

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

Monday, May 4, 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

CALL TO ORDER

Mayor Bohr called the study session portion of the meeting to order at 4:01 PM.

ROLL CALL

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

Mayor Pro Tem Cathy Green has requested permission to be absent pursuant to Resolution No. 2001-54, and noting no objection from the Council, the Mayor Pro Tem was excused from the meeting.

ANNOUNCEMENT OF LATE COMMUNICATION

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

PowerPoint Presentation dated May 4 - *Fiscal Year Mid-Year Finance Report* (Study Session Item No. 1)

Communication submitted by the Director of Finance dated May 1, 2009 entitled *Finance Board Budget Suggestions* that included Finance Board cost savings ideas. (Study Session Item No. 1)

PowerPoint communication dated May 4, 2009 submitted by the Director of Economic Development entitled *Downtown Parking Rate Study*. (Study Session Item No. 2)

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

STUDY SESSION

(City Council/Redevelopment Agency) Study Session #1 - A presentation was provided by the Finance Department on the Fiscal Year 2008/09 Mid Year Budget Review and the Comprehensive Annual Financial Report (CAFR).

City Clerk Joan Flynn announced late communication on Study Session Item No. 1.

City Administrator Fred Wilson described a difficult budget year with impacts on revenues. He further discussed a budget management strategy with no major cuts in services, and no layoffs anticipated. He introduced newly appointed Director of Finance Bob Wingenroth. Director Wingenroth described his professional background and recognized his staff present, and Department Heads for welcoming him into the organization. He thanked Josh Brooks, Michael Solorza and Jennifer Lampman for their work on the budget. Ms. Lampman provided a PowerPoint that addressed the following topics: External Economic Factors, FY 2008/2009 General Fund - Revenues vs. Expenditures (\$8,000,000 dollar deficit from adopted, vs. mid-year actuals); General Fund Revenue (FY 08/09 Projection); General Fund Expenditures (FY 08/09 Projection); FY 08/09 Budget Management; Projected FY 08/09 Fund Balance; Next Steps; FY 09/10 Budget Assumptions; Future Concerns, CIP; Economic Stimulus Funds; CAFR Government-Wide Financial Analysis; General Fund Balance Historical Perspective; Reserves and Reserve Policy; and overall conclusion.

In response to an inquiry from Councilmember Hansen, Ms. Lampman discussed how the various employee associations are paying for the enhanced retirement benefits, and that staff will present a report on City costs for enhanced retirement. Ms. Lampman also presented a review of the upcoming Capital Improvement Program and federal stimulus plan projects.

In response to an inquiry from Councilmember Hansen, staff noted that the reserve policy is set at seven (7) percent for economic uncertainties, explained the capital and maintenance reserve and undesignated reserve. She noted the City has implemented cost cutting strategies, that staff is currently working on the Fiscal Year 2009-2010 budget for Council's review, and continuing to build on the Government Finance Officers Association (GFOA) recommendations on reserve policy.

Councilmember Hardy noted her opinion that the "second tier" reserves should be utilized to "survive" rather than for small expenditures. She expressed her concerns that the "second tier" reserve should not be completely flexible for Council's exclusive use, while at the same time restricting the Department's budget allocations.

In response to an inquiry from Councilmember Coerper, Ms. Lampman explained how to raise the 7% in crisis reserves to 15%. City Administrator Fred Wilson explained that flexibility in the "tier two policy" should be narrowed and focused since there is some discretion on the use of the funds. Councilmember Coerper stressed the importance of funding public safety and supporting employees.

Councilmember Dwyer requested that staff provide additional information on market rate for outside contracts and the addition of "sunset clauses."

City Administrator Fred Wilson noted that he has met with the employee associations regarding the status of the City's financial picture and that all must work together to solve current

economic problems. Mr. Wilson also stated that staff has worked with vendors on reducing costs. Councilmember Carchio suggested temporary suspension with the Orange County League of Cities membership as a cost cutting strategy of up to \$30,000. He also noted the potential of the "Surf City Savings" Program which may add sales tax revenue to the City.

