Minutes
City Council/Redevelopment Agency Meeting
City of Huntington Beach

Monday, December 17, 2007
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audio recording of the 4:00 p.m. portion of this meeting and a video recording of the 6:00 p.m. portion of this meeting are on file in the Office of the City Clerk and are archived at www.surfcity-hb.org.

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 5:00 p.m. in Council Chambers due to a lack of quorum.

Call to Order

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in the Council Chambers.

City Council/Redevelopment Agency Roll Call

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

The City Clerk Announced the Following Late Communications Pertaining to the Closed Session Portion of the Meeting:

Pursuant to the Brown (Open Meetings) Act, City Clerk Flynn Announced Late Communications Received by Her Office received by the City Clerk's office following distribution of the agenda packet.

Communication submitted by Dorothy Ralphs, dated December 17, 2007 and titled *Closed Door Meeting Regarding Senior Center.*

Communication submitted by John Erskine of Nossaman, Guthner, Knox and Elliott, LLP dated December 17, 2007, a letter addressed to City Attorney Jennifer McGrath pertaining to the Closed Session item of the Park In-Lieu Fees for Pacific City (Makar Properties, LLC).

Public Comments — None

Motion to Recess to Closed Session — 5:02 p.m.

Motion by Coerper, second Hardy to recess to Closed Session on the following items. The motion carried by consensus of all present.

E-1

(City Council) Closed Session - Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following potential lawsuit: In the matter of the Park In-Lieu Fees for Pacific City (Makar Properties, LLC). As a condition of approval of Tentative Tract Map No. 16338 (Pacific City), the subdivider is to pay a park in-lieu fee pursuant to Section 254.08 I of the Huntington Beach Zoning and Subdivision Code. Section 254.08 I sets the fee pursuant to a formula that relies upon the fair market value of the subdivided land. The property owner has disputed the City's calculation of fair market value and requested arbitration of the disputed amount. Arbitration is the remedy to address such disputes, as provided at Section 254.08 I.

(City Council) Closed Session - Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following potential lawsuit: Whether the City Attorney should be directed to file three lawsuits.

(City Council) Closed Session - Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following potential lawsuit: Whether the City Attorney should be directed to file one lawsuit.

(City Council) Closed Session - Pursuant to Government Code Section 54957, the Council shall recess to Closed Session to discuss the following personnel matter: Discussion regarding contract for Chief of Police.

(City Council) Closed Session - Pursuant to Government Code Section 54957.6, the Council shall recess to Closed Session to meet with its designated labor negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Villella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with MEO, MEA, HBFA, HBPOA, and Non-Associated.

Reconvene City Council/Redevelopment Agency Meeting — 6:02 p.m.

The City Attorney Reported No Actions Taken During Closed Session That Required Reporting Pursuant to Government Code §54957.1(a) (3) (B).

City Council/Redevelopment Agency Roll Call

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

Pledge of Allegiance/Flag Salute — Led by Girl Scout Troop 2169

Invocation — Led by Mark Currie, Bahai Faith of Huntington Beach

Mayor Cook thanked Councilmember Coerper for organizing the Rededication Ceremony of City Hall's Veterans Memorial Monument, and she dedicated this City Council meeting to the three fallen soldiers from Huntington Beach killed in action in Iraq: Sergeant William James, Lance Corporal Marcus S. Glimpse, and Lance Corporal Nathan Windsor.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan Flynn Announced the following Late Communications Received by Her Office received by the City Clerk's office following distribution of the agenda packet:

Mayor Pro Tem Bohr and Councilmember Coerper submitted reports pursuant to AB 1234, which are on file in the City Clerk's Office.

Communication submitted by Stanley Smalewitz, Director of Economic Development/Deputy Executive Director, dated December 17, 2007 pertaining to the Public Hearing D-1 to consider approval of the Five-Year Implementation Plan for the Southeast Coastal Redevelopment Project.

PowerPoint communication, dated December 17, 2007 and titled *Five-Year Implementation Plan (2007-2012) Southeast Coastal Redevelopment Project.*

PowerPoint communication, dated December 17, 2007 and titled *Mid-Term Review of the Five-Year Implementation Plan (2005-2009) Merged Redevelopment Project.*

Communication submitted from the Law Office of Antonio A. Cota, dated November 2, 2007 and titled *Lorbeer Enterprises, Cite Nos. BD64486, BD62793, BD64619, etc., Request for Continuance of Administrative Hearing.*

Communication submitted by Denise and Don Chase, dated December 14, 2007 regarding the crosswalk on Yellowstone Drive.

Communication submitted by Calvin Baskerville, dated December 17, 2007 regarding the Bushard-Hawes crosswalk.

Communication submitted by Chuck Gendry, dated December 17, 2007 regarding the Bushard-Yellowstone crosswalk.

PowerPoint communication submitted by Stanley Smalewitz, Economic Development Director, dated December 17,2007 and titled *AB 1290 Implementation Plan Affordable Housing Strategy.*

The Following Communications Were Received During the Meeting

Communication submitted by Jennifer Yuen dated December 17, 2007 and titled *The Homeowners' and Bank Protection Act of 2007.*

Communication submitted by Jennifer Yuen dated December 17, 2007 and titled *Signers of the Homeowner' and Bank Protection Act Petition* by Lyndon LaRouche Political Action Committee.

Mayor's Award — Beverly Campos

Mayor Cook called on Travis Hopkins, Public Works Director, who assisted in presenting the Mayor's Award to Beverly Campos, Acting Scavenging Enforcement Officer in the Maintenance Operations Division of Public Works. Director Hopkins described Ms. Campos' accomplishments and attributes, including her excellent technical and customer service skills and positive attitude.

Presentation - Outgoing City Administrator Dr. Penelope Culbreth-Graft

Mayor Cook presented artwork of the Huntington Beach Pier to City Administrator Penelope Culbreth-Graft and highlighted the three and one-half years she reigned as the City's administrator. She thanked Administrator Culbreth-Graft for her innovation, courage and great disposition. On behalf of Council and staff, she wished Administrator Culbreth-Graft good luck in Colorado Springs, and assured her that she will be missed.

Ken Inouye, Orange County Human Relations Commission, thanked Administrator Culbreth-Graft for her support of the Task Force and her continuous leadership and vision. On behalf of the Task Force, he presented Administrator Culbreth-Graft with a framed certificate.

City Attorney Jennifer McGrath on behalf of the Executive Team thanked City Administrator Culbreth-Graft for her friendship, leadership, integrity and clarity. Representing all the department heads, Attorney McGrath presented Administrator Culbreth-Graft with the City of Huntington Beach surfer statue, a desk size version of "The Ultimate Challenge."

