

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

Monday, June 18, 2007  
4:00 P.M. - Room B-8  
6:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audiotape of the 4:00 p.m. portion of this meeting  
and a videotape of the 6:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.**

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 p.m. in Room B-8 due to a lack of quorum.

**Call To Order**

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:35 p.m. in Room B-8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Bohr, Carchio, Cook, Coerper, Green and Hansen (arrived at 4:50 p.m.)  
Absent: Hardy

Communication was submitted by Councilmember Jill Hardy requesting permission for her absence at the June 18, 2007 City Council meeting. Pursuant to Resolution 2001-54, the City Council granted permission for Councilmember Hardy's absence.

**The City Clerk Announced No Late Communications**

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan Flynn announced no Late Communications were received by her office pertaining to items on the Study Session and Closed Session portion of the agenda.

**(City Council/Redevelopment Agency) Study Session Held - Presentation made by the Redevelopment Agency's Consultant, Tierra West Advisors, on the Huntington Beach Shopping Centers Survey. This Survey is a Result of the January 16, 2007 "H" Item From Councilmember Hansen Directing Staff to Accelerate an Inventory of Shopping Centers and Propose Potential Strategies for Those Centers Which are Determined to be in Need of Upgrading and Improvement.**

City Administrator Penny Culbreth-Graft introduced Director of Economic Development Stanley Smalewitz to provide a staff report. Director Smalewitz introduced Mr. Jose Ometeotl with Tierra West Advisors who thanked City representatives and provided a

PowerPoint Presentation that outlined the following: Objectives of Assignment, Economic Realities-Retail Sales and Retail Outlook for Future.

Mayor Pro Tem Cook asked about the formula to calculate Huntington Beach leakage per capita. Mr. Ometeotl referred to information within the report and continued to present information on Survey Methodology, Shopping Center Characteristics, Recently Developed Centers, Cosmetic/Minor Upgrades, Extensive Upgrades Required, Retail Study-Staff Observations, Rent as an Obstacle to Revitalization, Revitalization Cost Scenarios, Strategies for Revitalization and Next Steps.

Mayor Pro Tem Cook asked about the criteria for minor upgrades. Mr. Ometeotl discussed how minor facade improvements often cause a swap out of tenants. Mayor Pro Tem Cook asked if the study included years that structures were built. Mr. Ometeotl responded yes.

Councilmember Bohr asked about the report's figure of \$532M identified for leakage. Mr. John Yonai with Tierra West Advisors explained the broad based formula and discussed closing the gap. Director Smalewitz discussed keeping the center fresh, how the gap is increasing and how retail mix continually changes out. He also identified The HdL Companies as a resource for providing sales tax data and leakage figures.

Councilmember Bohr discussed demographics and tenant mix of the Huntington Harbour Mall, asking for an explanation of rental figures at or above market. Mr. Ometeotl stated figures vary, depending on size and location of the center. Director Smalewitz discussed packaging a center that makes sense and attracts businesses who will compliment each other.

Councilmember Bohr stated his opinion to focus on zoning issues (parking, landscaping, signage), facade grants, low cost loans and finding unique users. Director Smalewitz discussed floor area ratio (FAR), parking, low cost loans (block grant and one-time-only) and use of General Fund dollars.

Councilmember Carchio voiced concerns about parking and untapped sales tax revenue. Director Smalewitz discussed shared parking ratios. Mr. Yonai discussed providing financial motivation to renters and owners. Councilmember Carchio discussed low versus high grade retail, and completing upgrades in an efficient timeframe to keep or attract existing/new tenants and owners.

Mayor Pro Tem Cook asked for clarification on per capita consumption figures identified within Tiers 2 and 3, and when Tier 1 centers would be considered Tier 2 centers. She called for higher standards including stricter landscaping requirements.

Mayor Pro Tem Cook discussed the success of 5-Points Retail Center and voiced concerns about the lack of incentives offered to other centers. She called for owner education on the benefits of upgrading, looking at each center individually, and considering retail spaces as public places.

