

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

Monday, December 15, 2008
4:00 PM – Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audio and video 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 - COUNCIL CHAMBERS

CALL TO ORDER

Mayor Bohr called the Study Session portion of the regular City Council/ Redevelopment Agency meeting to order at 4:10 PM.

ROLL CALL

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

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced the following late communications related to the Study Session Item Nos. 1 and 2 received by her office following distribution of the City Council packet:

PowerPoint communication for Study Session Item No. 1 submitted by Jim Engle, Director of Community Services, dated December 15, 2008 entitled "*Permanent Pier Buildings Design Criteria.*"

PowerPoint communication for Study Session Item No. 2 submitted by Stanley Smalewitz, Director of Economic Development, dated December 15, 2008 entitled "*Downtown Specific Plan.*"

Communication for Study Session Item No. 2 submitted by J. Richardson Gray dated December 15, 2008 entitled "*Huntington Beach Downtown Specific Plan Update Draft of December 4, 2008.*"

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit)

Richardson Gray, resident of Townsgrave Condominiums and Townhomes, voiced concerns about loss of green space and the size, shape and height of the cultural center proposed for the Main Street Library site. He and surrounding neighbors submitted a petition requesting that Council keep the site in its current form. He also discussed his opinion that there were inconsistencies in the draft EIR and workshop presentation material related to underground parking, and suggested that Council consider using the vacant theater at Pierside Pavilion as a site for a cultural center or museum.

STUDY SESSION

1. (City Council) - Pier Buildings: Design elements were presented to City Council for the three concession buildings proposed for construction on the pier.

City Administrator Fred Wilson introduced Jim Engle, Director of Community Services. Director Engle opened with a PowerPoint presentation that provided information on existing structures and design review criteria proposed for three concession buildings to be constructed on the pier.

Director Engle introduced Sandy Gramley with Platt/Whitelaw Architects to describe design elements depicted in presentation views of the proposed buildings: Option "A" (6-sided Design) and Option "B" (8-sided design), design element choices for the first and third platforms, and art that would make new concessions special. Director Engle stated that the item will be formally presented to Council in January 2009.

Councilmember Coerper and Director Engle discussed square footage of existing trailers and proposed buildings, and shake roof design.

Councilmember Dwyer and Ms. Gramley discussed signage location on the proposed buildings, and incorporating certain elements into the plan.

Councilmember Carchio and Director Engle discussed the square footage of Ruby's Diner and whether is it possible for two existing businesses to occupy one building. Discussion ensued on coastal development permit restrictions related to building height, using wasted space inside dwellings for storage, and providing a portable food kiosk on the pier. Councilmember Carchio questioned use of alcohol on the pier. Director Engle stated the issue would require review and negotiations with Ruby's Diner.

Councilmember Green, Ms. Gramley and Director Engle discussed the shake roof design and roof materials that may qualify as a LEED certified element.

Mayor Bohr, Director Engle and Ms. Gramley discussed how existing businesses will retain the same amount of square footage with increased volume in the ceiling. Director Engle looked for direction from Council on bringing information back to the Design Review Board. Mayor Bohr expressed support for Tower Zero style windows, mosaic tile and arches, and questioned the 42-inch building perimeter boundary. Director Engle explained Coastal Commission regulations that require the 42-inch perimeter. Discussion ensued on recreating a diner/snack bar on the north side of the pier that was lost in the early 80s, and bringing the item before the Design Review Board in late January.

Councilmember Coerper questioned staff's plans to co-mingle the Kite Connection and SurfCity Store, and asked for clarification on the 42-inch perimeter behind the buildings. Director Engle

explained how the addition of a snack bar would prompt consideration of a co-mingled structure, and repeated Coastal Commission requirements for the perimeter.

Councilmember Dwyer and Ms. Gramley discussed interior height, open-beam ceilings and ridge lines.

2. (City Council) - Downtown Specific Plan: A presentation was provided by RRM Design Group and Kimley Horn to introduce the draft Downtown Specific Plan Document.

City Administrator Wilson introduced Stanley Smalewitz, Director of Economic Development. Director Smalewitz introduced consultant Eric Justison with RRM Design Group to provide a PowerPoint presentation entitled *Downtown Specific Plan*. Mr. Justison presented information on Council goals and objectives for updating the Downtown Specific Plan (vision and land use, tourism, and updating existing documents), work completed to date, key changes to existing plan, key district changes, residential sensitivity, cultural arts overlay and streetscape improvements.

Councilmember Hardy and Mr. Justison discussed matching the open space that will be lost upon development of the Main Street Library site.

Consultant Bill Devorshak with Kimley Horn continued the PowerPoint and presented information on circulation and traffic, Main Street closure analysis, Main Street improvements, parking strategies to accommodate net new development, existing parking analysis and parking demand, seasonal parking characteristics, parking strategies to support Downtown today, provide additional bicycle parking, permit/ meter program on residential streets, general public parking in private business lots, provide parking in vacant lots, remote shuttle parking lots, and next steps.

Councilmember Coerper and Consultant Devorshak discussed expanding sidewalks for outdoor dining, seating and bicycle parking, and eliminating some on-street parking spaces.

Councilmember Hardy voiced concerns with using vacant lots to meet parking requirements on an interim basis, and how such action created problems for property owners in the past when they became ready to develop their property. Consultant Devorshak and Director Smalewitz clarified that new development would not be responsible for spaces used during an interim (vacant) phase, and that new property development would be subject to parking requirements based on the existing use. Planning Director Scott Hess explained how the proposal will actually rectify past parking issues.