City Administrator Culbreth-Graft thanked the seated Council, department heads and staff for their support and dedication during her tenure. She expressed her honor to have worked with the finest department heads and legislative body in local government, and thanked all for friendships made.

Councilmember Don Hansen thanked Administrator Culbreth-Graft for her professionalism, ability to handle complex issues, firm stand on controversial issues, and her ability to lead by example. He expressed sadness at her leaving and wished her good luck.

Councilmember Hardy thanked Administrator Culbreth-Graft for her continuous encouragement, for always listening to Council's ideas, for her outstanding ability to always follow through, and for helping Councilmember Hardy accomplish her goals.

Mayor Pro Tem Bohr thanked Administrator Culbreth-Graft for her vast knowledge regarding budget and personnel issues and her work ethic and devotion to the organization. He wished good luck to her and husband William in Colorado Springs.

Councilmember Coerper thanked Administrator Culbreth-Graft for being such a great teacher. He described her as "the master" in investigative situations and her fine ability to grasp and make sound decisions on complex issues. He wished good luck to her and William in Colorado Springs.

Councilmember Green bid a fond farewell to Administrator Culbreth-Graft and thanked her for her contributions in balancing the City's budget, and for improving relationships between staff and the Council. She wished good luck to her and William in Colorado Springs.

Councilmember Carchio thanked City Administrator Culbreth-Graft for taking him under her wing as a new councilmember and for nurturing him through his first year on Council. He, also, wished good luck to her and William in Colorado Springs.

Public Comments

(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)

Don Chase, resident of Huntington Beach, thanked Council and staff for their support of the lighted in-road crosswalk at the intersection of Bushard Street and Yellowstone Drive. He indicated that he was speaking on behalf of 50 other families who also wanted their gratitude expressed. (35:12)

Trent Jaguar Chase, student and son of previous speaker, personally thanked Council for its support of the crosswalk and for making him feel safe during his walk to school. (36:03)

Kelly Price, resident of Huntington Beach, thanked Council for closing the portion of Graham Street behind her home. Since the street's closure, she reported a significant decline in traffic and speeding motorists. She thanked the Council staff, the Police Department, and Transportation Manager Bob Stachelski for providing excellent service when responding to her inquiries to close the street. She also thanked Sergeant Steve Bushhausen for making a home visit to investigate the situation over Labor Day weekend. (36:35)

Tauren Jones, spoke on behalf of the Homeowner and Bank Protection Act of 2007 (the "Act") addressing the mortgage crisis or "credit crunch." He commented on the recent endorsement by President Bush to freeze the current adjustable rate mortgages (ARMs), stating his opinion that this action will only help a few thousand people instead of the majority of homeowners at risk of losing their homes. He discussed proposed viable ways to address the mortgage crisis situation and urged Council to join the petition to Congress and implement the "Act." (38:12)

David Dixon, Lyndon LaRouche Political Action Committee (LaRouche PAC), advised Council that there is a national effort to petition all State, County and City legislative bodies to call on Congress to take action on the current home mortgage crisis. It is his opinion that California does not have a housing crisis, but instead what he describes as the disintegration of the United States banking and financial systems. He discussed high-risk financing which has led to the need for endorsements of a resolution circulated for Council's consideration. (40:29)

Jennifer Yuen, LaRouche PAC, spoke in support of the "Act," and stated that new statistics reveal that 2 to 5 million families are currently in foreclosure. She advised Council that only Congress can implement this "Act" and it requires emergency action to (1) freeze all existing home mortgages to adjust the values to fair price and restructure to appropriate interest rates, (2) freeze all foreclosures to allow families to retain their homes, and (3) State governors to assume the administrative responsibilities for implementing the program. She urged Council to sign the resolution as individual petitioners. (43:34)

Ralph Bauer, Council on Aging and former Mayor and Councilmember, referred to what he believes was an inaccurate article published in today's local newspaper pertaining to financial backing of the Senior Center in Central Park. He stated that staff has identified available funds in the City's Park Development Fund (PDF) that could be used for the Senior Center, but only Council has discretion to allocate PDF funds. He thanked staff for their hard work, stated his belief that Mello-Roos would be inappropriate for the site, and thanked Administrator Culbreth-Graft for the work she's done as City Administrator. (46:10)

Don MacAllister, Council on Aging and former Mayor and Councilmember, also commented on what he believes was an inaccurate article published in today's local newspaper. He stated that it was the consensus of the Huntington Beach voters who decided that the Senior Center be built at Central Park. He urged Council not to support the inaccuracies printed in the article, but to move forward with construction of the new Senior Center. (49:25)

Charlene Bauer, 43-year resident of Huntington Beach, mentioned the many projects on which she has worked during her active years in Huntington Beach and she stated her opinion that Central Park is the perfect setting for the new senior center. She urged Council to support the voters and the proposed structure at Central Park. (50:30)

Cheri Johnson, resident of Los Angeles County and Director of The Labrador Retriever Club of Southern California (LRCSC), spoke in opposition to mandatory laws of spay/neuter and microchip programs. She urged Council to seek solutions that emphasize public education and free or low-cost programs that are available to everyone, and to not make "pet surgery" a mandatory ordinance. (52:11)

Carol Hamilton, urged Council not to support any spay/neuter or microchip program and indicated her preference to spend monies on an organized education process as opposed to mandatory laws. She encouraged Council to read Nathan Winograd's book *The Redemption*, the story of animal sheltering in the United States. (55:25)

Mayor Cook clarified that Council is not imposing mandatory law as it relates to the spay/neuter and microchip issue. She encouraged interested parties to watch the previous discussion Council had on this topic during the Council meeting of November 5, 2007. She announced that a compromise initiative will not occur before the second Council meeting in January 2008.

Alex Martinez, resident of Huntington Beach and Pet Owners Want Equal Rights (POWER) representative, urged Council to follow through with its previous action taken regarding the spay/neuter and microchip program issue. (59:12)

Marie Carrierre, resident of Huntington Beach, urged Council to stick to its decision to drop any proposed spay/neuter and microchip program. (59:56)

Debbie Bent, resident of Huntington Beach, asked for clarification of the previous actions taken by Council pertaining to a spay/neuter and microchip program. She urged Council to support a public education program and suggested the City hold dog shows to generate revenue and stimulate the economy. She recommended Central Park and the Equestrian Center as possible venues for the shows, and urged Council to stick to its straw vote action taken on November 5th. (1:00:30)

Diane Amendola, POWER representative, voiced support of comments made by the previous speaker and thanked Mayor Cook for her sensible solution of a "tiered-fee option" as opposed to an intrusive mandatory spay/neuter ordinance. (1:03:41)

Allen Bayliss, resident of Huntington Beach, urged Council to not change the fee structure for non-spayed/neutered pets. He also voiced his support for the recent news media reports, which indicate the Golden West College Board of Director's decision to not support a Costco development on College property. (1:05:31)

Mayor Cook clarified that Golden West College has a master plan for the College, and stated that Council does not want to restrict the College's rights in that regard. She invited anyone interested to look at the master plan proposed for the College and share non-support with them as opposed to the City.