Councilmember Green asked about merged project areas. Director Smalewitz cited the southeast redevelopment area as an example and discussed tax increment. Councilmember Green asked if other cities revitalized "Tier 2" shopping areas. Director

Smalewitz discussed facade programs and tenant improvements. Mr. Yonai discussed how clients focus on redevelopment or third party funding sources. Mr. Ometeotl discussed strategy behind downsizing large centers with big box retailers to allow smaller tenants to reposition. He also discussed traditional mixed use with ground level retail and second story residential.

Councilmember Hansen asked if centers were overbuilt. Director Smalewitz explained how center owners have concerns about changing demographics, local area needs and entitlement incentives. He also discussed how the City has transitioned in last 10 years from an oil-based economy, to cutting edge development. Councilmember Hansen suggested taking a proactive role to modeling, increment and incentives to gain interest. Director Smalewitz cited efforts made to revitalize the shopping center at Brookhurst and Hamilton.

Mayor Coerper asked about signage, discussing how Kelly Paper is discouraged about restrictions that prevent them from advertising their location within their respective center.

Councilmember Bohr requested staff include consideration of assistance to small retail centers, effects of prevailing wage and affordable housing.

#### **Motion to Recess to Closed Session**

A motion was made by Green, second Coerper to recess to Closed Session on the following items: The motion carried by the following roll call vote:

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

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6, the City Council shall recess to Closed Session to meet with its designated labor negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with the following employee organizations: **MEA, HBFA, SCLEA, and Non-Associated.**

**(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 claims filed with the City Clerk by **Lisa Marie Guy, Kenneth Francis MacDonald, and the Estate of Ashley MacDonald** (Claim Nos. TC2005-162a/162b, TC2005-162c, and TC2005-162d.) These claims all concern a police shooting incident occurring on August 25, 2006, that resulted in the death of Ashley MacDonald.

**(City Council) Closed Session** – ***M.M.R. Family LLC, et al. v. City of Huntington Beach***, Orange County Superior Court Case No. 06CC07095. This suit challenges the validity of City Ordinance No. 3689, which established minimum relocation benefits in case of a mobile home park closure.

**Reconvened City Council/Redevelopment Agency Meeting at 6:09 p.m.**

**No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).**

**City Council/Redevelopment Agency Meeting Roll Call**

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

Communication was submitted by Councilmember Jill Hardy requesting permission for her absence at the June 18, 2007 City Council meeting. Pursuant to Resolution 2001-54, the City Council granted permission for Councilmember Hardy's absence.

Councilmember Green congratulated Councilmember Hardy and her husband Greg Moore on the birth of their new daughter Kalissa Rose.

**Pledge of Allegiance/Flag Salute** - Led by Councilmember Hansen

**Invocation** - Led by Dr. Jan Wiley, Huntington Beach Interfaith Council

**Late Communications**

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan Flynn announced that the following late communications pertaining to items on the agenda were received by her office following distribution of the agenda packet:

Communication submitted by Steve Stafford, untitled, dated June 16, 2007 regarding enforcement of fire sprinkler requirements for Assemblies.

Communication submitted by Stanley Smalewitz, Director of Economic Development/ Deputy Executive Director dated June 18, 2007 and titled *Late Communication - Item D-2, Second Implementation Agreement with Bella Terra Associates, Inc.*, requesting Item D-2 be continued to July 2, 2007.

Communication submitted by Jack Kirkorn, retired Battalion Chief from the City of Los Angeles, dated June 15, 2007 and titled *Vote on Agenda Item*.

City Administrator Penny Culbreth-Graft voiced support for continuing the agendized public hearing on approval of the Second Implementation Amendment to the Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Huntington Beach and Bella Terra Associates as requested by late communication submitted by Economic Development Director Stanley Smalewitz.

Mayor Coerper called for objections to continuing the item. Hearing none, the item was continued to July 2, 2007 by consensus of all present.