Councilmember Carchio stated that he felt project applicants were having difficulty understanding the specific plan document, and that the identified guidelines resemble regulations. Director Smalewitz described the process in educating a developer (applicant), and Director Hess explained that the document is released in a draft form so it can be evaluated for usability, and also that simple matrixes' will be made available for public review in the future.

Councilmember Carchio questioned circulation routes to move local residents and frequent visitors in and out of the City. Consultant Devorshak shared plans to close Main Street to allow cross traffic, the meter and permit program for residential neighborhoods, and information provided in the traffic analysis. Discussion ensued regarding moving the patios separated by sidewalk back towards their respective building(s).

Councilmember Carchio and Director Smalewitz discussed cost justification of the draft Downtown Specific Plan document, how it was different from past studies, the strategy presented, and future opportunities and constraints in developing the 3rd and 5th blocks. He stated the City is comfortable with the draft document and discussed community involvement and local input through workshops that provided valuable feedback about widening sidewalks, permanent closure of Main Street, and other issues.

Councilmember Coerper and Director Smalewitz discussed the City's efforts to inform residents of the proposed activity by holding four community workshops, providing public notification to approximately 2,500 parties per workshop, and advertising in newspaper publications.

Councilmember Dwyer expressed interest in the Paseo concept, stating its similarity to the Victoria Gardens development in the City of Rancho Cucamonga that provides ample signage to alert visitors where a business is located.

Mayor Bohr concluded by stating he will hold follow-up discussions with staff to address beach parking, allowing a one way entrance only to Main Street, pedestrian crossing at Walnut Avenue and CIP cost.

RECESS TO CLOSED SESSION

A motion was made by Coerper, second Hardy to recess to Closed Session at 5:30 PM. The motion carried by the following roll call vote:

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

CLOSED SESSION

3. 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.

4. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Robert Faust v. City of Huntington Beach; WCAB Case No. ANA 0399428; Claim No. COHB-06-0145.

5. Pursuant to Government Code Section 54956.8, the City Council recessed into Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Director of Economic Development Stanley Smalewitz, regarding negotiations with HB Auto I, LLC for the purchase of 7872 Edinger Avenue.

6. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: City of Huntington Beach v. Hayes, et al., Superior Court Case No. 30-2008-00073768; City of Huntington Beach v. Peerenboom, Superior Court Case No. 30-2008-00219744; City of Huntington Beach v. Larralde, et al., Superior Court Case No. 30-2008-00037286; and multiple potential lawsuits.

7. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding one potential lawsuit.

8. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding Lisa Marie Guy, Kenneth Francis MacDonald, and the Estate of Ashley MacDonald v. City of Huntington Beach, County of Orange, et al.; United States District Court No. SACV 07-865. This case concerns claims arising from a police shooting occurring on August 25, 2006, that resulted in the death of Ashley MacDonald.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the City Council/Redevelopment Agency meeting at 6:20 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 Girl Scout Troop #1307.

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

AWARDS AND PRESENTATIONS

PRESENTATION: Cindy Osterhout, Principal, Harbour View Elementary School and fifth grade students presented letters of thanks to Police, Fire and Marine Safety Officers.

10. PRESENTATION: Mayor Bohr called on the Huntington Harbour Philharmonic Co-Chairs Eva Kilgore and Barbara Snegg to announce the Cruise of Lights and the work of the Philharmonic to keep music in our schools.

Barbara Snegg announced the Huntington Harbour Boat Parade and Cruise of Lights, explaining that monies collected from these event help fund school programs in Orange County, specifically music programs. She also announced a Centennial Concerto and announced that Cruise of Light tickets are available for purchase at the Huntington Harbour Mall.

11. PRESENTATION: Mayor Bohr called on Councilmember Joe Carchio to present a check to William O'Connell representing Colette's Children Home; and, Mayor Pro Tem Cathy Green presented a check to the Huntington Beach 3-1 Foundation.

Councilmember Carchio introduced Billy O'Connell, founder of Colette's Children Home and discussed Mr. O'Connell's efforts to successfully offer disadvantaged women and children a place to go, and how the facility once housed 4-6 women and can now accommodate 116. Councilmember Carchio presented Mr. O'Connell a \$750 check he had won at a previous fundraising event.

Councilmember Green introduced 3-1 President Dave Sullivan, and 3-1 Executive Director Cindy Cross to accept a \$1,000 check she had won at a previous fundraising event. Mr. Sullivan and Ms. Cross thanked Councilmember Green for the generous donation, and the entire Council for their support of the 3-1.

12. PRESENTATION: Mayor Bohr introduced the 2009 Tournament of Roses Parade Float Riders along with representatives of the Academy for the Performing Arts who will be performing alongside the City's "Surf City USA" float.

Mayor Bohr was joined by Centennial Committee Chair Steve Bone to introduce the 2009 Tournament of Roses Parade Float Riders including out walkers from the Academy of the Performing Arts, Miss Huntington Beach Casey Crowder, Mayor Bohr, Patricia Hasis, Ken Bauer, Anita Jones, Debbie Debow, Katherine Wickler, Aricel Arizmendi, and Centennial Committee representatives Don MacCallister, Ralph Bauer, Shirley Dettloff and Peggy Price.

14. MAYOR'S AWARD: Mayor Bohr called on Community Services Director Jim Engle to present the Mayor's Award to Superintendent of Recreation, Human and Cultural Services Janeen Laudenback.