Mort Evans, POWER representative, thanked Council for not implementing a mandatory spay/neuter or microchip program for dogs or cats. (1:09:55)

Delora Gaskins, resident of Huntington Beach, spoke in opposition to any mandatory spay/neuter or microchip program. She stated her opinion that pet owners should have the responsibility and right to oversee the reproductive organs of their animals, and she described the potential health risks of the spay/neuter and microchip process. (1:10:50)

Robert Sternberg, 17-year resident of Huntington Beach, stated that Coast Community College Trustees overwhelmingly rejected the proposed Costco at the Golden West College site. He described 2008 as the year of resolution, and urged Council to get homeowners' input regarding any future development proposals for the College property. He suggested a Police firing range and other similar uses for Council's consideration. (1:13:07)

Karen Riggs, resident of Huntington Beach, thanked Council for its hard work this past year and urged Council to place a resolution of impeachment of President of George W. Bush and Vice-President Dick Cheney on a future Council agenda. (1:16:11)

Vern Nelson, spoke in favor of placing a resolution of impeachment of President George W. Bush and Vice-President Dick Cheney on a future Council agenda. He described a list of items which he believes justifies the current administration's impeachment. (1:17:54)

Richard Reinbolt, resident of Huntington Beach, thanked outgoing Mayor Gil Coerper and congratulated new Mayor Debbie Cook. He spoke in support of placing a resolution of impeachment of President George W. Bush and Vice-President Dick Cheney on a future Council agenda. (1:21:06)

(City Council) AB 1234 Disclosure Reporting

Mayor Pro Tem Bohr and Councilmember Coerper submitted reports pursuant to AB 1234, which are on file in the City Clerk's Office.

Graffiti Program - Question by Councilmember Coerper

Councilmember Coerper gave a brief overview of the importance of the City's graffiti reward program and asked Chief of Police Ken Small to estimate the number of individuals who have reported graffiti for which they have received rewards. Chief Small replied that 15 individuals have received a reward of $500 since the program's inception, adding that some reports have led to arrests. Councilmember Coerper thanked Chief Small for his efforts, and the citizens of Huntington Beach for getting involved to keep our City clean.

City Council) Approved Council Liaison Assignments

Councilmember Green expressed her desire to remain Council liaison to the Orange County Sanitation District, describing her work on the Board and accomplishments not yet completed.

A **substitute motion** was made by Green, second Carchio that Councilmember Green remain the Council liaison to the Sanitation District to complete the work undone. (Vote to follow) Mayor Cook stated her support of Councilmember Hansen to be able to serve on a regional board such as the Sanitation District, and described benefits of rotating Council liaison assignments.

Councilmember Green stated the importance of the positions which she holds on the Steering Committee and as Vice-Chair of Operations and Replenishment.

Mayor Pro Tem Bohr stated his support of Councilmember Hansen's right to serve on the Sanitation District.

Councilmember Hansen described the support he has received from current members of the Orange County Sanitation District, and their recommendation for him to take advantage of becoming the next Council liaison if the opportunity were presented.

The **substitute motion** allowing Councilmember Green to remain as Council liaison to the Sanitation District failed by the following roll call vote:

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

A motion was made by Hansen, second Bohr to approve the list of Council Liaison assignments as submitted. The motion carried by the following roll call vote:

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

City Administrator's Report — None

(City Council) Reviewed and Accepted Shari L. Freidenrich, City Treasurer's October 2007 Investment Summary Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for October 2007

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for October 2007.

City Treasurer gave a PowerPoint presentation titled *October's Treasurer's Report*, which was included in the agenda packet.

Mayor Cook asked Treasurer Freidenrich to confirm Orange County Supervisor John Moorlach's statistics reported at this year's Economic Conference that 1 out of 79 homes in Orange County are in foreclosure. Treasurer Freidenrich responded that she was unable to attend this year's Conference, stated her office is working closely with the tax collector on relative issues. She mentioned that the City had received $18 million from secured taxes through December 14, 2007, versus $12.4 million at this time last year. Treasurer Freidenrich stated she will continue to monitor this matter with the County, and will include findings in next month's report. Mayor Cook suggested she obtain a copy of the PowerPoint presentation Supervisor Moorlach provided at the Conference.

A motion was made by Bohr, second Hansen to accept the Monthly Investment Report titled *Summary of Investment Portfolio, Bond Proceeds and Deferred Compensation Activity for October 2007,* 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: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio
NOES: None

City Attorney's Report on Notice of Complaint Filed

City Attorney McGrath reported that a Complaint (not Cross Complaint as reported on the Agenda) was filed on November 5, 2007 in the matter of the City of Huntington Beach v. David James Godine, involving a police vehicle.

Recessed Council/Redevelopment Agency Meeting and Convened Huntington Beach Public Financing Authority Meeting - 7:38 p.m.

(Public Finance Authority) Call to Order the Regular Annual Meeting of the Huntington Beach Public Financing Authority

Public Finance Authority Roll Call

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

(Public Finance Authority) Election of Officers Held

A motion was made by Coerper, second Carchio to elect Debbie Cook, Chair of the Huntington Beach Financing Authority; Keith Bohr, Vice-Chair of the Huntington Beach Financing Authority and Joan L. Flynn, Secretary of the Huntington Beach Public Financing Authority. The motion carried by the following roll call vote:

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

(Public Financing Authority) Approved Public Financing Authority Minutes

A motion was made by Coerper, second Bohr to approve and adopt the minutes of the December 18, 2006 Annual Meeting of the Public Financing Authority as written and on file in the Office of the Secretary. The motion carried by the following roll call vote:

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

Adjournment - Public Financing Authority Meeting

Mayor Cook adjourned the Huntington Beach Public Financing Authority Meeting and Reconvened the City Council/Redevelopment Agency Regular Meeting at 7:40 p.m.

(Redevelopment Agency) Public Hearing Held — Approved the Five-Year Implementation Plan (2008 - 2012) for the Southeast Coastal Redevelopment Project to Comply with the California Redevelopment Law

Mayor Cook announced that this is the time noticed for a public hearing to consider communication from the Deputy Executive Director transmitting the following **Statement of Issue:** The California Redevelopment Law (California Health and Safety Code, §33490) requires Redevelopment Agencies prepare and adopt Five-Year Implementation Plans. The Southeast Coastal Redevelopment Plan for the Southeast Coastal Project Area expires in 2007.