**(City Council/Redevelopment Agency) Continued to July 2, 2007 - Public Hearing to Consider Approval of the Second Implementation Amendment to the Owner Participation Agreement (OPA) Between the Redevelopment Agency of the City of**

**Huntington Beach and Bella Terra Associates, LLC; Adopt Agency Resolution No. 368 and City Council Resolution No. 2007-37**

Communication from the Director of Development/Deputy Executive Director transmitting the following **Statement of Issue**: The Agency is being asked to approve the Second Implementation Agreement to the Owner Participation Agreement (OPA) by and between the Redevelopment Agency of the City of Huntington Beach and Bella Terra Associates, LLC. The Second Implementation Agreement amends the OPA regarding the payment of the Agency's obligation to BellaTerra Associates of \$15,000,000 in Feasibility Gap Payments for the construction, rehabilitation and renovation of the Huntington Center (Bella Terra.)

The City Council of the City of Huntington Beach ("City") and the Redevelopment Agency of the City of Huntington Beach ("Agency") will conduct a joint public hearing on June 18, 2007 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, 2000 Main Street Huntington Beach, California 92648, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), for the purpose of considering the modification to the executed Owner Participation Agreement for the Bella Terra retail center formerly known as Huntington Center. The proposed Second Implementation Amendment to the Owner Participation Agreement modifies the repayment structure for certain public improvements that were installed and constructed by the developer of the project.

A summary containing the following information is available for public inspection and copying during regular office hours at the offices of the City Clerk at 2000 Main Street Huntington Beach, California 92648:

1. An identification of the proposed modifications to the executed Owner Participation Agreement;
2. Estimates of the amount of tax increment proposed to be used to pay for the installation and construction of the identified public improvements; and
3. The redevelopment purpose for which tax increment is being used to pay for the installation and construction.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit to the City Clerk written evidence for or against the application as outlined above. If you challenge the City Council/Agency's action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions, please call Stanley Smalewitz, Director of Economic Development, at (714) 536-5542. Direct your written communication to: Joan L. Flynn, City Clerk, City of Huntington Beach, 2000 Main Street - Second Floor, Huntington Beach, CA 92648.

- \* Staff report
- \* City Council discussion
- \* Open public hearing
- \* Following public input, close public hearing

**Presentation- Francis Wachter Birthday Celebration**

Mayor Coerper called on Francis Wachter to present a commendation in honor of her 92nd birthday on June 21st. Councilmember Carchio joined the Mayor to honor his mother-in-law Fran, described her military affiliations, volunteer work with local organizations and her loving nature raising two children and one grandchild.

**Presentation - Betty Zuliani, Library Volunteer**

Mayor Coerper called on Library Principal Nanci Williams to present a commendation to Betty Zuliani for her more than 15,500 hours of volunteer work for the Library. Nanci stated that Betty's volunteer service equates to approximately \$260,000 in personnel savings. Nanci also described Betty's activity in the Genealogy section and gave thanks for her service.

**Presentation - Amigos de Bolsa Chica**

Mayor Coerper called on Amigos de Bolsa Chica President Tom Anderson and Vice President Dave Carlaberg to receive a commendation for being awarded the National Oceanic and Atmospheric Administration (NOAA) Sustainable Fisheries Leadership Award for Coastal Habitat Restoration for 2006. Mr. Carlaberg spoke about seafood consumption in California, and the importance of preserving wetland habitat. Mr. Anderson accepted the proclamation.

**Presentation- Sam Moses, Fire Engineer**

Mayor Coerper called on Huntington Beach Fire Chief Duane Olson and Fire Chief Roger Smith from the City of Anaheim to present a commendation to Fire Engineer Sam Moses for his dedicated service in the Windy Ridge Fire that took place in Anaheim. Fire Engineer Moses sustained injuries requiring several surgeries and physical therapy. Fire Chief Olson described the duties and responsibilities of Fire Engineer Moses, the events and conditions that led to the Windy Ridge Fire, and the medical efforts that took place to treat him. He called on members of Engineer Moses' family and Fire Department colleagues to join him. On behalf of Anaheim Mayor Kurt Pringle, City Council and residents, Fire Chief Smith thanked Fire Engineer Moses and the Huntington Beach Department for their heroic efforts. Huntington Beach Fire Department Association Representative Rob Glenn spoke about the Association's assistance during the recovery period, and the interest showed by other fire organizations in the County.