Director Engle introduced Janeen Laudenback as the Mayor's Award recipient, recognized members of her family, discussed Janeen's degree in Recreation and Leisure Studies from the University of Long Beach, the described her professional experience as a Huntington Beach employee that began in 1982. Director Engle described Janeen as a well-liked, dedicated, professional and positive employee who is softhearted yet tough as nails when the occasion requires it, with a wonderful personality. Janeen thanked the City Council, recognized fellow colleagues, and gave special thanks to Director Engle for his dedicated leadership.

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 City Council agenda packet:

Communication on Consent Item No. 35 submitted by Mark C. Allen, III dated December 15, 2008 entitled "*Parks Legal Defense Fund, et al. v. City of Huntington Beach, et al. Agenda Item No. 35.*"

Communication on Consent Item No. 35 submitted by Jennifer McGrath, City Attorney, dated December 15, 2008 entitled "*City Council Meeting 12/15/08, Agenda Item 35*" replacing pages 35-6 through 35-11, and 35-17.

Communication on Consent Item No. 39 submitted by Jennifer McGrath, City Attorney, dated December 15, 2008 entitled "*Late Communication December 15, 2008, Agenda Item 35*" proposing an additional recommended action.

40. (City Council) Continued Introduction of Ordinance No. 3817 to January 5, 2009 - 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.

A motion was made by Coerper, second Hansen to continue the item to January 5, 2009. The motion carried by the following roll call vote:

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

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>)

Ralph Bauer, Past Mayor and 44-year resident, spoke to Council regarding agenda Item No. 35 (Escrow Agreement with Makallon Atlanta Huntington Beach, LLC) and his strong support of funding the Senior Center. (00:32:19)

Charles Delrod, Sea Aira Estates resident, spoke regarding coyote infestation caused by over development in the wetland area drawing coyotes into the Wintersburg Channel drainage system. He voiced concerns that no action is being taken to relocate the animals, how the coyotes are eating people's pets and mobile home park ducks. He stated it is not his intent to have them killed, but to prevent them from entering neighborhoods. (00:33:05)

Councilmember Carchio and Police Chief Ken Small discussed Orange County Animal Control services related to coyotes, how they are considered a part of urban wildlife, that Animal Control does not trap or relocate coyotes, and involvement by the California Department of Fish & Game who will track the animals if they threaten people, not animals. Chief Small indicated information is available on the OC Animal Control website, and residents can contact them by phone at (714) 935-6848.

Mr. Delrod questioned why the animals have not been relocated since the City has built on their natural habitat. Councilmember Green suggested bringing in pet food at night, and Mayor Bohr requested the speaker fill out a blue contact card.

Matthew "Clint" Orr spoke to Council about his high hopes for downtown, including Council's consideration of putting a theater downtown similar to what is offered in Santa Barbara which has a significant number of theaters in their downtown area. Mr. Orr wishes to build a theater on the property located behind the Dairy Queen on Pacific Coast Highway that can serve as a concert venue. He also discussed relocating the surf museum and bringing back public cable television access. (00:38:52)

Richardson Gray, resident of Townsquare Condominiums and Townhomes, spoke to Council about the Downtown Ad Hoc Committee, requesting that Council approve the recommended action and start the committee with focus on late night noise and drinking, and appoint as many hotel operators and downtown business members as possible. (00:42:07)

Teddi Alves, 35-year resident, spoke to Council in opposition to Agenda Item No. 37 (Purchase Foreclosures Program). She stated concerns related to unions participating in the program, and discussed the importance of consistency and fairness in relation to affordable housing, income restrictions, and competitive bidding. (00:42:40)

Karen Kettering, Sea Aira Mobile Estates resident, voiced concerns related to the coyote infestation her park is experiencing and how she lost her cat to a coyote a few weeks back. She stated that during the past two weeks neighbors have lost three cats and one dog. She also stated calls have been placed to the Department of Fish & Game and Animal Control without receiving any assistance. She concluded by stating that coyotes carry rabies, and children are in danger. (00:45:57)

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

15. (City Council) Approve City Council Liaison Assignments List for 2009.

A motion was made by Coerper, second Carchio to approve as submitted the Council Liaison Assignments List for 2009. The motion carried by the following roll call vote:

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

Councilmember Hansen announced his appointment of Barbara DelGleize to the Planning Commission.

CITY ADMINISTRATOR'S REPORT - None.

CITY TREASURER'S REPORT

16. (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 October 2008.

City Treasurer Freidenrich provided a PowerPoint presentation.

A motion was made by Coerper, second Carchio to Review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for October 2008, 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/OUT OF ROOM: Hardy, and Green

17. (City Council/Redevelopment Agency) Adopted City Council Resolution No. 2008-84 and Redevelopment Agency Resolution No. 375, approving and adopting the Statement of Investment Policy for Fiscal Year 2008/2009.

City Treasurer Freidenrich provided a PowerPoint presentation entitled, "*Investment Policy for 08/09.*"

A motion was made by Coerper, second Carchio to approve and adopt Resolution No. 2008-84, "A Resolution of the City Council of the City of Huntington Beach Approving the Statement

of Investment Policy for 2008/2009;" and, approve and adopt Resolution No. 375, "A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2008/2009." The motion carried by the following roll call vote:

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

CITY ATTORNEY'S REPORT

18. City Attorney's Notice of Filed Complaint by the City of Huntington Beach. City of Huntington Beach v. Kathleen E. Peerenboom, Orange County Superior Court Case No. 30-2008-00219744.

