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

Monday, April 7, 2008
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.**

**Call to Order**

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:05 p.m., in Room B-8.

**City Council/Redevelopment Agency Roll Call**

Present: Hansen, Hardy, Bohr, Coerper, Green, and Carchio.
Absent: Cook.

(Councilmember Hansen arrived at 4:10 p.m.)

**The City Clerk Announced No Late Communications**

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced no late communications received by the City Clerk's Office pertaining to the Study Session portion of the meeting.

**Public Comments** — None

**(City Council/Redevelopment Agency) Study Session Held - Circulation Element Update to Evaluate the Long-Term Transportation Needs of the City and Presented a Comprehensive Plan to Accommodate Those Needs. The Element Consists of the General Location and Extent of Existing and Proposed Major Thoroughfares, Transportation Routes, Terminals, and Other Local Public Utilities and Facilities, All Correlated with the Land Use Element of the Plan.**

Interim Administrator Paul Emery called on Mary Beth Broeren, Planning Manager, who gave a brief update of the Circulation Element and then introduced Ricky Ramos, Senior Planner, who presented the first portion of the PowerPoint report, which included the following information: Circulation Element: Background, Government Code Requirements, Purpose, and Milestones.

E-1

Bob Stachelski, Transportation Manager, presented the second portion of the PowerPoint report that included the following information: Topics Addressed, Circulation Element Committee, Next Steps and Public Participation.

Manager Broeren advised Council that staff does not recommend working with a large community group and identified difficulties previously experienced. She indicated that the proposed working group of two liaisons each from the City Council, Planning Commission and Public Works Commission has worked strategically with other elements. She added that staff is not recommending dramatic changes to the Circulation Element, but is proposing the elimination of inconsistencies from what was adopted in 1996.

Councilmember Carchio expressed agreement with keeping the working group small, and thanked staff for doing a great job in outlining items that need to be addressed.

Mayor Pro Tem Bohr questioned if the proposed amendments to the Circulation Element required only City action or if other agencies are involved and Manager Stachelski responded that Orange County Transportation Authority (OCTA) has a separate, specific amendment process. Council asked how many amendments to our Circulation Element require OCTA review, and staff replied six to eight amendments.

Councilmembers Green and Hansen expressed interest in participating in the working group, and Councilmember Carchio shared interest in serving as alternate. Councilmember Hansen indicated his hope that the group would meet on dates and times that didn't conflict with his work schedule, and staff expressed a willingness to work with the liaisons' schedules.

Councilmember Hardy asked if the Circulation Element would address review and implementation of traffic signals needed throughout the City where there are currently stop signs. Manager Stachelski responded that the Element would not address that level of specificity, but that Public Works has other programs to address those needs.

Staff indicated that the first meeting of the working group is expected in early May.

**Motion to Recess to Closed Session — 4:23 p.m.**

A motion was made by Coerper, second Green to recess to Closed Session on the following items:

(City Council) Closed Session - Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Lloyd Edwards v. City of Huntington Beach; WCAB Case Nos. AHM 0107396, AHM 0107420, and AHM 0107446; Claim Nos. COHB 98-0116 and COHB 00-0155.

(City Council) Closed Session - Pursuant to Government Code Section 54956.9, the City Council recessed to Closed Session to confer with the City Attorney regarding the following lawsuit: Adam Bereki v. Huntington Beach Police Department, et al.; Orange County Superior Court Case No. 07CC09351. This case concerns sexual harassment and related causes of action alleged by a City employee.

(City Council) Closed Session - Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Deputy City Administrator Bob Hall, regarding negotiations with the

Huntington Beach City School District for the purchase or exchange of up to 10.12 acres of real property located at 20451 Craimer Lane in Huntington Beach and the purchase, sale or exchange of APN 114-150-94 in the City of Huntington Beach.

(City Council) Closed Session - Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Deputy Director of Economic Development, Kellee Fritzal, regarding negotiations with the HB Auto I, LLC and C. S. B. Partnership for the purchase of real property located at 7872 Edinger Avenue in Huntington Beach.

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

**There Were 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 Cub Scout Pack 227

**Invocation** — Provided by Reverend Peggy Price, Huntington Beach Interfaith Council

**The City Clerk Announced Late Communications**

Pursuant to Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following late communications received by the City Clerk's Office following distribution of the agenda packet.