**Presentation- Robert Beardsley Retirement**

Mayor Coerper called on City Administrator Culbreth-Graft to present a special award to retiring Director of Public Works Robert Beardsley for his years of dedicated service to the City. City Administrator Culbreth-Graft described Director Beardsley's background in local government, including his work in the cities of Cypress and Chino. She also announced the he was recently honored as Public Works Leader of the Year in Southern California and discussed his leadership efforts in and outside of Huntington Beach. She described a number of infrastructure projects Director Beardsley was involved with, and his service as Interim Assistant City Administrator. The Mayor

presented the coveted "Ultimate Challenge" Surfer Statue Award. Mr. Beardsley thanked his colleagues, the Public Works Commission, his wife for her patience and support, his friend and mentor Larry Hersher, and urged the City to continue efforts to upgrade infrastructure.

### **Public Comments**

(The numbers following speakers' comments reflect the approximate point of time in the archived video the speaker appears, available at <http://www.surfcity-hb.org/Government/Agenda/>)

**James D. Bailey** voiced concerns about a citation he received for trimming a damaged Jacaranda tree owned by the City. He stated he was discouraged by the process, and discussed working with Randy Menzel, Tree Maintenance Supervisor in Public Works, to save the jeopardized tree.

Councilmember Green asked for clarification on whether the tree is scheduled for removal. Councilmember Bohr asked if the issue should be brought before the Beautification, Landscape, Tree Committee (BLT). Public Works Director Beardsley opined that it would be appropriate to forward discussion on the item to the BLT.

Councilmember Carchio asked who trimmed the tree. Mr. Bailey responded that a qualified tree trimmer trimmed the tree and described how it was suppressed by a hovering Pine. He also stated support for saving the damaged Jacaranda.

**Justin R. Weiler**, Team Science, spoke to the Council about the "Team Science VIP Experience" on July 27, 2007 at McPherson Magnet School in the City of Orange. He described the non-profit event and its draw to a large numbers of students in Orange County. He requested Council and community support, calling it a VIP experience among 350 students and stated that it is free to the public.

Councilmember Green congratulated Mr. Weiler on his recent marriage. Mr. Weiler congratulated Councilmember Hardy on the birth of her new baby.

**Diane Amendola** spoke to the Council about the dilapidated condition of Drew Park. She requested Council support to bring the park into good condition, and showed slides that depicted a rough lawn due to a problematic irrigation system. She discussed improper tree planting and suggested that the City consider vent holes for increased irrigation. She also made reference to a company located in Costa Mesa that manufactures a chemical treatment to facilitate landscape growth.

**Jeff Roy** voiced concerns about lack of a traffic light at Adams and Ranger. He described the situation as dangerous and unsafe to area residents. He stated that he was informed that the project has funding, but questioned why no work has been done yet.

Councilmember Hansen asked for an update from the Director of Public Works. Traffic Manager Robert Stachelski described budgeting history on the project and explained that the City recently received a proposal for design and is getting started. He also discussed Capital Improvement Project (CIP) preparation for 2008 and moving construction funds into next year's budget (Fall, 2007).

Councilmember Carchio asked about fatalities at that intersection. Mr. Roy wasn't sure, but confirmed that accidents had occurred. He described the volume of traffic in that location. Manager Stachelski repeated the project's position on the priority list.

Mayor Pro Tem Cook asked about the budget process for traffic signals, costs, etc. Manager Stachelski responded, explaining the review of potential locations for a traffic signal including traffic volumes, number of accidents and pedestrian volumes and evaluation efforts that result in a recommended priority list. He stated there are approximately 20-30 potential locations on the priority list, with two signals funded per year through the traffic impact fee, each at an approximate cost of \$275,000 to install.