City Administrator Culbreth-Graft called on Stanley Smalewitz, Economic Development Director, who gave a brief overview of the mandate requirements. Director Smalewitz called on Doris Powell, Assistant Project Manager, who gave a PowerPoint report including the following information: Southeast Coastal Project Area Background, Aerial Photo of the Site, Southeast Coastal Project Area Goals, and Agency Financial Status Report.

City Clerk Flynn restated for the record the following Late Communications pertaining to this public hearing:

Communication submitted by Stanley Smalewitz, Director of Economic Development/Deputy Executive Director, dated December 17, 2007 pertaining to the Public Hearing to consider approval of the Five-Year Implementation Plan for the Southeast Coastal Redevelopment Project.

PowerPoint communication, dated December 17, 2007 and titled *Five Year Implementation Plan (2007-2012) Southeast Coastal Redevelopment Project.*

Mayor Cook declared the public hearing open.

Tim Geddes, resident of Huntington Beach, expressed gratitude for efforts to clean up this area, and urged Council to support the item.

Merle Moshiri, resident of Southeast Huntington Beach, urged Council to protect the health and well being of the neighborhoods affected by cleanup of the Ascon Landfill. She also mentioned that she had recently fallen on a sidewalk in the downtown area and urged Council to initiate sidewalk repairs in that area.

Edward DeMeulle, resident of Huntington Beach, urged Council to fix the sidewalks along Magnolia near Hamilton (where a previous accident occurred). He suggested that the City take a look at making sidewalk repairs prior to the summer season when the sidewalks are heavily frequented. Also, he stated that the owner of the Ascon Landfill has stated that he does not expect any outside funding for the project, and urged Council to consider that information when making its decision.

John Scott, resident of Huntington Beach, voiced concern regarding the proposed Redevelopment Implementation Plan, which he believes is quite modest for what it brings to Southeast Huntington Beach. He questioned the vision of the Nesi/Ascon Landfill site, expecting remediation to be partial removal with a protective cap. He expressed concern for those who contribute to the contamination of the site but are unwilling to financially participate in its cleanup. He discussed desalination and electrical issues, and urged Council to consider a new Plan that better reflects the importance of coastal issues in current times.
There being no further persons present to speak on the matter and there being no further protests filed, either written or oral, the Mayor closed the public hearing.

Councilmember Hardy discussed her involvement as Council liaison to the Southeast Area Committee since its inception. She agreed that the anticipation of funds was greater than actual funds received. She expressed hope that the accomplishments will be realized in the future and thanked committee members for their diligent work.

Councilmember Coerper asked for clarification of Council liaison committee members and the frequency of meetings held. Councilmember Hardy identified committee members who have previously served and indicated that meetings are scheduled quarterly. Councilmember Coerper asked Director Smalewitz to identify staff's vision for the site and the anticipated remediation schedule. Director Smalewitz responded that the project area was established to address blight and negative, substantial environmental conditions. The remediation process is anticipated to take approximately three to five years. Councilmember Coerper asked if Ascon Landfill is the only concern, and Director Smalewitz noted the AES Power Plant, the protected wetlands, the Tank Farm and minor development proposals to be all inclusive of the Southeast Area Committee's focus, with the priority being the remediation of the sites.

Councilmember Hansen asked staff to clarify that the current Council has never taken a position to date, and Director Smalewitz responded affirmatively. As an advocate of this area, he stated challenges faced by staff and committee members' involved with the AES Power Plant Plan, primarily future development of residential housing being too great a risk to support. He reported reassurance that the Ascon Landfill remediation is top priority and all department heads are working hard to accomplish related tasks.

Mayor Pro Tem Bohr stated his support of the committee's work and of the recommended action.

Councilmember Carchio expressed concern that these three pieces of property don't seem to be moving forward fast enough. He stated his support of leaving the site as open space and making the site's clean-up the City's top priority.

Mayor Cook reported that most of the oil will be cleaned up to an acceptable level, that the City can ultimately use the space, and in her opinion it will probably remain open space.

A motion was made by Hansen, second Carchio to approve **as amended by Late Communication,** the Five-Year Implementation Plan (2007-08 to 2011-12) Southeast Coastal Redevelopment Project. The motion carried by the following roll call vote:

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

(Redevelopment Agency) Public Hearing Held — Approved Mid-Term Review of the Five Year Implementation Plan (2005 - 2009) for the Huntington Beach Merged Redevelopment Project Area to Comply with the California Redevelopment Law.

Mayor Cook announced that this is the time noticed for a public hearing to consider communication from Stanley Smalewitz, Deputy Executive Director transmitting the following **Statement of Issue:** The California Redevelopment Law (California Health and Safety Code, §33490) requires that the Redevelopment Agency hold a public hearing to evaluate the progress of its Five-Year Implementation Plan (2005-2009) for the Huntington Beach Merged Redevelopment Project Area.

City Administrator Culbreth-Graft called on Stanley Smalewitz, Economic Development Director, who described the statutory requirement of this action and called on Doris Powell, Assistant Project Manager, to give a PowerPoint presentation that included the following information: Mid-Term Review Process, Merged Project Areas - Subareas 1-5, Blight Elimination, Major Goals, Goal: Expand the Commercial Base of the Project Area, Goal: Improve Public Facilities and Public infrastructure, and Agency Financial Status Report.

City Clerk Flynn restated for the record the following Late Communication pertaining to this public hearing.

PowerPoint communication, dated December 17, 2007 and titled *Mid-Term Review of the Five Year Implementation Plan (2005-2009) Merged Redevelopment Project.*

Mayor Cook declared the public hearing open.

There being no persons present to speak on the matter and there being no further protests filed, either written or oral, the Mayor closed the public hearing.

A motion was made by Bohr, second Hardy to approve the Mid-Term Review-Five Year Implementation Plan (2005-2009) Huntington Beach Merged Redevelopment Project. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Public Hearing Held — Introduction of Ordinance No. 3796 Amending the Redevelopment Plan by Extending the Plan Effectiveness Deadline, Payment of Indebtedness Deadline and Tax Increment Receipt Pursuant to SB 1096 for the Huntington Beach Redevelopment Project (Also Known as the Merged Project Area)

Mayor Cook announced that this is the time noticed for a public hearing to consider communication from Stanley Smalewitz, Director of Economic Development/Deputy Executive Director transmitting the following **Statement of Issue:** As a component of the FY 2004-2005 State budget, the Legislature adopted SB 1096, which required every redevelopment agency to make a payment to the Educational Revenue Augmentation Fund ("ERAF") for the 2004-05 and 2005-06 fiscal years. Under certain circumstances, agencies that paid are permitted to amend their plans to extend both the time limit on the effectiveness of the plan and the dates for debt repayment and receipt of tax increment. By adopting this ordinance, the Huntington Beach Redevelopment Plan is amended to extend these limitations.