Communication submitted by Jennifer McGrath, City Attorney, dated April 7, 2008, replacing agenda item G-1a with a revised Ordinance No. 3800 and a revised Legislative Draft Ordinance No. 3800 which will require a first reading.

Communication submitted by the following individual stating an opinion pertaining to the adoption of Ordinance No. 3800 relating to licensing provisions of dogs and cats: Karen Chapeka.

Communication submitted by the following individuals stating their opinions pertaining to public lands in the vicinity of the LeBard Elementary School Site: Sharon Augenstein and Riley Mailman.

Communication submitted by the following individuals stating their opinions pertaining to a sign in the Council Chambers saying "In God We Trust:" Mark Bixby, Paul Cross, Marla James, Eileen Murphy, Stephanie Campbell, President, Americans United for Separation of Church and State, Stuart Bechman, President, Atheists United, Mark Cohen, Edward DeMeulle, Drew Kovacs, Mary Adams Urashhima, Broc Coward, Pat Fisher, Linda Sapiro Moon and Jim Moreno.

**Special Presentation — American Cancer Society Relay for Life Event**

The singing group "Three Too Many" presented the song "Little Wonders," by Rob Thomas, dedicated to the upcoming Huntington Beach American Cancer Society Relay for Life Event, on June 21-22 at Ocean View High School. For further event information, please go to www.relayforlifehb.org.

**Presentation — Arbor Day**

Mayor Pro Tem Keith Bohr called on Jean Nagy, Huntington Beach Tree Society member, who accepted a proclamation for Arbor Day. Representative Nagy thanked all volunteers for their assistance with Park cleanup efforts, monetary donations made to the Huntington Beach Tree Society, and to the City's Park, Tree and Landscape crews who maintain the City's parks. She invited the public to attend the reforestation of Gibbs Park, which includes planting 55 trees and 800 butterfly plants on National Arbor Day, Saturday, April 19, 2008.

**Presentation — Miss Huntington Beach and Her Court**

Mayor Pro Tem Bohr was joined by Pam Alagata, Executive Director of the Miss Huntington Beach Pageant, who introduced Miss Huntington Beach Cayce Crowder, and Princesses Samantha Gallo and Amber Palm. Miss Huntington Beach Outstanding Teen, Laura Cunningham, was also introduced.

**3/1 Marine Battalion Update**

Paul Walters, Gunnery Sergeant and 3/1 Marine Battalion liaison, gave an update of the 3/1 Battalion and expressed the Marine's appreciation of support shown by the citizens of Huntington Beach. He reported the recent visit to Harbor View School as a positive educational outreach effort. He mentioned the upcoming 2008 Golf Tournament fundraiser and thanked Mayor Pro Tem Bohr and Councilmembers Carchio and Hansen for their participation. For further information for tournament play, call 714-375-3131. Sergeant Walter gave a special thanks to Cindy Cross and Dave Sullivan of the 3/1 Foundation.

**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)

**Randy Kokal** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" and suggested two alternatives for Council's consideration: "E Pluribus Unum" (Latin for "Out of Many - One.") or "United We Stand." He referenced the Establishment Clause of the First Amendment, stating that Congress shall "make no law respecting an establishment of religion." He urged Council to oppose this item and avoid the perception of favoring one religion over another. (26:51)

**Nancy Donaven** invited Council to attend the Residents for Responsible Desalination (R4RD) Town Hall Meeting, presenting Dorothy Green, author of Managing Water and Avoiding Conflict in California. The Town Hall Meeting is Thursday, April 10 at Eader School in Huntington Beach. (30:07)

**Jennifer Silkenson,** Assistant Owner of Lazy Dog Cafe, invited everyone to attend the upcoming *Taste of Huntington Beach* on Sunday, April 20, from noon - 4:00 PM at the Huntington Beach Sports Complex. She encouraged everyone to buy pre-sale tickets for $60, with proceeds supporting the Children's Wing of the Central Library and Project Self Sufficiency (PSS). (32:05)

**Robin Cunningham,** Fred's Mexican Cafe, invited everyone to attend the upcoming *Taste of Huntington Beach* on Sunday, April 20, at the Huntington Beach Sports Complex, with proceeds supporting the Children's Wing of the Central Library and the City's PSS Program. (32:41)