### **City Council AB 1234 Reporting**

**Mayor Coerper** reported on attending a general meeting of the League of California Cities with Councilmembers Hansen and Carchio, and a Regional Council meeting of the Southern California Council of Governments (SCAG) on June 7 in Lake Arrowhead.

**Councilmember Green** reported on attending the Firefighters' Quest for Burn Survivors on June 5th, Rainbow Disposal's 50 Year Community Service Celebration, the 2nd Annual Orange County Mayors' Summit at Bauer's Museum in Santa Ana, and *Surf City Fest* held downtown on June 16 and 17.

### **City Administrator's Report**

City Administrator Penny Culbreth-Graft called on Fire Chief Duane Olson to provide a report on the Philips Heartstart MRx Advanced Life Support Monitor. Chief Olson provided a PowerPoint presentation that outlined benefits of the equipment, its heart monitoring capabilities including the ability to measure blood pressure, oxygen rate and carbon dioxide, high tech design, and safe and easy use for fire fighters and paramedics. He explained how vital information is transmitted between agencies, and how the Monitor will change how life-saving efforts are conducted in the future.

Councilmember Green and Chief Olson discussed the diagnostic quality of the 12 lead screen, defibrillator use and pad placement.

Mayor Coerper and Chief Olson discussed the Fire Department's response area and course of action depending on medical circumstances. Councilmember Green mentioned that Huntington Beach Hospital is now building a cardiac catheterization lab.

### **(City Council) Public Hearing Held to Consider Adoption of Ordinance No. 3769 Amending Huntington Beach Municipal Code Chapter 17.56.055 Regarding Enforcement of Fire Sprinkler Requirement for Assemblies**

*Ordinance No. 3769 Approved for Introduction May 21, 2007.*

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following communication from the Fire Chief and the City Attorney transmitting the following **Statement of Issue**:

NOTICE IS HEREBY GIVEN that on Monday, June 18, 2007, at 7:00 p.m. in the City

Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing regarding Ordinance No. 3769. Ordinance No. 3769 will amend Huntington Beach Municipal Code Chapter 17.56, which adopted the Uniform Fire Code, 2000 Edition and the California Fire Code, 2001 edition, including Appendices I-A, I-B, I-C, II-A, II-C, II-D, II-E, II-K, II-H, IIIA, III-C, and IV-A. The amendment concerns enforcement of the automatic fire sprinkler requirement for assembly, education, institutional, hazardous and residential occupancies.

NOTICE IS FURTHER given that a copy of the proposed Ordinance is on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the proposed ordinance. If there are any further questions, please call the Fire Department at 714/536-5411 and refer to the above item. Direct your communications to the City Clerk.

- \* Staff report
- \* City Council discussion
- \* Open public hearing
- \* Following public input, close public hearing

Funding Source: Not applicable

Recommended Action:

After City Clerk reads by title, Adopt Ordinance No. 3769, "An Ordinance of the City Council of the City of Huntington Beach Amending Municipal Code Section 17.56.055 Regarding Enforcement of Fire Sprinkler Requirement for Assemblies" by roll call vote.

City Administrator Culbreth-Graft stated Fire Department and City Attorney personnel were available for questions.

City Clerk Joan Flynn read into the record a late communication submitted by Steve Stafford untitled, dated June 16, 2007.

Mayor Coerper declared the Public Hearing open.

**Steve Stafford** voiced concerns about remodel efforts at the First Christian Church, including alleged demolition without permits and lack of review before the Planning Commission. He questioned why the ordinance was being changed for religious Assemblies and requested that the item be pulled for review by the Planning Commission prior to action by the City Council.

City Administrator Culbreth-Graft opined that Mr. Stafford's concerns were related to an H-Item with similar content on the agenda.