Director Smalewitz gave an oral report, describing the purpose of the amendment to extend the time limit on the effectiveness of the plan and the dates for debt repayment and receipt of tax increment.

Mayor Cook declared the public hearing open.

City Clerk Flynn announced no late communications received pertaining to this public hearing and no public speakers present.

There being no persons present to speak on the matter and there being no further protests filed, either written or oral, the Mayor closed the public hearing.

A motion was made by Bohr, second Hardy to approve for Introduction **Ordinance No. 3796,** *"An Ordinance of the City Council of the City of Huntington Beach, California, Amending the Redevelopment Plan for the Huntington Beach Project (or also known as Merged Project) Area Extending the Plan Effectiveness Deadline, Repayment of Indebtedness Deadline and Tax Increment Receipt Deadline Pursuant to SB 1096."* The motion carried by the following roll call vote:

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

(City Council) Administrative Public Hearing Held — Adoption of Resolution No. 2007-86 Approving Certification of Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations (Lorbeer Enterprises) Deferred from the November 5, 2007 City Council meeting.

Mayor Cook announced that this is the time noticed for an administrative public hearing submitted by the City Attorney transmitting the following Statement of Issue: Should the City record notice of special assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998?

City Attorney McGrath stated the continuance was requested by the property owner.

City Clerk Flynn restated for the record the following Late Communication pertaining to this administrative public hearing:

Communication submitted by the Law Office of Antonio A. Cota, dated November 2, 2007 and titled *Lorbeer Enterprises; Cite Nos. BD64486, BD62793, etc., Request for Continuance of Administrative Hearing.*

Mayor Cook declared the public hearing open.

William Lorbeer, property owner of 4935, 4937, 4941 and 4955 Warner Avenue described the project planned for this area and the proposed substantial changes for this site. He reported that a Settlement Agreement is close to being reached with the City, and identified a technical issue by the Building Department which now requires an architect be retained. He requested additional time necessary to meet, confer and complete plan design with an architect.

There being no further persons present to speak on the matter and there being no further protests filed, either written or oral, the Mayor closed the public hearing.

Councilmember Hansen asked Attorney McGrath for her input related to Mr. Lorbeer's comments. Attorney McGrath responded that she did not agree with Mr. Lorbeer's portrayal of the situation relative to the Settlement Agreement. She believes a Settlement Agreement could have been concluded with milestones for all activities mentioned. Attorney McGrath advised Council that the City asked for either an agreement or a building permit pulled by 5:00 p.m. today, and neither occurred. She also noted Council's authority to remove a lien if they don't choose to continue the item this evening, and if subsequent settlement is reached. Attorney

McGrath explained that Mr. Lorbeer is the new property owner who inherited the building code violations. Mr. Lorbeer stated that the property line is the outstanding issue and described a new requirement as of last Friday that he either repair the building (that he's eventually going to tear down) or meet with an architect to rectify the existing condition. He requested Council give him additional time to meet with an architect.

Councilmember Coerper asked the applicant how much longer he needs to reach resolution, and Mr. Lorbeer responded the issue could be resolved by January. Councilmember Carchio asked Building Director Ross Cranmer if, in his opinion, the matter could be held for resolution in three weeks and Director Cranmer agreed.

Councilmember Hardy asked for clarification of the outstanding concerns, and Director Cranmer described health hazards of outstanding property line issues and the two, non-permitted structures.

Councilmember Hansen asked for clarification from Attorney McGrath for appropriate language to include in a **substitute motion.** Attorney McGrath suggested that "if settlement is not reached by January 4, 2008, then staff will file a lien against the Lorbeer property as indicated."

Mayor Pro Tem Bohr asked Attorney McGrath what happens if a settlement is not reached by January 4, 2008 and a lien is filed. Attorney McGrath replied that the owner is subject to additional citations, so while in meaningful settlement discussions, the Building Department is refrained from issuing additional citations.

Councilmember Carchio stated his support of Councilmember Hansen's substitute motion to allow the owner an additional three weeks.

A motion was made by Hansen, second Hardy to adopt the **substitute motion** that if settlement is not reached to staff's satisfaction by **Friday, January 4, 2008,** a lien against the Lorbeer property will be filed as indicated. The motion carried by the following roll call vote:

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

Consent Calendar - Items Removed for Separate Discussion

(City Council) Adopt Resolution No. 2007-89 Approving the Non-Represented (Non-Associated) Employees Pay and Benefits Resolution Pertaining to the Modification of Wages, Health Benefits Costs and Retirement Benefits.

(City Council) Appropriate Funds, Authorize Expenditure, and Approve Project for a Lighted In-Road Crosswalk Pilot Project at Bushard Street and Yellowstone Drive.

(City Council) Approve and Authorize the Mayor and City Clerk to Execute a Professional Services Contract Between the City of Huntington Beach and Advocation, Inc.

Consent Calendar - Items Approved

For the record, Councilmembers Hansen, Hardy and Mayor Cook voted **"No"** on **Consent Item E-6,** Side Letter Agreement re: Memorandum of Understanding (MOU) Between the City and MEO); **Consent Item E-8,** Side Letter Agreement re: Memorandum of Understanding (MOU) Between the City and Police Officers' Association; and, **Consent Item E-11,** Approving the Non-Associated Employees Pay and Benefits.

A motion was made by Cook, second Coerper to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved Minutes — Approved and adopted the minutes of the City Council/Redevelopment Agency Special Meeting of November 30, 2007 and the City Council/Redevelopment Agency Regular Meeting of December 3, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved the Historic Resources Board Appointments of Nuanna Robinson, Barbara Haynes and Randy Smith; the Reappointments of Arlene Howard, Diane Ryan, Roz Essner, Marilyn Harris, and Joe Santiago; and, Extended the Terms of Billie Kennedy and Debra Watkins as Recommended by Council Liaisons, Councilmember Carchio and Councilmember Hardy — 1) Approved the appointment of Nuanna Robinson for a term to expire June 30, 2009 to fill the term expiration of Pauline Chavez-Bent as recommended by Council liaisons Carchio and Hardy; **2)** Approved the re-appointment of Arlene Howard for a term to expire June 30, 2009 as recommended by Council liaisons Carchio and Hardy; **3)** Extended the terms of Billie Kennedy and Debra Watkins from June 30, 2008 to June 30, 2009 in order to comply with the term durations specified in Chapter 2.100.080 of the City's Municipal Code, Operating Policy for Boards and Commissions; **4)** Approved the appointment of Barbara Haynes for a term to expire June 30, 2011 to fill the term expiration of Henry Goldman as recommended by Council liaisons Carchio and Hardy; **5)** Approved the appointment of Randy Smith for a term to expire June 30, 2011 to fill the term expiration of Cindy Morgan as recommended by Council liaisons Carchio and Hardy; and, **6)** Approved the re-appointments of Diane Ryan, Roz Essner, Marilyn Harris, and Joe Santiago with terms to expire June 30, 2011 as recommended by Council liaisons Councilmembers Carchio and Hardy. Submitted by the Director of Community Services. **Funding Source:** Not applicable.