**Mark Bixby** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers, and discussed perceived reasons for not considering the concept at this time. In his opinion, displaying the motto would elevate the Christian God above all others, and disregard citizens of all other faiths. He urged Council to oppose this item and to disregard outside influences. (33:48)

**Matt Liffreing** announced the upcoming Taste of Huntington Beach to be held at the Huntington Beach Sports Complex on Sunday, April 20, from noon to 4:00 PM. He named the participating restaurants and informed the public that proceeds would support the Children's Wing of the Central Library and the City's PSS Program. He indicated that pre-sale tickets are available, and for further information go to www.hbrestaurants.com. (36:37)

Councilmember Carchio thanked Matt Liffreing and his staff for their hard work associated with the Taste of Huntington Beach, and reminded everyone to get their pre-sale tickets.

**John Gulsby,** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers, and stated opposition for Council to spend its time and money to promote a religious statement. (39:00)

**David Haley,** Seaview Little League, spoke in support of the City's purchase of the LeBard School site to preserve the league's fields and maintain AYSO Region 56 soccer. He stated that the fields are an integral part of southeast Huntington Beach, and voiced concern for not having an alternative site for team play. (40:00)

Councilmember Hansen asked Administrator Emery to provide an update on current negotiations between the City and the Huntington Beach City School District. Administrator Emery responded that the City is pursuing negotiations under the Naylor Act. He added that staff is requesting Council's authorization tonight to direct staff to go forward with good faith negotiations with the District.

**Julie Bixby** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers, and questioned the urge to display the national motto at this time. It is her opinion that displaying the national motto would not institute patriotism or national pride; instead she believes it would only promote a particular faith. She urged Council to oppose this item and disregard outside influences. (44:38)

**Judy Ahrens** spoke in support of the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers. She noted ongoing newsworthy reports of violence and negatively, and the perceived loss of moral fiber in today's society. She stated her opinion that it would be an honor to display the beliefs of the nation's founding fathers, and she thanked Councilmembers who support this concept. (46:50)

**Mike Palikan,** Huntington Harbour Property Owner Association member, voiced concern of general mansionization, and asked Council to appeal the Zoning Administrator's (ZA) approval of Conditional Use Permits and Coastal Development Permits for 3282 and 3292 Falkland Circle. It is his opinion that these properties are not compatible with the neighborhood and are inconsistent with the City's General Plan. He discussed original footprints of properties and the proposed bulk of each proposed project, and voiced concerns of prospective parking problems. He mentioned other cities that are lowering lot area ratios to minimize mansionization, and urged Council to appeal these two projects to the Planning Commission.

Councilmember Green asked staff if Council can appeal a decision by the Zoning Administrator and Herb Fauland, Planning Manager, responded that Council can appeal the ZA's decision once heard by the Planning Commission.

Councilmember Coerper asked staff to provide him with information on this matter.

**Ray Cotter** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers. In his opinion, displaying the motto refers to religious beliefs, in direct conflict with separation of Church and State. (54:56)

**Michael Mailman,** President of Seaview Little League, spoke in support of the City's purchase of the LeBard School site and discussed the sportsmanship, teamwork and physical activity experienced by Seaview's players. He advised Council that Seaview League will continue to maintain the fields, which is a service estimated at $40,000/year. He asked Council to consider acquisition costs versus the physical benefits to the children and urged their support to acquire the site. (57:24)

**Tim Geddes** spoke in support of the City's purchase of the entire LeBard School site to preserve the open space for children's recreational purposes. He also voiced opposition to the approval in concept of a display of the motto "In God We Trust" stating his preference to rather support patriotism displayed in government buildings. He read the "conclusion" of the editorial in today's OC Register newspaper entitled "Words to Live By," and reminded the public to attend the Residents for Responsible Desalination (R4RD) Town Hall meeting at Eader School on April 10. (1:00:07)

**Mary Jo Baretich** spoke in support of the City's purchase of the entire LeBard School site to preserve the Seaview Little League team fields. (1:02:40)

**Carolyn Thompson,** spoke in support of the City's purchase of the LeBard School site to preserve Seaview Little League team fields. She discussed the great sense of community there, the children from other schools that her son gets to meet, and she invited Council to come to the fields and witness a Saturday game day at LeBard. (1:03:17)