Councilmember Bohr asked if it would be appropriate to discuss the H-Item referenced by the City Administrator. City Attorney Jennifer McGrath explained that the item at

hand addresses non-conforming structures to date, and that the H-Item changes the code on a go-forward basis.

A motion was made by Hansen, second Cook to After City Clerk reads by title, Adopt Ordinance No. 3769, "An Ordinance of the City Council of the City of Huntington Beach Amending Municipal Code Section 17.56.055 Regarding Enforcement of Fire Sprinkler Requirement for Assemblies" by roll call vote. The motion carried by the following roll call vote:

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

#### **Consent Calendar - Items Approved**

A motion was made by Green, second Bohr to approve the following items. The motion carried by the following roll call vote:

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

**(City Council/Redevelopment Agency) Approved Minutes** - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of May 21, 2007 and the City Council/Redevelopment Agency regular meeting of June 4, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$312,225 to Nobest, Incorporated for the Rotterdam Lane Improvement Project, CC-1310 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney** - 1) Approved the project plans and specifications for the Rotterdam Lane Improvements, CC-1310; and, 2) Accepted the lowest responsive and responsible bid submitted by Nobest, Incorporated, in the amount of \$312,225.00; and, 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works. Funding Source: A CDBG 2006/07 Fund grant was received for \$300,000, and is budgeted in CDBG Street Improvements, Street Improvements, Account No. 85782013.82300. Additional funding of \$100,000 will be allocated from the Gas Tax Fund, Sidewalk Improvements, 20790001.82300. The engineer's estimate for this project is \$360,000.

**(City Council) Authorized the Finance Director to Approve the California Public Employees' Retirement System (CalPERS) Lump Sum Prepayment Request for Fiscal Year 2007-2008, and Authorized Staff to Annually Determine and Execute the Prepayment When Economically Beneficial to the City** - 1) Authorized Daniel T. Vilella, Finance Director to approve the California Public Employees' Retirement System LUMP SUM PAYMENT REQUEST for fiscal year 2007-2008 authorizing the lump sum prepayment of the CalPERS Retirement Employer Contribution in the amount of \$8,714,779 for Safety employees and \$3,251,805 for Miscellaneous employees to be paid by July 15, 2007; and 2) Authorized staff to annually determine and execute the

prepayment when the analysis determines an economic benefit to the City. Submitted by the Finance Director. Funding Source: Cash is available within the various funds that usually have CalPERS obligations. Any amounts paid prior to the obligation date for these benefits in the fiscal year 2007-2008 are considered prepayments of expenses and can be refunded if necessary.

**(City Council) Approved the Request for a Time Extension in Order to Remain Eligible for Grant Funding from the Orange County Transportation Authority (OCTA) for the Installation of Closed Circuit Television Cameras on Pacific Coast Highway** - Directed staff to request an extension from the Orange County Transportation Authority for the Closed Circuit Television Camera project on Pacific Coast Highway, moving funding from Fiscal Year 2006/2007, as currently programmed, to Fiscal Year 2007/2008. Submitted by the Director of Public Works. Funding Source: The grant amount from the Orange County Transportation Authority Combined Transportation Funding Program is \$200,000 and the project is budgeted in OCTA Grant Fund, OCTA Grants, Traffic Equipment, Account No. 87390009.84400. Matching funds in the amount of \$50,000 are budgeted in the Gas Tax Fund.

**(City Council) Approved Acceptance and Authorized Expenditure of the \$16,360 Fireman's Fund Insurance Company Grant Award for the Purchase of Self-Contained Breathing Apparatus (SCBA) Air Bottles for the Fire Department** - Approved and authorized City staff to accept the Fireman's Fund Insurance Company grant award and expend grant funds. Submitted by the Fire Chief. Funding Source: The Fireman's Fund grant amount is \$16,360 and does not require any matching amount.

Councilmember Bohr pulled the item to thank Scott Smith and the Fireman's Fund Insurance Company for receipt of the grant award.