(City Council) Approved the Allied Arts Board Appointment of Catherine Stip; the Re-Appointment of Anita Brace and Jeanette Mueller; and, Extended the Terms of Bob Daley, Starlyn Frischmuth, and Diana Lo Schiavo, as Recommended by Council Liaisons, Mayor Cook, and Councilmembers Hansen and Green — 1) Approved the appointment of Catherine Stip to the Allied Arts Board for a term to expire June 30, 2011 to fill the term expiration of Evelyn Eng as recommended by Council liaisons Mayor Cook and Council-members Hansen and Green; **2)** Approved the re-appointment of Anita Brace and Jeanette Mueller for a term to expire June 30, 2011 as recommended by Council liaisons Mayor Cook, and Councilmembers Hansen and Green; and, **3)** Extended the term of Bob Daley from June 30, 2010 to June 30, 2011 and the terms of Starlyn Frischmuth and Diana Lo Schiavo from June 30, 2008 to June 30, 2009 in order to comply with the term durations specified in Chapter

2.100.080 of the City's Municipal Code, Operating Policy for Boards and Commissions. Submitted by the Director of Community Services. **Funding Source:** Not applicable.

(City Council) Approved the Environmental Board Appointments of Sue Marquez and Michael Marshall for a First Term to Expire June 30, 2011 as Recommended by Council Liaisons, Mayor Cook and Mayor Pro Tem Bohr — Approved the appointment to the Environmental Board of Sue Marquez and Michael Marshall for a first term to expire June 30, 2011 as recommended by Council liaisons Mayor Cook and Mayor Pro Tem Bohr. Submitted by the Director of Planning. **Funding Source:** Not applicable.

(City Council) Approved the Maddy Act Local Appointments List (Terms on City Boards, Committees, and Commissions Which Expire in 2008) Informing the Public of Openings and Vacancies Based on Expirations of Current Members' Terms — Approved the Maddy Act Local Appointments List showing vacancies which will occur on City Boards and Commissions in the year 2008 and directed 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. Submitted by the City Clerk. **Funding Source:** Not applicable.

(City Council) Adopted Resolution No. 2007-87 Approving a Side Letter of Agreement Pertaining to an Extension of the Term of Agreement, Additional Wage Increases, Educational Tuition, Health Benefits Cost Provisions, Retirement Benefits and Unit Modification to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Management Employees' Organization (MEO) — Adopted **Resolution No. 2007-87,** *"A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Management Employees' Organization (MEO), by Adopting the Side Letter of Agreement."* Submitted by the Director of Human Resources. **Funding Source:** No additional funding is required for Fiscal Year 2007/2008. Funding will be budgeted for successive fiscal years.

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

(City Council) Approved the Human Relations Task Force Appointment of Michael Robinson and the Reappointments of Alan Chancellor, Chuck Goldenberg, Karen Jackle, and Ken Inouye, as Recommended by Council Liaisons, Mayor Cook and Councilmembers Coerper and Green — 1) Approved the reappointments of Alan Chancellor, Chuck Goldenberg, Karen Jackle, and Ken Inouye to the Human Relations Task Force with terms to expire December 31, 2011 as recommended by Council liaisons, Mayor Cook and Councilmembers Green and Coerper; and, **2)** Approved the appointment of Michael Robinson to fill the term vacancy of Tiffany Dekle with a term to expire December 31, 2011 as recommended by Council liaisons, Mayor Cook and Councilmembers Green and Coerper. Submitted by the Director of Community Services. **Funding Source:** Not applicable.

(City Council) Adopted Resolution No. 2007-88 Approving a Side Letter of Agreement Pertaining to Retirement Benefits Modification to the Memorandum of Understanding (MOU) Between the City and the Police Officers' Association (POA) — Adopted **Resolution No. 2007-88,** *"A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Police Officers' Association (POA), by Adopting the Side Letter of Agreement."* Submitted by the Director of Human Resources.

Funding Source: The cost to implement the retirement plan enhancement will be borne by the POA miscellaneous (non-safety) members.

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

(City Council) Approved Amendment No. 1 to the Professional Services Agreement in the Amount Not to Exceed $1,800,000, for a New Total Contract Amount of $3,800,000, Between the City of Huntington Beach and Richard Brady and Associates, Inc. to Extend the Term Agreement 3 Years, in Order to Complete Design Services for the Utility Yard Improvement Project — Approved and authorized the Mayor and City Clerk to execute Amendment No. 1 to Agreement Between the City of Huntington Beach and Richard Brady and Associates, Inc. Submitted by the Director of Public Works. **Funding Source:** Funding is from the Water Fund Account No. 50687001 and the Sewer Service Fund Account No. 51185201.

(City Council) Approved and Authorized Execution by the Mayor and City Clerk of the Cooperative Agreement Between the County of Orange, the City of Huntington Beach, Signal Landmark (Hearthside Homes), and the Orange County Local Agency Formation Commission (LAFCO) Regarding Annexation of the Brightwater Development Project — Approved and authorized execution by the Mayor and City Clerk of the Cooperative Agreement by and Among the County of Orange, The City of Huntington Beach, Signal Landmark, and the Orange County Local Agency Formation Commission Regarding Annexation of Unincorporated Real Property Commonly Known as the Brightwater Development Project. Submitted by the Director of Planning. **Funding Source:** Not applicable.

Mayor Cook asked for a status update on annexation of the entire property. Deputy City Administrator Paul Emery responded that the Planning Department is working on a Request for Proposal (RFP) to retain professional services to complete an analysis of the economic implications of the complete annexation of the Bolsa Chica. Mayor Cook questioned if the glass wall identified in recent reports of birds flying into a glass wall meets County specifications, and whether or not it would be beneficial for Council to resolve this issue before taking action. Deputy Administrator Emery responded that the proposed annexation will be phased as residential development takes place, and that open space will be included within the annexation. Mary Beth Broeren, Principal Planner, stated that the open space area is the last area to be studied, and she suggested staff could contact the Coastal Commission and see if they have communicated with the property owner at the locale of the wall. Attorney McGrath commented that she believes measures have been taken to address the bird issue.