Councilmember Coerper expressed his opinion relative to the importance of remaining involved in the Orange County League of Cities. This opinion was also supported by Councilmember Hardy, who stated that Councilmember appointments to the League would reduce Huntington Beach's representation on various subcommittees.

Councilmember Carchio stated his continuing support for public safety and requested their funding not be reduced.

Mayor Bohr suggested that Division Directors follow up and work with vendors on the request to discount their contracts.

Councilmember Hansen requested a "straw poll" in regard to the Council's position on switching to market rate from prevailing wage. He noted that there may be a \$300,000 to \$400,000 cost savings if the switch were made. Discussion ensued regarding how to ensure the quality of service from vendors if they are not represented by unions. No straw poll was taken as City Administrator Wilson responded that this matter will return on a future agenda for discussion by the entire Council.

(City Council) Study Session #2 - Presentation of Parking Rate Report: The City's consultant presented the study that analyzed the various City parking programs and associated rates to determine if the rates charged are consistent with the use/intent of the City's parking facilities. This study is part of the overall review of the Downtown Parking Master Plan.

City Clerk Joan Flynn announced late communication on Study Session Item No. 2.

Stanley Smalewitz introduced Bill Dvorak from Kimley-Horn and Associates, the City's Downtown consultant. Mr. Dvorak provided a PowerPoint that addressed the scope of the Downtown Parking Study. The presentation included comparative information from various beach cities, existing downtown rates issues, a "beach" pass, daily parking rates and employee parking at Main Promenade, the Downtown valet, on-street parking, residential parking, equipment costs, and revenue potential.

Mayor Bohr inquired as to the method for determining revenue potential.

Councilmember Carchio expressed support to include the Main Promenade in the Beach Parking Pass Program and noted that the cost to seniors and for business validation may be exorbitant. He also suggested a campaign to encourage residents to purchase beach passes.

Councilmember Dwyer noted that he parks in residential areas first to avoid paying fees and expressed concerns about the strategy of raising fees to alleviate the parking problems. Discussion ensued on how the City compares to other neighboring cities.

Mr. Smalewitz discussed the overall parking fee strategies as a solution for parking demand. He also noted the potential for abuse of the merchant parking validation stickers.

Councilmember Hardy voiced concerns related to people who visit downtown for a quick errand and cannot find parking in the Main Promenade structure. She commented on the expense of the pass and requested consideration of moving the dates on the summer pass to the last 6 months of the year. This would support merchants who need after-summer customers. She also inquired as to the placement of the stickers on vehicles.

Councilmember Hansen supported staff's recommendations, as well as the notion of the "split pass."

Mayor Bohr suggested that the City revisit "valet" throughout the Downtown area, renegotiate the Duke's parking contract, and increase the minimum age requirement for the senior pass to 65 years of age.

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Michael Kelly v. City of Huntington Beach; WCAB Case Nos. ADJ4048630, ADJ4266215, ADJ3758696, ADJ3856630, and ADJ4711237; Claim No. COHB-06-0077.

Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuit: Whether the City Attorney should be directed to file a lawsuit against the County to collect overpaid administrative fees.

Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Deputy City Administrator Bob Hall, regarding negotiations with Bijan Sassounian for the disposition of the frontage road adjacent to Beach Boulevard south of Atlanta Avenue.

Pursuant to Government Code Section 54956.9(b)(3)(A), the City Council recessed to Closed Session to confer with its attorney regarding potential litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. Number of Potential Cases: Unknown at this time. Subject: Potential Litigation re: Site License Agreement with Omnipoint Communications, Inc. (A T-Mobile USA, Inc, Subsidiary) for Wireless Telecommunication Facility at Harbour View Park.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the regular meeting of the City Council/Redevelopment agency at 6:11 p.m.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

Mayor Pro Tem Cathy Green had requested permission to be absent pursuant to Resolution No. 2001-54. Noting no objections by members of the City Council, Councilmember Green was granted permission to be absent from tonight's meeting.

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

PLEDGE OF ALLEGIANCE - The Daisy Scout Troop 634 presented the colors and led the Flag Salute.

INVOCATION - Led by Mark Curry, Huntington Beach Interfaith Council.