A motion was made by Bohr, second Green to Approve and authorize City staff to accept the Fireman's Fund Insurance Company grant award and expend grant funds. The motion carried by the following roll call vote:

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

**(City Council) Adopted Resolution No. 2007-36 Authorizing the Closure of Main Street for Surf City Nights, Once a Week on Tuesday Evenings for One Year, Effective When the Encroachment Permit is issued by the California Department of Transportation (DOT)** - Adopted Resolution No. 2007-36, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Surf City Nights," once a week on Tuesday evenings for one year, once the Encroachment Permit is issued by the California Department of Transportation. Submitted by the Director of Economic Development. Funding Source: Not applicable.

Councilmember Bohr pulled the item to voice concerns about the number of musical sources in the 3rd block that cause a disturbing overlap of sound.

Mayor Coerper asked if the event was still in a pilot phase. Director Smalewitz responded that the pilot period has lapsed, and that the the City is sharing expenses with the downtown BID to fund the weekly event. Mayor Coerper asked when the City will decide to close the first three blocks of Main Street. Director Smalewitz explained that Council approved a request by the downtown BID to close the first three blocks during specific events, and discussed how Caltrans requires a documented Resolution for encroachment from Pacific Coast Highway. Director Smalewitz explained that the next step to close the first three blocks permanently involves an update to the Downtown Specific Plan, and how the proposal will include input from downtown residents and merchants.

Mayor Coerper asked for costs to fund the weekly event. Director Smalewitz responded that the Agency and Downtown BID each spend \$5,000 per week, and described how tax increment funds generated in the downtown area can be used to assess future opportunities for development.

Mayor Coerper asked about bollards. Director Smalewitz deferred to Public Works Director Robert Beardsley. Director Beardsley stated the bollards will be included in the CIP for FY 2007/08.

Councilmember Bohr voiced concerns about closing Main Street access from Pacific Coast Highway.

Councilmember Green asked if sidewalk sales in the right-of-way (ROW) of the first block are legal. Director Smalewitz stated the activity is covered under a special events permit, and discussed efforts to ensure that encroachment into the public ROW is not compromised, and that all code requirements are met. City Administrator Culbreth-Graft stated the issue of sidewalk sales in the downtown area will be included as part of the Downtown Specific Plan Update.

A motion was made by Bohr, second Green to Adopt Resolution No. 2007-36, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Surf City Nights," once a week on Tuesday evenings for one year, once the Encroachment Permit is issued by the California Department of Transportation. The motion carried by the following roll call vote:

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

**(City Council) Received the Annual Refuse Solid Waste Disposal Rate Certification Letter and Addendum From Rainbow Disposal Company Which Maintains Existing Residential Refuse Rates Through June 30, 2008, and Received and Filed Rate Sheet for Commercial Solid Waste Disposal Service Effective July 1, 2007** - Maintain the existing residential refuse rate of \$0.6122 per unit per day (approximately \$18.62 per month) for the period from July 1, 2007 through June 30, 2008. Submitted by the Director of Public Works. Funding Source: No funding is required for the recommended action.

Councilmember Hansen thanked Rainbow Disposal for maintaining their rates when they are eligible for an increase this year, and described his support of using the new cans.

Councilmember Bohr asked if Ron Shenkman would like to provide comments on the program. Mr. Shenkman approached the podium to discuss why Rainbow is not requesting an increase in rates. He explained that the new program was advertised without a rate increase, that recycling markets last year were strong, and the new program is realizing a high rate of participation to date. Bruce Shuman, Rainbow Disposal CEO provided program statistics.

Mayor Pro Tem Cook asked about recycling yogurt cups. Mr. Shuman confirmed that yogurt cups are recyclable. She also asked about can placement for residents without sidewalks. Mr. Shuman described ideal conditions for the arm of the truck to operate correctly, and how to place cans in the street with wheels facing the residence.