(City Council) Approved a Change Order Increase in the Amount of $35,000 for Sewer Lift Station #26 to Remove the Originally Specified KSB Pumps and Replace with Wemco Pumps - CC-1240 — Increased the previously authorized 10% change order limit for Lift Station #26 construction from $226,400 (10%) an additional $35,000 (1.5%) or for a total change order authorization of $261,400 (11.5%). Submitted by the Director of Public Works. **Funding Source:** Funds in the amount of $35,000 are available in the Sewer Service Charge Fund, Sewer Lift Station CIP, Sewer Improvements, 51189001.82600.

(Redevelopment Agency) Approved and Authorized the Chairman and Agency Clerk to Execute a Professional Services Agreement With PBS & J in the Amount of $516,745 for Preparation of the Beach Boulevard/Edinger Avenue Corridor Study, and Appropriate Funds from the Redevelopment Agency — 1) Approved the Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and PBS & J in the

amount of $516,745 for preparation of the Beach Boulevard/Edinger Avenue Corridor Study Environmental Impact Report and authorized the Chairman and Agency Clerk to execute the agreement; and, **2)** Appropriated funds in the amount of $516,745 from the Redevelopment Agency Merged Capital Fund Account to account 30580101.69320 for the Professional Service Agreement. Submitted by the Deputy Executive Director and the Director of Planning. **Funding Source:** An appropriation of $516,745 from the Redevelopment Agency Merged Project Area Unappropriated Fund balance to account 30580101.69320, Redevelopment Agency Professional Services is being requested.

(City Council) Approved a Reimbursement Agreement in the Amount of $351,793 Between the City of Huntington Beach and Red Oak Investments, LLC for Preparation of an Environmental Impact Report (EIR) for the Ripcurl Project Located at the Southeast Corner of Gothard Street and Center Avenue — Approved the Reimbursement - Planning - Agreement Between the City of Huntington Beach and Amstar/Red Oak Huntington Beach, LLC as prepared by the City Attorney, and authorized the Mayor and City Clerk to execute the agreement. Submitted by the Director of Planning. **Funding Source:** Pending City Council approval of this Reimbursement Agreement, Red Oak Investments will pay to the City $351,793 for the anticipated costs of preparing the requisite environmental documentation. This revenue and expenditure are not included in the Fiscal 2007/08 budget; a budget appropriation was approved by the City Council on October 15, 2007.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute an Agreement Between the City of Huntington Beach and Edith K. Fredricksen in the Amount of $680,000 for Acquisition of Real Property Located at 7802 Alhambra Avenue, APN 142-103-05 to Complete Improvements for the Widening of Heil Avenue Widening Improvement Project Between Beach Blvd. and Silver Lane (CC-1230) — 1) Approved the Agreement for Acquisition of Real Property (Escrow Instructions;) and, **2)** Authorized the Mayor and City Clerk to execute the agreement and other related necessary documents. Submitted by the Director of Economic Development and the Director of Public Works. **Funding Source:** Funds are budgeted in the Traffic Impact Fund, Heil Avenue Street Widening, Land Purchase, Account No. 20690009.81100.

(City Council) Approved the Heil Avenue Widening Project Relocation Plan and Relocation Grievance Procedures, and Authorized Expenditures in an Amount Not to Exceed $220,000 for Relocation Related Payments — 1) Approved The Heil Avenue Widening Project Final Relocation Plan; **2)** Approved the Relocation Grievance Procedures for the City of Huntington Beach; and, **3)** Authorized expenditures as described in the plan for relocation related payments in an amount not to exceed $220,000. Submitted by the Director of Economic Development and the Director of Public Works. **Funding Source:** The total cost for relocation related payments for the relocation plan is estimated at $220,000, and is available from the Traffic Impact Fund, Heil Avenue Street Widening, Other, Account No. 20690009.81300.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Professional Services Contract in the Amount of $296,000 Between the City of Huntington Beach and Scott Fazekas and Associates, Inc. for Building Counter and Inspection Services; Authorized a Budget Appropriation of $96,000 from Permanent Salaries Account to Professional Services Account, and Authorized the Director of Building and Safety to Expend $296,000 for Inspection Services — 1) Approved the Professional Services Contract Between the City of Huntington Beach and Scott Fazekas & Associates, Inc. for Building Counter and Inspection Services and authorized the Mayor and

City Clerk to execute the agreement; **2)** Authorized the budget appropriation of $96,000 to be transferred from Permanent Salaries account 10055201.51000 to Professional Services account 10055201.69365 to cover the increased costs for the inspection services; and, **3)** Authorized the Director of Building and Safety to expend $296,000 for Professional Services for inspection services. Submitted by the Director of Building and Safety. **Funding Source:** Funding has been appropriated during the budget process to the Professional Service account 10055201.69365. Additional funds are available in Building and Safety Department business unit 10055201.51000 as a result of salary savings.

(City Council) Approved and Authorized Amendment No. 2 to the Professional Services Agreement in the Amount Not to Exceed $500,000, for a New Total Contract Amount of $2,000,000, Between the City of Huntington Beach and Willdan for As Needed Engineering Services — Approved and authorized the Mayor and City Clerk to execute Amendment No. 2 to Agreement Between the City of Huntington Beach and Willdan for As Needed Engineering Services. Submitted by the Director of Public Works. **Funding Source:** Funds in the amount of $150,000 are available in General Fund, Development Services, Professional Services Account No. 10085251.69365. Expenses will be offset by revenue.

(City Council) Adopted Resolution No. 2007-89 Approving the Non-Represented (Non-Associated) Employees Pay and Benefits Resolution Pertaining to the Modification of Wages, Health Benefit Costs and Retirement Benefits.

The City Council considered a communication from the Director of Human Resources transmitting the following **Statement of Issue:** It is recommended the Resolution that authorizes the salary and benefits for non-represented (Non-Associated) employees be modified.

Mayor Pro Tem Bohr requested that this agenda item be removed from the Consent Calendar and gave a brief history of the mandatory open process to discuss non-associated employee compensation issues. He provided justification of last year's review of this topic as it pertained to the proposed rate of increase for the City Attorney. He thanked Attorney McGrath for taking his intended constructive criticism and making positive improvements during the past 11 months. He indicated meeting several times with her during the past year and thanked her for developing monthly reports and for rising to the many challenges faced. A motion was made by Bohr, second Green to approve the recommended action with the inclusion of moving the City Attorney (Job Title 0016) to control point from starting point (referenced on pages 11.23 and 11.24 of the staff report). Discussion followed.

