility, 17121 Nichols Street.

CONSENT CALENDAR (Items #2 through #12)

The Consent Calendar was conducted out of its original agenda order.

Councilmember Carchio requested to pull Consent Items 8 and 9 for discussion.

2. (City Council/Redevelopment Agency) Approved and adopted minutes.

A motion was made by Green, second Carchio to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of March 2, 2009, and the minutes of the City Council/Redevelopment Agency regular meeting of March 16, 2009, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

NOES: None

3. (City Council/Redevelopment Agency) Received and filed the City Clerk's Quarterly Report Listing of Professional Service Contracts filed in the City Clerk's Office between October 1, 2008 and December 31, 2008.

A motion was made by Green, second Carchio to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk during the period of October 1, 2008 through December 31, 2008." The motion carried by the following roll call vote:

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

NOES: None

4. (City Council) Approved the appointment of Faith Vogel to the Library Board of Trustees for a partial four-year term to expire June 30, 2011, filling the term of Harold Hall, as recommended by Council Liaisons Councilmembers Joe Carchio and Gil Coerper.

A motion was made by Green, second Carchio to appoint Faith Vogel for a partial four-year term (07/01/07-06/30/11) to the Library Board of Trustees, filling the open seat left vacant by the resignation of Harold Hall, as recommended by the City Council Library Liaisons, Gil Coerper and Joseph Carchio. The motion carried by the following roll call vote:

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

NOES: None

5. (City Council) Approved the appointments of Kara Rudin and Matthew Rudin to the Allied Arts Board for a partial term to expire June 30, 2011, filling the terms of Jeanette Mueller and Bob Daley, as recommended by Council Liaisons Councilmembers Cathy Green and Don Hansen.

A motion was made by Green, second Carchio to accept the resignation of Jeanette Mueller and approve the appointment of Kara Rudin for a term to expire June 30, 2011 as recommended by Council liaisons Cathy Green and Don Hansen; and accept the resignation of Bob Daley and approve the appointment of Matthew Rudin for a term to expire June 30, 2011

as recommended by Council liaisons Cathy Green and Don Hansen. The motion carried by the following roll call vote:

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

6. (City Council) Accepted public improvements and approved the release of securities for the Home Depot, located at 19101 Magnolia Street (southeast corner of Magnolia Street and Garfield Avenue.)

A motion was made by Green, second Carchio to accept the improvements constructed for public use located at 19101 Magnolia Street (southeast corner of Magnolia Street and Garfield Avenue); and, release the Faithful Performance Bond No. 6531070 and Labor and Material Bond No. 6531070 pursuant to California Government Code Section No. 66499.7(a); and, instruct the City Clerk to notify the developer, Home Depot U.S.A., Inc., c/o Richard Greene, Real Estate Manager, of this action; and, instruct the City Treasurer to notify the surety, Safeco Insurance Company of America, of this action; and, instruct the City Clerk to record the "Acceptance of Public Improvements" with the Orange County Recorder. The motion carried by the following roll call vote:

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

7. (City Council) Approved the Memorandum of Understanding (MOU) between the County of Orange and City of Huntington Beach to accept funds from the Department of Justice's federal fiscal year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; authorized the City Administrator to execute the MOU; and, approved appropriation and expenditure up to \$197,946 to be fully reimbursed by the grant.

A motion was made by Green, second Carchio to approve and accept the JAG Grant between the County of Orange and the City of Huntington Beach for federal fiscal year 2009; and, authorize the City Administrator to execute on the City's behalf the federal "2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Memorandum of Understanding" between the County of Orange and the City of Huntington Beach that is approved as to form by the City Attorney; and, approve the appropriation and expenditure up to \$197,946 to be fully reimbursed by the grant from the Department of Justice via the County of Orange. The motion carried by the following roll call vote:

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

8. (City Council) Appropriated up to \$250,000 from the Sewer Fund for legal services conducted by the law firm of Gibbs, Giden, Locher and Turner, and hired the engineering firm of Lyman Henn, Inc., to provide consulting services in connection with the Warner Avenue Gravity Sewer Line Project (WAGS); approved the Consulting Agreement with Lyman Henn, Inc. to serve as an expert consultant and witness in a pending lawsuit.