Mayor Bohr made a special announcement regarding the 4th of July Parade. He noted the Parade Committee wanted to address several concerns about the parade length and is also working to raise revenue to cover associated costs of the Celebration, especially in the current "down" economy. The "Y" Indian Guides/Princesses and Scouts will be allowed to walk in the regular parade or have a float as part of a pilot program with a small entry fee.

ANNOUNCEMENT OF LATE COMMUNICATION

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

Communication submitted for Consent Calendar Item 13 by Stanley Smalewitz, Director of Economic Development, dated May 1, 2009, and entitled *Redevelopment Agency Budget Adjustment*.

Communication submitted for Item 17 by Mark Bixby, dated May 4, 2009, regarding the adoption of Ordinance No. 3830.

Communication submitted for Item 18 by Peggy Tracy, dated May 4, 2009, regarding wireless communication facilities.

Communication submitted for Item 18 by Ed and Terry Caden, dated May 4, 2009, regarding wireless communication facilities.

COMMUNICATIONS RECEIVED DURING THE MEETING

Communication submitted by Mary Reardon undated and entitled *Blighted Strip Mall Beach Promenade Property Boundary*.

AWARDS AND PRESENTATIONS

SPECIAL ANNOUNCEMENT: The Mayor announced and recognized the month of May as Asian/Pacific American month as well as Older Americans month. Asian/Pacific American month was first proclaimed in 1990 by President G.H.W. Bush. The month of May was chosen in recognition of the first Japanese immigrants to the United States on May 7, 1843 as well as the completion of the transcontinental railroad on May 10, 1869. In 1963, President John F. Kennedy first designated May as Senior Citizens' month. In 1980, President Jimmy Carter changed its name to what we now call Older Americans month. Every President since JFK has issued a formal proclamation asking the nation to pay tribute in some way to older persons in our communities.

ANNOUNCEMENT AND PRESENTATION: Mayor Bohr invited Shirley Dettloff, former Mayor, from the Centennial Celebration Committee, and J.D. Schaffer, General Manager of the Hilton Hotel, to announce May as "Tourism Month." The sponsors were announced and top winners of the "Be a Tourist in your Hometown" contest were drawn and announced.

PRESENTATION: Mayor Bohr called on Environmental Board Chair Dave Guido who introduced the "Green Scorecard" award program to the community. He also announced the two (2) current winners of the Green Home award as Sue Fisher and Kirk Mason who successfully completed the program.

PRESENTATION: Mayor Bohr invited members of the Edison High School Band to be recognized for their invitation to perform at Carnegie Hall. A short video presentation of the band members was featured.

PRESENTATION: Mayor Bohr invited City Clerk Joan Flynn to come forward and receive a proclamation for Municipal Clerks Week. Ms. Flynn introduced members of the City Clerk's Office who were present.

PRESENTATION: Mayor Bohr invited Linda Lewis, Second Harvest Bank Ambassador, to come forward and receive a proclamation in honor of the "Stamp out Hunger" food drive.

PRESENTATION: Mayor Bohr invited Detention Administrator Dale Miller and the staff members from the Jail Unit, to receive a proclamation for Police Correctional Officers Week. Mr. Miller described the functions of the Jail Unit and their various accomplishments.

Mayor Bohr announced the Police Memorial "Fallen Officers" candlelight vigil that will take place on May 7th in Sacramento, followed by a memorial on May 8th. He also stated a federal memorial will be held on May 15th.

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>)

Dave Carlberg, President of the Amigos de Bolsa Chica, noted that this was American Wetlands Month, and presented each member of the Council with a Bolsa Chica history book. (00:35:59)

Tom Mays, representing the YMCA's Indian Guides and Princesses Program, requested clarification regarding the elimination of the Fourth of July "pre-parade," the inclusion of the youth groups in the parade, and that a small fee program will be established for this year. (00:36:36)

Barry and Megan Colburn thanked the Council for their decisions regarding the Fourth of July Parade and allowing members of the YMCA Indian Guides/Princesses to participate. Megan Colburn announced that her favorite part of the parade is the face painting. (00:38:34)