**Elmer Smith** urged Council to support the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers; he also urged Council to support the City's purchase of the LeBard School site to preserve the open space for Seaview Little League teams. (1:04:47)

**John McGregor** spoke in support of the City's purchase of the LeBard School site to preserve the open space for children's recreational purposes, and he also recommended that Council consider building the new senior center at the Kettler School site. (1:07:12)

**Crystal Kerins,** citizen and Board Member of Huntington Beach Tomorrow, spoke in support of the City's purchase of the LeBard School site. She discussed the importance of maintaining the LeBard fields to accommodate Seaview Little League, AYSO Soccer, and Southeast Girls' softball, and the continued sense of "community" there. She urged Council to continue negotiations with the School District. (1:10:08)

**Matt Vandermeer** spoke in support of the City's purchase of the LeBard School site for maintaining the open space for children's recreational purposes. (1:13:54)

**Greg Willard,** Save Seaview, described what the LeBard School fields mean to athletes of Little League and AYSO soccer, and the community's continued sense of pride there. He discussed the importance of maintaining the entire LeBard site as open space for children's recreational purposes. (1:15:03)

**Allen Baylis** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers, stating his opinion that the concept is politically driven and crosses the line of separation of Church and State. He urged Council to disregard outside influences, and oppose this concept. (1:18:05)

**Riley Mailman** spoke in support of the City's purchase of the LeBard School site to maintain Seaview Little League fields, and thanked Mayor Pro Tem Bohr for responding to his related email. He also voiced support of a new skateboard park to be built in the City, and discussed positive ways that skateboarders like to express themselves. (1:19:50)

Joe Carchio assured the previous speaker and interested persons that the Council and staff are working diligently to find the skateboarders a new park.

**Garry Guzzetto,** volunteer field groundskeeper for Seaview Little League, spoke in support of the City's purchase of the LeBard School site to save the fields. He discussed benefits of saving the league fields and encouraged Council to negotiate with the School District. He advised Council of the entire community's high regard of the Seaview League and the League's ongoing, excellent maintenance of the fields. (1:22:43)

Mayor Cook announced to the public that Council is doing everything in its power to effectively exercise its rights under the Naylor Act to purchase the LeBard School site.

**Harvey Liss,** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers, stating his belief that our City is a secular government, not a religious one. He expressed his offense to the proposed assumption that everyone is Christian, and urged Council to oppose this concept. (1:26:01)

**Marjorie Niland** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers, stating her opinion that the Chambers is a secular government building, not a religious one. She defended the persons who do not believe in God and urged Council to oppose this concept. (1:28:46)

**Vern Nelson** spoke in opposition to the approval in concept of a display of the motto "In God We Trust" in the City Council Chambers. It is his opinion that the motto excludes members of many faiths, and urged Council not to incorporate religion into a government building. (1:31:57)

Councilmember Green asked Council for consensus to bring forward on the Agenda items E-5 pertaining to LeBard School site and H-1a pertaining to the concept of displaying the National Motto for early discussion and action.

A motion was made by Green, second Coerper, and the motion carried by consensus.

**(City Council) Adopted Resolution No. 2008-22 Relating to the Inadequacy of Public Lands in the Vicinity of the LeBard Elementary School Site to Meet Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes (LeBard School is located at 20451 Craimer Lane)** - Adopted **Resolution No. 2008-22,** *"A Resolution of the City Council of the City of Huntington Beach Relating to the Inadequacy of Public Lands in the Vicinity of LeBard Elementary School Site to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes."* Submitted by the Director of Community Services. **Funding Source:** Not applicable; only requesting permission to negotiate at this time.

Councilmember Coerper asked Michael Mailman, public speaker and Seaview Little League President, to come forward and questioned whether he had a tax-exempt status 501(c)(3) under Internal Revenue Code, for a potential contract to maintain the LeBard fields. Speaker Mailman responded affirmatively, and indicated that he would get this information to Councilmember Coerper. Councilmember Coerper indicated that although he supports the City's purchase of the LeBard School site, he also discussed Council's responsibility to oversee the City's best interests.