Councilmember Hardy indicated that she intended to vote "No" on this item because of the retirement benefits, not because she did not support the proposed modification for the City Attorney. Discussion ensued amongst Council and consensus was to vote on the two items separately.

A motion was made by Hansen, second Bohr to approve a **substitute motion** to move City Attorney (Job Title 0016) to control point from starting point. The motion carried by the following roll call vote:

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

A motion was made by Bohr, second Coerper to adopt **Resolution No. 2007-89,** *"A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented (Non-Associated) Employees."* The motion carried by the following roll call vote:

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

City Council) Appropriated Funds, Authorized Expenditure, and Approved Project for a Lighted In-Road Crosswalk Pilot Project at the Intersection of Bushard Street and Yellowstone Drive; Appropriated Funds for the Installation of Six Support Poles on Indianapolis Street Between Beach Blvd. and Brookhurst Street for use with Radar Speed Feedback Signs.

The City Council considered a communication from the Director of Public Works transmitting the following **Statement of Issue:** Concentrations of school related pedestrian, bicycle and motor vehicle activity along and near the Indianapolis Avenue corridor have resulted in a community desire to improve motorist awareness of the activity areas and compliance with current traffic safety laws. Several measures have been identified to address these areas, some requiring allocation of funding to complete design and construction before the end of the fiscal year.

Councilmember Hansen requested that this agenda item be removed from the Consent Calendar to thank the departments of Public Works and Police, Chief of Police Small, and community members. He discussed the Kindergarten-5th grade students who were required to cross the street illegally, and gave thanks for the crosswalk as a testament to how Council responded with positive enforcement mechanisms.

Councilmember Carchio gave thanks to Public Works and Police staff who answered the hard questions posed by citizens and for taking affirmative action to help the children and parents in this area. He thanked Councilmember Hansen for spearheading this initiative.

A motion was made by Hansen, second Hardy to **1)** Amend the 2007/08 Capital Improvement Program to add the design and construction of an in-road lighted pedestrian crosswalk and associated improvements at the intersection of Bushard Street and Yellowstone Drive; **2)** Appropriate $70,000 for the design and construction of the lighted crosswalk; **3)** Designate the flashing crosswalk project as a Pilot Project to allow for follow-up evaluation of treatment effectiveness before proceeding with any other new flashing crosswalk installations; **4)** Authorize the expenditure of $15,000 in professional services from 10085301; and, **5)** Appropriate $20,000 for the installation of six support poles on Indianapolis Street for use with radar speed feedback signs. The motion carried by the following roll call vote:

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

(City Council) NO ACTION TAKEN. THIS ITEM WAS DEFERRED TO JANUARY 7, 2008. Approve and Authorize the Mayor and City Clerk to Execute a Professional Services Contract in the Amount Not to Exceed $70,000 Between the City of Huntington Beach and Advocation, Inc. to Assist in the Acquisition of State Funding for Priority Projects Within the City and Related State Legislative Issues

The City Council considered a communication from Councilmember Jill Hardy, Chair on behalf of the Intergovernmental Relations Committee, transmitting the following **Statement of Issue:**

Approval of a new contract between the City of Huntington Beach and Advocation, Inc., for professional services related to the acquisition of State funds for priority projects within the City and related legislative issues.

Councilmember Green requested that this agenda item be removed from the Consent Calendar for clarification of how the two entities who bid on this contract were rated and selected. Councilmember Hansen responded that ratings were based upon application review. Strong references weighed heavily for Advocation, Inc., and was one determining factor for selection.

Discussion ensued amongst Council regarding the decisions made for the necessity to go out to bid, clarification as to what is going to be done for the City, and the difficulties of obtaining State funds for priority projects due to budget constraints. Councilmember Green asked if Council could defer this item to a future meeting, a date certain, and Deputy City Administrator Emery indicated that the existing contract has expired and the proposal is good for 180 days.

Council consensus carried by all present, none absent, to defer this item to the regular City Council meeting of January 7, 2008.

(Redevelopment Agency) Approved the Affordable Housing Component AB 1290 Implementation Plan January 2005 Through December 2009 Mid-Term Update

Communication from the Deputy Executive Director of the Redevelopment Agency transmitting the following

Statement of Issue: The California Redevelopment Law required Redevelopment Agencies to prepare and adopt Five-Year Implementation Plans and Mid-Term Updates. On November 15, 2004, the Agency Adopted the Five-Year Implementation Plan for the Huntington Beach Merged Project Area and, in 2002, the Agency adopted the Five-Year Implementation for the Southeast Coastal Redevelopment Project Area. In 2004, the Agency also adopted a Ten-Year Housing Compliance Plan to supplement the Implementation Plan Materials. In December, 2007, pursuant to California Redevelopment Law, the Agency will be asked to review and adopted a mid-term update for the Huntington Beach Merged Project Area and a new Five-Year Implementation Plan for the Southeast Coastal Redevelopment Project Area. The attached Affordable Housing Component Implementation Plan (2005-2009) satisfies all the applicable affordable housing reporting obligations.

Economic Development Director Smalewitz discussed housing statutory requirements and called on Kathe Head, Keyser Marston Associates, who gave a PowerPoint presentation that included the following information: Affordable Housing Accomplishments, Replacement Housing Requirements, Inclusionary Housing Production Requirements, Inclusionary Housing Production Obligations, Inclusionary Housing Production Obligations for Private/ Agency Assisted Development, Proportionality Tests January 2002 - December 2014, Excess Surplus Calculations, Covenant Requirements, Energy Efficiency, Available Funding Sources, Set-Aside Funds, HOME Funds, Inclusionary Housing Fees, Other Funding Sources, Affordable Housing Activities Implementation Plan Period, Oakview Neighborhood, Huntington Gardens, Mixed-Use Development on Commercial Corridors, Rehabilitation Loan Program, Emergency Grant Program, Pacific City Affordable Housing Requirements, Workforce Housing, and Summary - Implementation Plan Requirements 2004/05-2013.

A motion was made by Bohr, second Coerper to adopt the *Affordable Housing Component AB 1290 Implementation Plan January 2005-December 2009 Mid-Term Update Report.* The motion carried by the following roll call vote:

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

Council Comments — (Not Agendized)

Councilmember Coerper announced for the record submitting a two-page report of events he attended, but highlighted The Rededication Ceremony of the Veteran's Memorial Monument at City Hall earlier today, and the Huntington Beach Fire Department Annual Badge Pinning Ceremony on Friday, December 14.

Councilmember Carchio wished everyone a Merry Christmas and Happy New Year.

Council/Agency Adjournment

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the city of Huntington Beach at 9:12 p.m., to Monday, January 7, 2008, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

ATTEST:

City Clerk-Clerk

Mayor-Chair