Mike D'Alessandro and Princesses "Dancing Rose Bud" and "Beautiful Mountain" thanked the Council for allowing the youth groups to continue marching in the parade and continue the traditions established by the Indian Guides and Princesses. The Princesses described their favorite parts of participating in the parade. (00:39:49)

Hermine and Tyler Rule thanked the Council for their wise decisions related to the Fourth of July Parade. Ms. Rule also presented Tyler's timeline of important events in his life, and noted that walking in the parade was a significant element in his life. (00:41:41)

Kevin and Kendel Smith noted his family's participation in the Huntington Beach 5k and in the Fourth of July Parade, and reminisced on his daughter Joy's elation at the face painting events. (00:42:52)

Mike, Mason, and Tea Lucero, representing the Indian Guides and Princesses, spoke about his family's participation in the Fourth of July Parade and made inquiries regarding the age of participants, the continuation of the face painting, and allowing the Indian Guides and Princesses to lead the parade. (00:46:35)

Councilmember Hansen noted that the goals of the Parade Board's solution were to ensure that the participants keep the parade moving along, and to allow without restrictions the various groups to walk in the parade.

Jim Kerins and Ava, Catherine, Edward and Sienna Kerins, spoke about the tradition of the Indian Guides and Princesses in participating in the Fourth of July Parade. The children spoke about their participation and enjoyment in walking in the Huntington Beach Fourth of July Parade. (00:52:43)

Izzy King spoke about her participation as an Indian Princess in the Fourth of July Parade. (00:57:29)

Margaret Tracy spoke regarding the cell phone tower in Bolsa and Harbour View Parks and expressed her concerns regarding appropriate public notification of any upcoming construction. (00:58:15)

Eric Schuman, representing the YMCA Indian Guides, thanked the Council for their decision to allow the Guides to continue participating in the parade. (01:00:54)

Bob Smentkowski and Princess Ice Cream Bear addressed concerns regarding the new

guidelines for parade participation. He requested clarification of the face painting and age limitations. Princess Ice Cream Bear acknowledged that her favorite part of the parade was the face painting. (01:02:02)

Staff noted that the age guidelines for participation have been lifted this year as a "pilot" program.

Mark Rule and Dancing Caterpillar, Dancing Butterfly and Paige, expressed their continuing support of allowing youth groups to participate in the Fourth of July Parade. The children noted their favorite parts of the parade. (01:05:04)

Councilmember Hansen summarized the concerns expressed by various members of the public, and noted the Parade Board's solutions related to the length of the parade as well as the number of organizations that want to participate.

William O'Connell, Executive Director of Collette's Children Home, expressed concerns regarding the City's Request for Proposal (RFP) process, and voiced specific disappointment regarding the lack of public notification provided for the Emerald Cove project, stating he would like his organization to have a fair opportunity to participate in the project. (01:14:48)

Hanne Palmer, expressed concerns regarding the "Cape Ann" development as it pertains to inclusionary housing. (00:17:33)

Kris Richau expressed her concerns about the proposed cell phone tower at Bolsa View Park. (01:20:38)

Lindsay Powley and Spencer Powley, representing the Indian Guides and Princesses, thanked the Council for allowing them to participate in the Fourth of July Parade. (01:21:27)

Connie Ngo, resident and Cape Ann Homeowner, expressed her concerns regarding the Cape Ann development and the inclusionary housing program. (01:22:08)

Robert Johnson, resident, expressed concerns regarding the Cape Ann project as it pertains to inclusionary housing. (01:24:42)

COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234
DISCLOSURE REPORTING - None.

CITY ADMINISTRATOR'S REPORT

The City Administrator introduced and welcomed Bob Wingenroth, Director of Finance, to the City. Mr. Wingenroth made a few comments of introduction.

CITY TREASURER'S REPORT

1. (City Council) Reviewed and accepted Shari L. Freidenrich, City Treasurer's Investment Summary Report of City Investment Portfolio, Bond Proceeds, Deferred Compensation, and Retiree Medical Trust Activity for March 2009.