Nature of Case: Brisas del Mar is an affordable housing project located at 409 E. Utica. Pursuant to an Affordable Housing Covenant recorded on the property, each unit is required to be sold at a City-calculated price determined to be affordable to low or moderate income buyers. Unit D-40 sold in excess of the affordable price. The City is now suing to enforce the Covenant.

City Attorney Jennifer McGrath provided a brief overview of the Notice of Filed Complaint by the City of Huntington Beach v. Kathleen E. Peerenboom.

CITY CLERK'S REPORT - Final reading of Ordinance No. 3818, "An Ordinance of the City of Huntington Beach Amending Chapter 2.97 of the Huntington Beach Municipal Code Relating to the Citizens' Participation Advisory Board (CPAB)."

Clerk Flynn read into the record the title of Ordinance No. 3818 adopted at the December 1, 2008 meeting at which time she inadvertently omitted reading the title.

RECESS CITY COUNCIL/REDEVELOPMENT AGENCY MEETING - 7:11 PM

CONVENE MEETING OF THE HUNTINGTON BEACH PUBLIC FINANCE AUTHORITY - An annual meeting is held in December each year to elect new officers of the Huntington Beach Public Finance Authority.

Mayor Bohr convened the meeting of the Huntington Beach Public Finance Authority at 7:12 PM.

ROLL CALL

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

19. ELECTION OF OFFICERS

A motion was made by Coerper, second Hardy to Elect Keith Bohr, Chair of the Huntington Beach Financing Authority; Cathy Green, Vice-Chair of the Huntington Beach Financing Authority; and, Joan L. Flynn, Secretary of the Huntington Beach Financing Authority. The motion carried by the following roll call vote:

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

20. ADOPTED MINUTES

A motion was made by Coerper, second Hardy to approve and adopt the Huntington Beach Public Financing Authority meeting minutes of February 19, 2008 as written and on file in the Secretary's Office. The motion carried by the following roll call vote:

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

ADJOURNED HUNTINGTON BEACH PUBLIC FINANCE AUTHORITY MEETING - 7:14 PM

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the City Council/Redevelopment Agency meeting at 7:14 PM.

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>)

21. (City Council) Public Hearing held to consider approval of General Plan Amendment (GPA) No. 08-006 (CVS Pharmacy) by adopting Resolution No. 2008-83, and Zoning Map Amendment (ZMA) No. 08-006 by approving for introduction 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 Dwyer disclosed his participation on the item at the Planning Commission level. Councilmember Hardy stated her abstention due to a conflict of interest and recused herself from the Council Chamber.

City Administrator Wilson introduced Director of Planning Scott Hess. Director Hess introduced Project Planner Tess Nguyen to provide a staff report. Planner Nguyen provided a PowerPoint presentation entitled *CVS Pharmacy* that outlined the request for entitlement, project location, project analysis, and recommendation.

Councilmember Carchio expressed concerns related to noise from his personal experience residing near a similar type of business. He and Planner Nguyen discussed applying conditions to the hours of alcohol sales, truck deliveries and power washing equipment.

Councilmember Green questioned the project's intent to preserve trees that damage sidewalks and streets. Planner Nguyen referred to page 114 and 115 of the staff report that provides an arborist's recommendation, tree species, tree location, relocation and removal. Director Hess clarified that the items being discussed are not part of the Negative Declaration and Conditional Use Permit (CUP) being appealed tonight.

Mayor Bohr opened the public hearing.

Peter Whittingham, Curt Pringle and Associates representing the applicant, thanked staff for their diligent work and was available for questions, and announced the responsible parties present. (01:08:26)

Tom Wilhelm, Project Developer was available for questions and discussed his presentation to the Planning Commission and addressed concerns related to trees and landscaping. (01:09:45)

Councilmember Dwyer asked Bill Kerwin with the Coast Community College District to approach the podium to discuss the efforts by Goldenwest College in assisting the Johnson family to maintain or relocate the Christmas Tree Farm. Mr. Kerwin discussed his meetings and conversations with the Johnson Brothers, and identified alternate sites for the tree farm.

With no one else present to provide comments, Mayor Bohr closed the public hearing.

Councilmember Coerper and Director Hess discussed what was approved by the Planning Commission, the project level application process, and what was appealed. Councilmember Coerper expressed dissatisfaction with the Planning Commission's decision to retain trees, drive-through window location, and imposing limited hours of operation for the drive-through pharmacy window. Mr. Wilhelm stated his satisfaction with the Commission's decision and described how a wall will be built to inhibit noise and protect surrounding neighbors.

Discussion ensued on traffic congestion. Austin Rogers, Curt Pringle and Associates, discussed the number of new vehicle trips per day identified through a traffic study generated by his company.

Councilmember Coerper and Mr. Kerwin discussed their goals to retain the Johnson Brothers on the Goldenwest College site for pumpkin and Christmas tree sales. Mr. Kerwin also explained how noise will be mitigated by the approved location of the drive-through window, and placement of an 8-foot tall retaining wall. Mr. Whittingham added that the applicant understands the Commission's concerns for the business operating on a 24-hour per day basis, and approves of the hours identified in the CUP.

Councilmember Green questioned keeping the drive-through open 24-hours per day for public safety purposes. Director Hess explained the Commission's decision addressed concerns by surrounding residents involving noise.