A motion was made by Bohr, second Hansen to adopt **Resolution No. 2008-22,** *"A Resolution of the City Council of the City of Huntington Beach Relating to the Inadequacy of Public Lands in the Vicinity of LeBard Elementary School Site to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes."* The motion carried by the following roll call vote:

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

**(City Council) Submitted By Councilmembers Cathy Green and Joe Carchio - Approved in Concept a Display of the National Motto "In God We Trust" in the City Council Chambers; and, Appoint an Ad-Hoc City Council Committee to Return With Recommendations on the Appearance and Location of the Display**

The City Council considered a communication from Councilmembers Cathy Green and Joe Carchio transmitting the following

**Statement of Issue:** Since 2002, the Bakersfield City Council has displayed the national motto that appears on all United States currency, "In God We Trust," in their City Council Chambers. Recently, we received a request from Bakersfield City Councilmember Jacquie Sullivan encouraging Huntington Beach along with other cities to join the 30 California cities that now proudly display this national motto in their chambers. To that end, we would like to recommend the following: 1) Approve in concept a display of the motto, "In God We Trust," in the City Council Chambers; and 2) Appoint an Ad Hoc Council Committee to return with recommendations on the appearance and location of the display.

Councilmember Green explained why she brought this item to Council for its consideration.

Councilmember Coerper reported that members of the community offered to make the motto's display out of wood at no cost to the City.

Councilmembers discussed the origin of the nation's motto, the motivation for considering the proposed concept at this time, suggestions of alternative, patriotic, non-controversial mottos to be displayed instead of the proposed motto.

Mayor Pro Tem Bohr stated for the record that he would abstain from voting on this issue since he does not believe the City's electorate appreciates Council making decisions of, in this case religion, or as previously considered, the impeachment of the President of the United States.

A motion was made by Cook, second Hardy to have the Human Relations Task Force **(substitute motion),** recommend a patriotic message they would like presented for display in the Council Chambers. The motion failed by the following roll call vote:

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

A motion was made by Green, second Carchio to 1) Approve in concept a display of the motto "In God We Trust" in the City Council Chambers; and 2) Appoint an Ad Hoc Council Committee to return in a timely fashion with recommendations on the appearance and location of the display. The motion carried by the following roll call vote:

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

Councilmember Green expressed interest in serving on the ad hoc committee.

**AB 1234 Disclosure Reporting**

Councilmember Green reported attending the 2008 Regional Transit Summit on March 20; the Huntington Beach Chamber of Commerce 2008 Planning Conference on March 27; and the 2008 Soroptimist of the Year Award Luncheon on April 4.

Mayor Cook reported attending the League of Cities Environmental Quality Policy Committee meeting in Ontario on April 2.

City Clerk Flynn announced receiving a report from Mayor Pro Tem Bohr, which is available in the City Clerk's Office.

**City Administrator's Report** — None

**City Attorney's Report on Notice of Cross-Complaint Filed**

City Attorney McGrath reported a Cross Complaint filed on March 26, 2008, in the matter of the City of Huntington Beach v. Fischer involving a vehicle accident whereby the City is asking the insurance carrier to cover the City's interests.

**Consent Calendar — Items Removed for Separate Discussion**

(City Council) Approve and Authorize the Mayor and City Clerk to Execute the Consent to Sublease Agreement Between the City of Huntington Beach and American Golf Corporation, CNL Income EAGL Meadowlark, LLC as Subtenant, and Evergreen Alliance Golf Limited, LP, Which Will Operate Meadowlark Golf Course Located at 16782 Graham Street

**Consent Calendar — Items Approved**

A motion was made by Green, second Coerper to approve the following Consent Items by affirmative vote: 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 regular meeting of March 17, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Approved and Authorized the Mayor and City Clerk to Execute a Transfer Agreement Assigning the Existing Professional Service Contract with EDAW Inc. for Preparation of an Environmental Impact Report (EIR) for an Update of the General Plan Circulation Element to Hogle-Ireland, Inc.** — Approved and authorized the Mayor and City Clerk to approve the Assignment Agreement which assigns the existing Professional Service Contract Between the City of Huntington Beach and EDAW, Inc., in the amount of $213,700 for preparation of an Environmental Impact Report for the update of the General Plan Circulation Element to Hogle-Ireland, Inc. Submitted by the Director of Planning. **Funding Source:** The allocation of $213,700 is budgeted in the Fair Share Traffic Impact Fee Professional Services Account, 20685201.69365.