A motion was made by Coerper, second Hansen to review and accept the Monthly Investment Report. Following review of the report by motion of Council, accepted the Monthly Investment Report for March 2009, 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, Dwyer, Bohr, Coerper, and Hansen
NOES: None
ABSENT: Green
OUT OF ROOM: Hardy

CITY CLERK'S REPORT

1. (City Council) Announced the increase in campaign contribution limits from a single source to \$520, effective January 1, 2009.

A motion was made by Coerper, second Carchio to receive and file the Campaign Contribution Limit Recalculation report, which became effective January 1, 2009. The motion carried by the following roll call vote:

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

PUBLIC HEARING

(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>)

3. (City Council) Public Hearing held to adopt Resolution No. 2009-23 for revision to the City's FireMed fee schedule for ambulance transportation and emergency medical services effective June 01, 2009.

The Fire Chief made a brief presentation. He noted that the fee changes were recently approved by the Orange County Board of Supervisors. The increases will improve the City's current program, and will offset current budget reductions and medical supplies and equipment costs.

Mayor Bohr opened the public hearing.

Noting that there were no public comments on this matter, Mayor Bohr closed the public hearing.

A motion was made by Coerper, second Carchio to adopt Resolution No. 2009-23, "A Resolution of the City Council of the City of Huntington Beach Setting Advanced Life Support, Basic Life Support, Emergency Ambulance Transportation, Medications and Specialized Supply Fees to be Charged by the Fire Department of the City of Huntington Beach." The motion carried by the following roll call vote:

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

NOES: None
ABSENT: Green

4. (City Council) Public hearing held to consider an appeal by Mayor Keith Bohr of the Planning Commission's approval of Conditional Use Permit (CUP) 08-013, and Variance No. 08-007 for the Beach Boulevard/Atlanta Avenue Promenade Commercial Center.

Staff made a brief presentation regarding the proposed additions to the commercial shopping center project.

Mayor Bohr clarified that his appeal of this item was to provide an opportunity for staff and the applicant to ensure the Beach Boulevard issues were addressed.

Mayor Bohr opened the public hearing.

Mary Reardon, Surfside Homeowners Association, announced the Association's pleasure that this project will likely be approved and noted support for the potential egress on Beach Boulevard. (01:45:22)

Bill Holman, representing the applicant, requested the Council's support for the project which includes expansion and remodel of the storefront, updating of the architectural elements, and the redesign and restriping of the parking lot. (01:48:08)

Elizabeth Shier Burnett, Huntington Beach Planning Commissioner, provided a brief synopsis of the actions made by the Planning Commission on this matter. She covered the remaining Conditional Use Permit conditions and code requirements for the project. (01:53:40)

Noting there were no further speakers, Mayor Bohr closed the public hearing.

Mayor Bohr expressed approval for the project and requested that Public Works review the deceleration lane.

A motion was made by Bohr, second Coerper to approve Conditional Use Permit No. 08-013 and Variance No. 08-007 with findings and conditions of approval (Planning Commission Recommended Action). The motion carried by the following roll call vote:

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

ADMINISTRATIVE PUBLIC HEARING

5. (City Council) Administrative Public Hearing held pursuant to Resolution No. 2009-06 adopted February 2, 2009 to hear protests and objections regarding weed, rubbish, and refuse abatement of certain public and undeveloped private properties at owners' expense.

The Mayor opened the public hearing.

Noting there were no speakers, the Mayor closed the public hearing.

A motion was made by Hardy, second Hansen to authorize the Superintendent of Streets (Director of Public Works) to proceed with the abatement of said nuisance. The motion carried by the following roll call vote:

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

CONSENT CALENDAR (Items #6 through #15)

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

Councilmember Dwyer requested to pull Consent Items 11 and 14 for discussion.

Mayor Bohr requested to pull Consent Item 8 for discussion.

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

A motion was made by Bohr, second Carchio to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of April 6, 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, Bohr, Coerper, Hardy, and Hansen
NOES: None
ABSENT: Green

7. (City Council) Adopted Resolution No. 2009-22 approving the application for Grant Funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to be used to construct amenities, including an Americans with Disabilities Act (ADA) accessible ramp, from Lebard Park to the Santa Ana River pathway.