This item was pulled for separate consideration by Councilmember Carchio.

City staff responded to various inquiries from Councilmembers Carchio and Dwyer related to the potential recovery of funds, the litigation matter itself, in-house assessment of the project status, and the retention of the consultant.

A motion was made by Carchio, second Coerper to appropriate up to \$250,000 from the Sewer Fund, to be used for the employment of the law firm of Gibbs, Giden, Locher and Turner, the engineering firm of Lyman Henn, Inc., and other related expenses in connection with the recovery of Sewer Funds previously expended for WAGS; and approve the "Consulting Agreement" with Lyman Henn, Inc. The motion carried by the following roll call vote:

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

NOES: None

9. (Redevelopment Agency) Authorized the sale of an Agency-owned housing unit located at 18862 Breezy Lane in the Cape Ann development; and, authorized the Executive Director or designee to execute and process necessary documents to facilitate that sale.

This item was pulled for separate consideration by Councilmember Carchio.

City staff responded to various inquiries from Councilmembers Carchio and Dwyer regarding the formula developed by the State associated with the sale of the unit, the costs expended by the Agency and by the buyer, the impacts of foreclosures on the "for sale" market, and historical sales transactions at the Agency development.

Councilmember Hardy expressed her support for the maximum allowable sales price to function in partnership with market conditions between buyers and sellers.

A motion was made by Carchio, second Green to authorize the sale of Agency-owned housing unit to a qualified buyer; and, authorize the Executive Director, or his designee, to prepare, execute and process all necessary documents to facilitate the sale of Agency-owned housing located at 18862 Breezy Lane. The motion carried by the following roll call vote:

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

NOES: None

10. (City Council) Approved three annual compliance reports on facilities improvement fees collected for development projects: Planned Local Drainage Facilities, Sanitary Sewer Facilities, and the Fair Share Traffic Impact Mitigation Fee.

A motion was made by Green, second Carchio to approve the "Planned Local Drainage Facilities Fund Annual Compliance Report, Fiscal Year 2007/08;" and, approve the "Sanitary Sewer Facilities Fund Annual Compliance Report, Fiscal Year 2007/08;" and, approve the "Fair Share Traffic Impact Fee Program Annual Report, Fiscal Year 2007/08." 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. 2009-20 approving the Sewer System Management Plan for the City of Huntington Beach (SSMPHB) to comply with the State Water Resources Control Board Order No. 2006-0003.

A motion was made by Green, second Carchio to adopt Resolution No. 2009-20, "A Resolution of the City Council of the City of Huntington Beach Adopting a Sewer System Management Plan." The motion carried by the following roll call vote:

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

12. (City Council) Authorized the Police Chief or his designee to apply for and execute the Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP) grant application.

A motion was made by Green, second Carchio to authorize the Chief of Police or his designee to apply for the COPS Hiring Recovery Program (CHRP) grant, to sign the grant application, and to act on the City's behalf with respect to any issues that may arise during processing of this application. The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

13. (City Council) Approved a City Council position on legislation, a regulation, or budget issues pending before a Federal, State, or Regional Government as recommended by the City Council Intergovernmental Relations Committee (IRC) members: Councilmember Jill Hardy, Chair, Mayor Keith Bohr, and Councilmember Don Hansen.

Councilmember Hardy noted that a late communication was received and stated the received changes to the legislation. She reported that although changes were made, the recommendation by staff to support AB 46 remains the same.

A motion was made by Hardy, second Coerper to SUPPORT AB 46 (Blakeslee) Energy Conservation Assistance - Authorizes the California Energy Commission (CEC) to deposit funds received pursuant to the federal American Recovery and Reinvestment Act of 2009 (ARRA) into two energy program assistance accounts, and extends the sunset date for the two state accounts to 2020; and, OPPOSE AB 109 (Feuer) Outdoor Advertising - Digital Advertising Displays - Prohibits, until January 1, 2012, certain outdoor advertising and message displays from being constructed as, or converted to, a digital advertising display, as defined; and, OPPOSE AB 155 (Mendoza) Municipal Bankruptcy - Requires approval by a committee made up of the State Controller, State Treasurer, and State Finance Director before a city could file for bankruptcy; and, OPPOSE SB 93 (Kehoe) Redevelopment: payment for land or buildings - Restricts the spending of redevelopment dollars on public facilities acquired, constructed, or improved inside and outside of project areas using funds intended to eliminate blighted conditions. The motion carried by the following roll call vote:

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

14. (City Council) Confirmed action by the City Administrator and Director of Public Works to implement Stage 1 (up to 10% shortage) of the Water Management Program's conservation measures, effective March 23, 2009.