A motion was made by Green, second Hansen to Approve General Plan Amendment No. 08-006 by approving Resolution No. 2008-83, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 08-006;" and, Approve Zoning Map Amendment No. 08-006 with Findings for Approval, and after the City Clerk reads by title Approve for Introduction 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

FINDINGS FOR APPROVAL—ZONING MAP AMENDMENT NO. 08-006:

1. Zoning Map Amendment No. 08-006 to change the zoning on a 1.5 acre parcel from PS (Public-Semipublic) to CG (Commercial General) is consistent with the objectives, policies, general land uses and programs specified in the General Plan as well as the proposed General Plan Amendment No. 08-006. The zoning map amendment will enable the property owner and applicant to carry out policies and objectives stated in the Economic Development Element of the General Plan by improving fiscal stability and providing economic opportunities for the City. The proposed commercial general zoning is consistent with the goals and policies of the Land Use Element of the General Plan by allowing the development of uses that would support the needs and reflect market demand of City residents and visitors.
2. In the case of a general land use provision, the Zoning Map Amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed land uses identified in the Commercial General land use designation is consistent with the General Plan as well as the proposed General Plan Amendment No. 08-006.
3. A community need is demonstrated for the change proposed. The proposed commercial general zoning provides the standards necessary to develop a high quality commercial land use complementing and enhancing surrounding land uses. The commercial designation will generate jobs for the community without substantially increasing the need for housing.
4. The adoption of the Commercial General zoning will be in conformity with public convenience, general welfare and good zoning practice. The Commercial General zoning designation is the appropriate zoning for the site because of its size, location, and separation from residential uses. It was prepared utilizing a comprehensive approach, involving public meetings and reviewing the proposed development in terms of existing development standards, design and architectural guidelines, and landscape requirements.

CONSENT CALENDAR

Council requested to pull forward Agenda Item Nos. 28, 37 and 38 forward for discussion.
Councilmember Hardy requested to be recorded as a no vote on Agenda Item No. 35.

28. (City Council) Authorized holiday closure of City Hall to the public at noon on both Christmas Eve (December 24) and New Year's Eve (December 31).

Councilmember Hardy pulled the item forward to discuss the possibility of closing the Central Library on Christmas and New Year's Eve days completely, in addition to the City's request to cease business at 12:00 PM, stating her opinion that little business takes place during those limited morning hours. Discussion ensued regarding closing City Hall in the AM hours, and clarification that City employees use general leave hours to fund the identified time off.

A motion was made by Hardy, second Carchio to close City Hall to the public at 12:00 PM the day before Christmas and 12:00 PM the day before New Year's Day. The motion carried by the following roll call vote:

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

37. (City Council/Redevelopment Agency) Approved Purchase Foreclosures Program Policy established to eliminate blight and encourage home ownership utilizing Redevelopment Housing set-aside funds not to exceed \$1,050,000.

Councilmember Hansen pulled the item forward to discuss his concerns related to property acquisition, code enforcement, working with local lenders to identify foreclosed homes, property deterioration and maintaining a budget through set-aside funds. He stated his opinion that he is more comfortable with relying on private industry to handle the housing market.

Councilmember Dwyer and Director Smalewitz discussed how set-aside funds are exempt from prevailing wage requirements. Director Smalewitz discussed a need for affordable housing for City employees, and Councilmember Carchio questioned if the homes purchased could be used to satisfy the City's affordable housing quota.

Discussion continued on lenders providing preferred prices under certain conditions, and program advantages including providing affordable housing to City employees, teachers, nurses, and other professions in the City.

Director Smalewitz and Attorney McGrath discussed rehabilitation exceptions to prevailing wage requirements.

A motion was made by Coerper, second Green to adopt and approve the City of Huntington Beach Purchase Foreclosures Program Policy; and, authorize the Agency Executive Director and Chairperson, (or their designee) to take any action and execute any and all City Attorney approved documents and agreements necessary to implement the Purchase Foreclosures Program Policy. The motion carried by the following roll call vote:

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

38. (City Council) Approved Animal Care Services Contract with the County of Orange in the amount of \$604,500 for FY 2008/09.

Councilmember Green asked about discounts provided to senior citizens for animal care services. Police Chief Small referred to the approved license fee structure that provides discounts for senior citizens for sterilized dogs. Chief Small and Administrator Wilson stated that a City fee study is in process.

Councilmember Hansen asked about coyote abatement, and Chief Small indicated he would be willing to facilitate a meeting between all parties. Councilmember Hansen stated his opinion that the Orange County Animal Control should address issues involving coyotes. Chief Small stated he would put together information for Council's review.

Deputy City Administrator Paul Emery and Councilmember Green discussed past action taken by the County on separate incidents. Councilmember Coerper asked about involvement by the Department of Fish & Game. Chief Small stated he will make inquiries.

Councilmember Carchio voiced concerns about lack of action by all agencies and questioned if the City should consider creating a media alert or water bill insert that would educate the public on coyote abatement.

Chief Small explained how agencies do not consider coyotes to be a problem unless they threaten humans. Mayor Bohr wrapped up the discussion by stating a meeting is necessary between all agencies to consider if additional services are required, and to discuss appropriate ways to educate the public.