A motion was made by Bohr, second Carchio to adopt Resolution No. 2009-22, "A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)." The motion carried by the following roll call vote:

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

8. (City Council) Approved and authorized the Mayor and City Clerk to execute Amendment No. 1 to the agreement with Schiff Associates for as-needed corrosion and maintenance services (for design, construction, annual assessment, and maintenance of metallic components in the water system) in the amount of \$500,000, for a total contract amount not to exceed \$750,000.

Mayor Bohr emphasized to staff his concerns regarding monitoring hourly service contracts with vendors. The City Administrator noted that staff has been directed to continue to closely monitor service and costs associated with vendor contracts.

A motion was made by Bohr, second Coerper to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Schiff Associates for As-Needed Corrosion and Maintenance Services." The motion carried by the following roll call vote:

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

In response to an inquiry from Councilmember Carchio, staff noted that this contract exceeded the first year cost estimate due to service the City requested in several "on call" project areas.

9. (City Council) Approved and authorized the Mayor and City Clerk to execute a service agreement in the amount of \$12,771 between the City of Huntington Beach and MD Helicopters, Inc. to provide the Huntington Beach Police Department Air Support Unit with helicopter pilot flight training.

A motion was made by Bohr, second Carchio to approve "Service Agreement Between the City of Huntington Beach and MD Helicopters, Inc.," and authorize Mayor and City Clerk to execute the agreement. The motion carried by the following roll call vote:

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

10. (City Council) Approved project plans and specifications and awarded construction contract in the amount of \$2,960,947.85 to Elite Bobcat Services, Inc. for the reconstruction of various residential streets, MSC-455; approve a construction contingency of 20% or \$592,190; and, authorize the Mayor and City Clerk to execute contract in a form approved by the City Attorney.

A motion was made by Bohr, second Carchio to approve the plans and specifications; and, accept the lowest responsive and responsible bid submitted by Elite Bobcat Services, Inc. in the amount of \$2,960,947.85 for MSC 455; and, approve a construction contingency of 20% or \$592,190; 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, Dwyer, Bohr, Coerper, Hardy, and Hansen
NOES: None
ABSENT: Green

11. (City Council) Approved agreement between the City of Huntington Beach and Wittman Enterprises, LLC in an amount not-to-exceed \$920,000 for billing of fees for emergency paramedic and ambulance services through May 31, 2012.

In response to an inquiry from Councilmember Dwyer, the Fire Chief reported that the five percent increase is a standard factor used in the number of calls and call volume, and that staff

looked at other service providers and did not go through the Request for Proposals process in this case. The City Attorney noted that the City had an opportunity to "piggy back" on another jurisdiction's public bidding process and noted this process was approved by the Purchasing Manager.

In response to an inquiry from Councilmember Carchio, the Fire Chief reported that there was an increase in the contract; however there will be corresponding revenue offset function as well.

A motion was made by Dwyer, second Carchio to approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and Wittman Enterprises, LLC for Billing Services for Emergency Paramedic and Ambulance Service." The motion carried by the following roll call vote:

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

12. (City Council) Approved and authorized the Mayor and City Clerk to execute the Proposition 42 City Aid Program (CAP) Funding Agreement with the County of Orange to receive grant funding in the amount of \$471,440 to be used for the purposes of routine roadway maintenance, non-capacity enhancing minor roadway widening, and storm drain improvements related to storm damage.

A motion was made by Bohr, second Carchio to approve and authorize the Mayor and City Clerk to execute the "Proposition 42 City Aid Program Funding Agreement." The motion carried by the following roll call vote:

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

13. (Redevelopment Agency) Implemented the Redevelopment Agency's (RDA) mid-year budget appropriation adjustments due to changes in legislative directives, contractual obligations and spending priorities that impact the RDA budget.