Travis Hopkins, Director of Public Works, provided a brief introductory report. Stage 1 is for shortages up to 10%, which will require voluntary conservation measurements and various other activities.

Utility Manager Howard Johnson noted that the Metropolitan Water Board will also be recommending a ten (10) percent curtailment on the state water project. He reviewed a PowerPoint presentation and noted various voluntary and specific requirements during "Stage 1" which include education efforts, regulation of irrigation times, adjustments in residential and commercial use as to avoid run off and waste, and rebate programs.

In response to an inquiry from Councilmember Carchio, staff noted that they would return to the Council with an update report related to Metropolitan's funding of various conservation programs.

In response to an inquiry from Councilmember Coerper, staff acknowledged that tonight's information regarding the Stage 1 and other conservation measures will be placed on the City's website.

A motion was made by Coerper, second Hansen to confirm the implementation of Stage 1 of the Water Management Program. The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

15. (City Council) Adopted Ordinance No. 3828 amending Chapter 1.18 of the Huntington Beach Municipal Code (HBMC) relating to administrative citations for building violations. Approved for Introduction March 16, 2009.

A motion was made by Coerper, second Hansen to adopt Ordinance No. 3828, "An Ordinance of the City of Huntington Beach Amending Chapter 1.18 of the City of Huntington Beach Municipal Code Relating to Administrative Citations," after City Clerk reads by title. The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

16. (City Council) Submitted by Councilmember Don Hansen - Directed the City Attorney to prepare amendments to the Huntington Beach Municipal Code (HBMC) regarding Term-Limited Campaign Committees.

Councilmember Hansen provided a report requesting contribution limit amendments for committees participating in specific election cycles.

Councilmember Hardy expressed concerns about the particular application of the new amendments and that they would benefit the Councilmembers who may be voting on the issues tonight.

Councilmember Bohr expressed support to have more limitations on campaign contributions in order to equal the playing field for candidates.

Councilmember Dwyer expressed support for the amendments and noted that there is an inequity in the ability of elected candidates being able to recover funds when non-successful candidates are not allowed this same opportunity.

A motion was made by Hansen, second Coerper to direct the City Attorney to prepare the proper amendments to the Municipal Code to accomplish the following:

Any contribution received after the December 31 cycle date for Council Members ineligible for the next election due to term limits will be applied to the most recent election cycle in which they were elected and; All contributions will be governed by the contribution limitations and regulations of the election cycle in which the Council Member was elected. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Coerper, and Hansen

NOES: Bohr, and Hardy

COUNCILMEMBER COMMENTS

Councilmember Coerper announced the Eagle Scout achievements of Darren Thompkins (Troop 567), Duncan McClure and Sampson Lea (Troop 227), and Jeffrey Osborne and Russell Osborne (Troop 1134).

Councilmember Carchio introduced a new City program, "Surf City Blue," which will allow residents to take advantage of products and services from Huntington Beach merchants. He briefly outlined the details of the program, including the website, Surf City Blue decal visible in merchant's windows, and the potential benefits this innovative program can bring during difficult economic times.

Councilmember Dwyer attended Green Expo Sacramento and noted that Huntington Beach's "green" projects are well regarded as models for these types of programs. He also expressed his support for those who were impacted by the recent earthquake in Italy.

Mayor Bohr acknowledged the upcoming birthdays of Councilmembers Hansen and Dwyer.

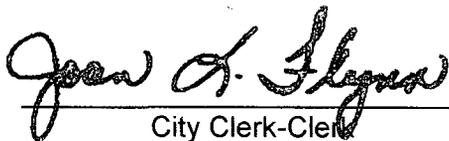
ADJOURNMENT

Council/Agency adjourned at 7:55 p.m. to the next regularly scheduled meeting on Monday, April 20, 2009, at 4:00 p.m. 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