A motion was made by Green, second Coerper to approve and authorize the Mayor and City Clerk to execute the contract between the City of Huntington Beach and the County of Orange for the provision of animal care services; and, authorize the Chief of Police to expend up to \$604,500 for animal care services. The motion carried by the following roll call vote:

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

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

A motion was made by Green, second Coerper to approve and adopt the minutes of the City Council/Redevelopment Agency Special meeting of November 10, 2008, and the City Council/Redevelopment Agency Regular meeting of December 1, 2008 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

23. (City Council) Approved and authorized City staff to accept Federal Emergency Management Agency (FEMA) grant amount of \$19,584 for the purchase of wildland fire shelters and accompanying web gear as part of its Federal Assistance to Firefighters Grants Program; and, expended matching funds in the amount of \$4,896.

A motion was made by Green, second Coerper to approve and authorize City staff to accept the FEMA Assistance to Firefighters Grant award and expend matching funds in the amount of \$4,896. The motion carried by the following roll call vote:

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

24. (City Council) Approved the appointments of Leslie "Jon" Ross, Chris Young, Edward Heins, Mary Peeples, Linda Vircks, Jeff Carnival and Jim Thompson to the Fourth of July Board, as recommended by Council Liaisons, Mayor Keith Bohr and former Mayor Debbie Cook.

A motion was made by Green, second Coerper to approve the appointment of Leslie "Jon" Ross to the Fourth of July Board as approved by Council liaisons, Mayor Keith Bohr and former Mayor Debbie Cook; and, approve the appointment of Chris Young to the Fourth of July Board

as approved by Council liaisons, Mayor Keith Bohr and former Mayor Debbie Cook; and, approve the appointment of Edward Heins to the Fourth of July Board as approved by Council liaisons, Mayor Keith Bohr and former Mayor Debbie Cook; and, approve the appointment of Mary Peeples to the Fourth of July Board as approved by Council liaisons, Mayor Keith Bohr and former Mayor Debbie Cook; and, approve the appointment of Linda Vircks to the Fourth of July Board as approved by Council liaisons, Mayor Keith Bohr and former Mayor Debbie Cook; and, approve the appointment of Jeff Carnival to the Fourth of July Board as approved by Council liaisons, Mayor Keith Bohr and former Mayor Debbie Cook; and, approve the appointment of Jim Thompson to the Fourth of July Board as approved by Council liaisons, Mayor Keith Bohr and former Mayor Debbie Cook. The motion carried by the following roll call vote:

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

25. (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 July 1, 2008 and September 30, 2008.

A motion was made by Green, second Coerper 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 July 1, 2008 through September 30, 2008." The motion carried by the following roll call vote:

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

26. (City Council) Approved and authorized the Mayor and City Clerk to execute Amendment No. 2 to the Professional Services Contract between the City of Huntington Beach and Dan T. Vilella for Financial Consulting Services.

A motion was made by Green, second Coerper to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Agreement Between the City of Huntington Beach and Dan T. Vilella" for Financial Consulting Services. The motion carried by the following roll call vote:

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

27. (City Council) Adopted Resolution Nos. 2008-76, 2008-77, 2008-78, 2008-79, and 2008-80 requesting authorization by the City and Cal Trans for temporary closure of local streets, including portions of Main Street, Pacific Coast Highway, Goldenwest Street, Garfield Avenue, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, Central Park Drive, Walnut Avenue, Gothard Street, Olive Avenue, Orange Avenue, Pecan Avenue, 7th Street, 8th Street, 9th Street, 11th Street, 12th Street, 17th Street, Palm Avenue and Yorktown Avenue for certain special events in 2009.

A motion was made by Green, second Coerper to adopt Resolution No. 2008-76, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events," and, adopt Resolution No. 2008-77, "A Resolution

of the City Council of the City of Huntington Beach Requesting Cal Trans Approve the Closing of Pacific Coast Highway for the Surf City USA Marathon Run;" and, adopt Resolution No. 2008-78, "A Resolution of the City Council of the City of Huntington Beach for the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, Main Street, Walnut Avenue and Central Park Drive for the Surf City USA Marathon Run;" and, adopt Resolution No. 2008-79, "A Resolution of the City Council of the City of Huntington Beach Requesting Cal Trans Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade and Firework;" and, adopt Resolution No. 2008-80, "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July." The motion carried by the following roll call vote:

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

29. (City Council) Adopted Resolution No. 2008-81 amending the City's Classification Plan to add the job specification of Budget Manager, considered and approved by the Personnel Commission on November 19, 2008.

A motion was made by Green, second Coerper to adopt Resolution No. 2008-81, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Specification of Budget Manager and Establishing the Compensation." The motion carried by the following roll call vote:

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

30. (City Council) Adopted Resolution No. 2008-82 authorizing the Mayor and City Clerk to execute Program Supplement No. N037 with the State of California, administering agency for Federal-Aid Project No. 12-5181R, for the Atlanta Avenue Widening Improvements Project funded through Orange County Transportation Authority (OCTA).

A motion was made by Green, second Coerper to adopt Resolution No. 2008-82, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement No. N037 to Agreement No. 12-5181 for Atlanta Avenue Widening Construction Improvements." The motion carried by the following roll call vote:

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

31. (City Council) Approved the appointment of Terry Hoffman to the Citizen Participation Advisory Board (CPAB) to serve a partial term expiring September 30, 2009 as recommended by Mayor Pro Tem Cathy Green and Councilmembers Gil Coerper and Joe Carchio, CPAB Liaisons.

A motion was made by Green, second Coerper to approve the appointment of Terry Hoffman to the Citizen Participation Advisory Board (CPAB) for the partial term that ends September 30, 2009. The motion carried by the following roll call vote:

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

32. (City Council) Approved Amendment No. 1 to the existing agreement with Integrity Environmental, Inc. to increase the contract amount by \$300,000 to allow for necessary environmental testing and monitoring for the City Hall Seismic Upgrade Project (CC-1306).