A motion was made by Bohr, second Carchio to increase appropriations in the respective Redevelopment Agency (RDA) funds for specified expenditures. The motion carried by the following roll call vote:

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

14. (City Council) Approved and authorized the Mayor and City Clerk to execute the Cooperative Agreement between the County of Orange and the City of Huntington Beach to issue bonds to finance the sale and acquisition of the Emerald Cove Senior Apartments, located at 18191 Park Tree Circle.

Councilmember Dwyer asked staff to respond to concerns provided during public comments that the project did not initiate through a Request for Proposal (RFP) process. Staff explained

that the unsolicited bid request pursuant to this matter came from a vendor with significant senior housing experience and noted that public notification is always given in projects that go out to bid. Staff also reported that the non-profit organization of the public speaker who referenced this matter tonight, did not have the senior housing experience typically required for a project of this scope.

Staff noted this is a first-step in the Emerald Cove Senior Apartments project to meet a time line for State tax credit applications.

In response to an inquiry from Councilmember Carchio, staff noted that periodically there will be an unsolicited bid which could trigger negotiations. However, staff conducts projects, as well as bids, in a transparent manner to ensure that contractors have a fair opportunity to participate in City development programs.

A motion was made by Dwyer, second Coerper to approve "Cooperative Agreement Between the County of Orange and the City of Huntington Beach," and authorize the Mayor to execute the agreement. The motion carried by the following roll call vote:

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

15. (City Council) Approved to receive and file a Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Prevention of Homelessness and Rapid Re-Housing Program, as a condition to receive the \$566,611 federal stimulus funding under Title XII of the American Recovery and Reinvestment Act of 2009.

A motion was made by Bohr, second Carchio to approve to receive and file the "Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)." The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

16. (City Council) Adopted Ordinance No. 3829 amending Chapter 230 of the Huntington Beach Zoning and Subdivision code by amending Section 230.26 relating to affordable housing. Approved for Introduction April 20, 2009.

A motion was made by Coerper, second Carchio to after City Clerk reads by title, adopt Ordinance No. 3829, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Code by Amending Section 230.26 Relating to Affordable Housing." The motion carried by the following roll call vote:

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

17. (City Council) Adopted Ordinance No. 3830 amending Chapter 2.07 of the Huntington Beach Municipal Code (HBMC) relating to term-limited campaign committees and donations received after the end of the election cycle for term-limited Council members. Approved for Introduction April 20, 2009.

Mayor Bohr expressed concerns this Ordinance would make elected City officials potentially more susceptible to political influence through campaign contributions.

Councilmember Dwyer clarified a statement in the press that suggested he felt the proposed Ordinance would provide no benefits to his campaign by acknowledging its presumed benefits should he choose to seek a second term.

A motion was made by Dwyer, second Carchio to after City Clerk reads by title, adopt Ordinance No. 3830, "An Ordinance of the City of Huntington Beach Amending Chapter 2.07 of the Huntington Beach Municipal Code Relating to Election Cycles." The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

18. (City Council) Submitted by Councilmember Joe Carchio - Amend Huntington Beach Zoning and Subdivision Ordinance Section 230.96 relating to Wireless Communication Facilities.

Councilmember Carchio and Mayor Bohr requested this item return to the Council with options related to cell phone towers in parks. There was no further action on this item.

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Hansen enjoyed his time at the Edison High School Car Show.

Councilmember Coerper represented the City at the "Heroes Mission" at Los Alamitos and attended the Huntington Beach Police Awards Ceremony.

Councilmember Carchio reported the introduction of the "Surf City Savings" program.

Councilmember Dwyer thanked his daughter Sophia Dwyer, who assisted in leading tonight's Pledge of Allegiance.

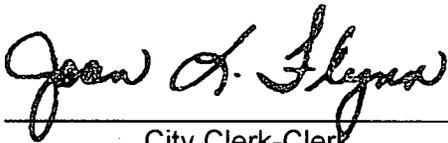
Mayor Bohr announced his attendance at the Orange Blossom Ball, the Grand Opening of Mazda, which just remodeled their facilities, the volunteer luncheon for seniors, and the Town Hall meeting on April 30th.

ADJOURNMENT - Council/Agency adjourned at 8:42 PM to the next regularly scheduled meeting on Monday, May 18, 2009, at 4:00 PM, 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