**(City Council) Approved and Authorized the Mayor and City Clerk to Execute a Lease Agreement Between the City of Huntington Beach and Michael Mehalick for Continued Use of 780 Square Feet of Space Located on the First Floor of the Main Street Library, 525 Main Street (Library Annex) for the Purpose of a Design/Architect Business** — Approved and authorized the Mayor and City Clerk to execute the Lease Agreement Between the City of Huntington Beach and Michael Mehalick for the Premises at 525 Main Street (Library Annex) in the City of Huntington Beach. Submitted by the Director of Economic Development and the Director of Library Services. **Funding Source:** Not applicable.

**(City Council) Approved and Authorized the Mayor and City Clerk to Execute a License Agreement Between the City of Huntington Beach and See Scopes for Six Coin-Operated Telescopes on the Municipal Pier** — Approved the License Agreement Between the City of Huntington Beach and See Scopes for coin-operated telescopes on beach and pier, and authorized the Mayor and City Clerk to execute same. Submitted by the Director of Community Services. **Funding Source:** Not applicable.

**(Redevelopment Agency) Approved a Commitment of Redevelopment Agency Housing Set Aside Funds in an Amount Not to Exceed $2.16 Million Dollars; Authorized the Interim Executive Director to Execute Documents Confirming This Commitment; and, Direct Staff to Move Forward With the Preparation of an Owner Participation Agreement (OPA) That will Delineate the Acquisition and Rehabilitation Assistance for the 185-Unit**

**Wycliffe Garden Senior Apartments Located at 18765 Florida Street — 1)** Approved a commitment of Redevelopment Agency funds in an amount not to exceed $2.16 million; and **2)** Authorized the Interim Executive Director to execute documents confirming this commitment; and **3)** Directed staff to move forward with the preparation of an Owner Participation Agreement (OPA) that will delineate the acquisition and rehabilitation assistance using Housing Set Aside Funds to be provided for the Wycliffe Garden Senior Apartments. Submitted by the Deputy Executive Director/Director of Economic Development. **Funding Source:** Funding will be through the Redevelopment Agency Housing Set Aside Funds in an amount not to exceed $2.16 million. Funding will be used towards the acquisition of Wycliffe Garden Senior Apartments. Once the acquisition is in escrow, staff and the owner will develop a building rehabilitation budget and the creation of an Owner Participation Agreement (the OPA). If the acquisition does not proceed, the Agency will not be required to release any funds.

**(City Council) Approved Release of the Faithful Performance Bond Provided as Security by William Fox Group, Inc., Developer of Tract 16573, Located on the East Side of Delaware Street, South of Yorktown Avenue; Accepted the Public Improvements and the Guarantee and Warranty Bond Furnished as Security for Those Improvements — 1)** Accepted the improvements constructed for public use with Tract No. 16573; and, **2)** Accepted Guarantee and Warranty Bond No. 245832, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3)** Released the Faithful Performance Bond No. 245832, Labor and Material Bond No. 245895 and Monument Bond No. 245833 pursuant to California Government Code Section No., 66499.7 (a); and, **4)** Instructed the City Clerk to notify the developer, William Fox Group, Inc., of this action and the City Treasurer to notify the surety, American Contractors Indemnity Company, of this action; and **5)** Instructed the City Clerk to record the "Acceptance of Public Improvements" with the Orange County Recorder. Submitted by the Director of Public Works. **Funding Source:** No funds required for this action.

**(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Consent to Sublease Agreement Between the City of Huntington Beach and American Golf Corporation, CNL Income EAGL Meadowlark, LLC as Subtenant, and Evergreen Alliance Golf Limited, LP, Which Will Operate Meadowlark Golf Course Located at 16782 Graham Street — 1)** Approved the Consent to Sublease Agreement by and Between the City of Huntington Beach and American Golf Corporation, a California corporation, as the lessee, and CNL Income EAGL Meadowlark, LLC, a Delaware limited liability company, as the subtenant of the lessee, and Evergreen Alliance Golf Limited, L. P., a Delaware limited partnership, which will operate the premises; and, **2)** Authorized the Mayor and City Clerk to sign and execute the Consent to Sublease Agreement; and **3)** Authorized the Director of Community Services and Director of Economic Development or designee to take any action and execute any and all documents and agreements necessary to implement this agreement. Submitted by the Director of Community Services and the Director of Economic Development. **Funding Source:** Not applicable.