A motion was made by Green, 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 Integrity Environmental, Inc., for Professional Asbestos, Lead Paint Testing, and Inspection of Capital Improvement Projects. The motion carried by the following roll call vote:

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

33. (City Council) Adopted Resolution No. 2008-85 ordering a summary vacation of the excess right-of-way easement at the east side of Gothard Street, 150 feet west of Main Street.

A motion was made by Green, second Coerper to adopt Resolution No. 2008-85, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Right-of-Way Easement on the East Side of Gothard - 150 Feet West of Main Street." The motion carried by the following roll call vote:

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

34. (City Council) Approved the Maddy Act Local Appointments List (terms on city boards, committees, and commissions which expire in 2009) informing the public of openings and vacancies based on expirations of current members' terms.

A motion was made by Green, second Coerper to approve the Maddy Act Local Appointments List showing vacancies which will occur on city boards and commissions in the year 2009 and direct the City Clerk to post the list at the official posting locations (Civic Center, Huntington Central Library, Main Street Library). Copies of the Maddy Act will also be posted at all branch Libraries, and on the City's website. The motion carried by the following roll call vote:

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

35. (City Council/Redevelopment Agency) Approved Implementation Agreement and Escrow Agreement with Makallon Atlanta Huntington Beach, LLC to implement the provisions of the Pacific City Owner Participation Agreement (OPA) that govern the design, development and construction of the Central Park Senior Center.

A motion was made by Green, second Coerper to approve and authorize the Mayor/Agency Chairman and City Clerk/Agency Secretary to execute the "Implementation Agreement" and "Escrow Agreement" between the City of Huntington Beach, the Redevelopment Agency and Makallon Atlanta Huntington Beach, LLC., **as amended by late communication to replace**

pages 2-7 of the Implementation Agreement. The motion carried by the following roll call vote:

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

36. (Redevelopment Agency) Approved agreement and escrow instructions with HB Auto I, LLC for purchase and sale of real property and C.S.B. Partnership for purchase of leasehold interest located at 7872 Edinger Avenue (Big "O" Tire), and appropriated \$4,781,500 from the undesignated fund balance.

A motion was made by Green, second Coerper to approve the "Agreement and Escrow Instructions and Addendum for Purchase and Sale of Real Property" between the Redevelopment Agency of Huntington Beach and HB Auto I, LLC for the purchase of property located at 7872 Edinger Avenue; and, approve as to form the "Acquisition of Leasehold Interest Agreement" between the Redevelopment Agency of the City of Huntington Beach C.S.B. Partnership; and, authorize Chairman and Agency Clerk to sign and execute the Agreements as approved by the City Attorney's Office; and, authorize the Executive Director or designee to take any action and execute any and all documents and agreements necessary to implement this agreement; and, appropriate \$4,781,500 from the Merged Redevelopment Agency Capital Projects Fund balance into account 30580101.81100. The motion carried by the following roll call vote:

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

39. (Redevelopment Agency) Approved and authorized the Executive Director and Agency Chairperson to execute an Affordable Housing Agreement and related documents with Colette's Children Home, Inc. in the amount of \$2,262,833 for the acquisition and rehabilitation of a 10-unit apartment complex located at 17432-17442 Keelson Lane; and, appropriated \$2,262,833 from the unappropriated, undesignated Fund Balance of the Low Income Housing Set Aside Funds.

A motion was made by Green, second Coerper to approve the "Affordable Housing Agreement" between Colette's Children Home, Inc. and the Redevelopment Agency; and, appropriate \$2,262,833 from the unappropriated, undesignated Fund Balance of the Low Income Housing Set Aside Funds into account 30680301.89250; and, authorize the Executive Director (or designee) and the Agency Chairperson to take any action and execute any and all documents and agreements necessary to implement the Agreement upon satisfaction of all contingencies, **as amended by late communication to include authorizing the Agency Executive Director to execute a subordination agreement, as may be necessary to obtain financing for the project, and that may include removal of the affordability covenant in the event of foreclosure if, and only if, the Agency elects not to cure the default.** The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

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

Councilmember Dwyer and Police Chief Small discussed the enforcement process that will include responding to calls from residents who have posted signage, and how the recommendation does not prevent first amendment rights.

A motion was made by Green, second Hardy to after City Clerk reads by title, Approve for Introduction 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

COUNCILMEMBER ITEMS

42. (City Council) Request submitted by Councilmember Gil Coerper approved requesting that Council establish Downtown Ad Hoc Committee.

Councilmember Coerper explained his request to establish an ad hoc committee for a 9-month period that would include Councilmembers Green, Carchio and Hansen, three downtown residents each from the north, east and west sections of town, and six members from the Downtown Business Improvement District (BID) to focus on improving the nightlife environment downtown for safety purposes. He also stated how the committee will provide advice and incentives to restaurant owners to improve night time activity downtown.

Councilmember Green questioned why only nine months? Councilmember Coerper agreed to leave it open-ended. Councilmember Hansen questioned Councilmember Coerper's decision not to be an active participant on the committee, and the differences of opinion on why certain problems occur downtown.

Councilmember Dwyer discussed smaller government and the Council's ability to codify an issue that can be handled by Police Department enforcement.

Councilmember Hardy discussed the Economic Development Committee's ability to address the issues, and their past practice in resolving many similar matters.

Mayor Bohr recommended that the ad hoc committee report back to Council six months to ensure that committee goals are being met.

A motion was made by Coerper, second Carchio to establish an ad-hoc committee consisting of Mayor Pro Tem Cathy Green and City Councilmembers Joe Carchio and Don Hansen. That the ad-hoc City Councilmembers appoint six members at large from the community and six BID members (restaurant/retail) to focus on improving the environment in the downtown area during the summer months, holidays, and weekend nights; **amended to return to Council by May 2009 with a report to ensure that goals are being met.** The motion carried by the following roll call vote:

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

43. (City Council) Request submitted by Mayor Bohr approved requesting Council consider formation of a Charter Amendment Committee to conduct of a formal review of the City Charter.

Mayor Bohr discussed how the City Charter has not been fully reviewed since 1966, and his intent for staff to prepare a report and present to Council during study session the items that would be beneficial to review. He also discussed committee formation and Council's responsibility to review and recommend action prior to placing an item on the 2010 ballot.

Councilmember Coerper referred to outdated language in the Charter that could be revised. Councilmember Green stated the amount of past Charter amendments rejected by voters. City Attorney McGrath responded that research could be done to identify amendments brought before voters that were not approved.

Councilmember Green questioned costs associated with placing an item on the ballot. City Clerk Joan Flynn provided cost estimates including \$500,000 for a special election ballot item, and \$7,000 to \$10,000 for a regular election ballot item.

Councilmember Green questioned the City's practice of making changes to Charter Section 600 through ordinance, and suggested discussing changes to Section 612 (Measure C) with Measure C authors (Debbie Cook, Dave Sullivan and Larry Geise). She also suggested changing limitations identified in Section 614 by ordinance. City Attorney McGrath responded that although changes to Section 600 did occur as a matter of practice, Charter amendments should be legally modified by ballot initiative.

Councilmember Green stated that she couldn't support the request at a time when the government is in financial crisis, and requested that the following prepared statement, in its entirety, be entered into the minutes of this Council meeting:

"I cannot support this formation of a Charter Amendment Committee at the present time because I believe that it is an unnecessary expenditure of resources during a time of crises in government.

Last week the LA Times and OC Register reported that this State will have a projected budget deficit of \$41.8 billion by 2010. Note that this is almost half of the revenue (\$86 billion) the State expects generate in the next fiscal year. Note also that last September the projected deficit was one billion dollars, last month that had ballooned to \$27.8 billion. Who can say that the \$41.8 billion of last week is the final figure covering the State Budget for July 1, 2008 to June 30, 2010. These estimates are from the Department of Finances, Legislative Analyst's Office.

Can anyone doubt that the State will have Counties, School Districts and Cities share their pain, rather than take a knife to their bloated budgets?

Orange County is laying off 210 Staff members in Social Services and asked 4200 Social Service employees to take up to 80 hours unpaid leave before June 30, 2009. They are also considering additional layoff in other departments after disclosing the County is forecasting \$84 million budget gap. Is more to follow?

As for the City of Huntington Beach all indications are that we are sailing into a "perfect storm" in the coming year, comparable to a Category 5 Hurricane. This is the time for the Mayor and Council to provide leadership as we outline contingency programs. Should we have a hiring freeze? Should we propose early retirement incentives? Where can we introduce cost savings? Our City Administrator has already asked every Department to reduce their budgets. If we work together I have no doubt that we will emerge from this storm event. But we cannot divert our attention from this formidable task by proposing such frivolous activities as this Charter Amendment at the expense of Staff's time while cutting their budgets. I am voting emphatically NO, and question why anyone would support it. Furthermore, I recommend a Study Session to discuss contingency plans for a time of possible economic downturn."

Councilmember Dwyer indicated he would only support the item if it identified placing a proposed Charter Amendment on a regular, not special election ballot.

Councilmember Hansen stated his support for hearing recommendations made from a volunteer committee.

Councilmember Coerper and City Clerk Flynn discussed Charter language review and revisions that would appropriate antiquated terms.

A motion was made by Bohr, second Coerper to direct staff to prepare a presentation of aforementioned Charter Amendment Process for the City Council to consider at a Study Session. The recommendation for consideration being to consider establishing a Charter Amendment Committee to make recommendations to the City Council to be placed on the ballot in November of 2010. Please note that the committee makes recommendations to the City Council on what proposed amendments might be put on the ballot, but then the City Council ultimately decides which amendments actually will be on the ballot, with the Huntington Beach voters ultimately deciding which amendments are adopted if any. The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carchio discussed his recent attendance at several community holiday parties, and wished all a Merry Christmas and Happy New Year.

Councilmember Dwyer thanked newspaper columnist Bill Borden for his kind remarks.

Councilmember Coerper reported attending the Southern California Recruiting Battalion Awards held in Primm, Nevada during the weekend of December 13 and 14, and announced that Mayor Bohr is scheduled for a tandem jump with the United States Army.

Mayor Bohr reported attending the Eagle Court of Honor for Alexander John Herpy on December 14, 2008.

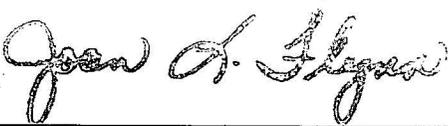
ADJOURNMENT

Mayor Bohr adjourned the regular meeting at **8:51 PM** to the next regular meeting of **Monday, January 5, 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-Clerk