Councilmember Coerper pulled this item from the Consent Calendar for clarification of the City's protection in the proposed transaction, and Kellee Fritzal, Deputy Director of Economic Development, responded. He further inquired about the financial status of the proposed company and called on representatives from CNL Income and EAGL Meadowlark, LLC to answer questions. Representatives discussed the companies' financial worth, and advised Council of their strong financial partnership with Meadowlark Golf Course. Jim Engle, Community Services Director, also reported researching the companies and monitoring financial strengths and relationships.

A motion was made by Green, second Hansen to **1)** Approve the Consent to Sublease Agreement by and between the City of Huntington Beach and American Golf Corporation, a California corporation, as the lessee, and CNL Income EAGL Meadowlark, LLC, a Delaware limited liability company, as the subtenant of the lessee, and Evergreen Alliance Golf Limited, L. P., a Delaware limited partnership, which will operate the premises; and, **2)** Authorize the Mayor and City Clerk to sign and execute the Consent to Sublease Agreement; and **3)** Authorize the Director of Community Services and Director of Economic Development or designee to take any action and execute any and all documents and agreements necessary to implement this agreement. The motion carried by the following roll call vote:

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

**(City Council/Redevelopment Agency) Received and Filed the Main Street Trial Closure Report Providing a Summary and Data From the Pilot Program on Tuesday Evenings Known as "Surf City Nights"**

The City Council considered a communication from the Director of Economic Development/ Deputy Executive Director transmitting the following

**Statement of Issue:** On June 5, 2006, City Council directed Economic Development staff to form an Ad Hoc Committee to study a potential pedestrian mall pilot project. As a result, on November 20, 2006, the City of Huntington Beach/Redevelopment Agency approved a three-month trial closure proposal on Tuesday evenings known as "Surf City Nights" and themed weekend closures. This report provides a summary and data from the pilot program.

Director Fritzal called on Nova Punongbayan, Assistant Project Manager, who gave an oral report on the pilot program, and referred to the executive summary provided in the staff report.

A motion was made by Bohr, second Coerper to receive and file the Main Street Trial Closure Report. The motion carried by the following roll call vote:

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

**(City Council) Approved for Introduction Ordinance No. 3800 Amending Chapter 7.08 of the Huntington Beach Municipal Code (HBMC) Relating to Licensing Provisions for Dogs**

Attorney McGrath highlighted text changes as indicated in tonight's late communication which, omitted in translation, mandatory cat licensing requirements throughout the document. Brief discussion took place pertaining to monetary fees previously considered by Council, and Ken Small, Chief of Police responded.

A motion was made by Hardy, second Green to after the City Clerk reads by title introduce **Ordinance No. 3800,** *"An Ordinance of the City of Huntington Beach Amending Chapter 7.08 of the Huntington Beach Municipal Code Relating to Licensing Provisions for Dogs,"* **as amended by late communication,** to remove all reference to mandatory cat licensing. The motion carried by the following roll call vote:

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

**Council Comments — (Not Agendized)**

Councilmember Green reported attending the Police Department's Employee Awards and named award recipients: Officer of the Year - Detective Dave Humphreys, Civilian of the Year - Stacy Ramseyer, Supervisor of the Year - Lieutenant Dave Bunetta; Award of Merit - Glenn Erickson and Yvonne Gillette; Distinguished Service - Detective Art Preece, Detective Mike Reilly and Lieutenant Mike Reynolds on March 26; Eagle Scout Court of Honor to Darrell Rivers on March 30; and Soroptimist International Luncheon - Soroptimist of the Year Award recipient, Freda Matsuda on April 4.

Councilmember Coerper reported attending the Huntington Beach Police Department's Police Annual Employees Awards Breakfast on March 26; the Huntington Beach Chamber of Commerce Annual Planning Conference on March 27; the Huntington Beach Police Department Promotion Ceremony for Lieutenant Russ Reinhart and Sergeant Dale Shields on April 3; and the Memorial Service for Lieutenant Morrison on April 3.

**Council/Agency Adjournment**

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:19 p.m.

Council/Agency Special Meeting Thursday, April 17, 2008 at 5:00 p.m., at Central Library, Rooms C and D, 7111 Talbert Avenue, Huntington Beach, California.

The next regularly scheduled meeting will be Monday, April 21, 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

INTENTIONALLY
LEFT
BLANK