Councilmember Carchio asked if problems have been reported of people scavenging recyclable material. Mr. Shuman stated studies show that automated recycling brings scavenging numbers down and discussed code enforcement. Mr. Shenkman added that scavenging activity is primarily seen in alleys, not residential neighborhoods.

Director Beardsley explained that a staff position has been created to monitor scavenging operations for recyclable materials.

Councilmember Green stated how easy the new containers are to use.

Mayor Coerper thanked Ron Shenkman and Rainbow Disposal for their service to the community.

A motion was made by Hansen, second Green to maintain the existing residential refuse rate of \$0.6122 per unit per day (approximately \$18.62 per month) for the period from July 1, 2007 through June 30, 2008. The motion carried by the following roll call vote:

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

**(City Council) Approved a Film Production Agreement Between the City of Huntington Beach and Evolution Film and Tape, Inc. for Filming and Production of a Television Series Based on the Huntington Beach Marine Safety Division Lifeguards Performing Their Normal Work Functions** - Approved and authorized the Mayor and City Clerk to execute the Production Agreement Between City of Huntington Beach and Evolution Film and Tape, Inc., for Beach Patrol to allow the filming and production of a television series based upon the Huntington Beach Marine Safety Division. Submitted by the Director of Community Services. Funding Source: Not applicable.

Councilmember Bohr pulled the item to ask about using the name *Surf City USA* in the series. Director of Community Services Jim Engle responded that staff considered using *Surf City Huntington Beach*, and the City's logo.

Councilmember Bohr also recommended that the City Administrator be named as the responsible party to view and approve/veto episode material, or allow a designee for accessibility purposes. Director Engle referred to page E-7.7 and 7.8 of the staff report and explained Council's recent decisions to appoint the Community Services Director the responsible party. City Administrator Culbreth-Graft recommended that Council provide direction.

A motion was made by Bohr, second Green to Approve and authorize the Mayor and City Clerk to execute the Production Agreement Between City of Huntington Beach and Evolution Film and Tape, Inc., for Beach Patrol to allow the filming and production of a television series based upon the Huntington Beach Marine Safety Division, as amended to include use of the *Surf City USA* name if approved by the Huntington Beach Conference and Visitors Bureau, and change content approval rights to the City Administrator or her appointed designee. The motion carried by the following roll call vote:

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

**(City Council) Approved Employment Agreement Between the City of Huntington Beach and Michele Carr as the Director of Human Resources - 1)** Approved the appointment of Michele Carr to the position of Director of Human Resources; and **2)** Approved and authorized the City Administrator to execute the Employment Agreement between the City of Huntington Beach and Michele Carr for the position of Director of Human Resources. Submitted by the Deputy City Administrator, City Services. Funding Source: The position of Director of Human Resources is a budgeted position as part of the reorganization approved by Council on February 20, 2007.

Councilmember Bohr pulled the item to welcome Michele Carr, the prospective new Director of Human Resources.

A motion was made by Bohr, second Green to **1)** Approve the appointment of Michele Carr to the position of Director of Human Resources; and **2)** Approve and authorize the City Administrator to execute the Employment Agreement between the City of Huntington Beach and Michele Carr for the position of Director of Human Resources. The motion carried by the following roll call vote:

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

**(City Council) Authorized an Increase of the Previously Authorized Change Order Limit From \$621,435 (15%) to an Additional \$375,000 (9%) for a Total Change Order Authorization of \$996,435 (24%) for Sewer Lift Station D to Make the Station More Compatible with the Orange County Sanitation District's (OCSD) Design Standards; Authorized an Additional \$150,000 in Supplemental Expenses to Complete the Project**

Communication from the Director of Public Works transmitting the following **Statement of Issue**: The construction of Sewer Lift Station D required additional funding to make the station more compatible with the Orange County Sanitation District design standards. An adjustment in the maximum change order amount will be necessary to complete the project. Additional supplemental expenses are also requested.

Funding Source: Funds in the amount of \$525,000 are available in the Sewer Service Charge Fund, Sewer Line CIP, Sewer Improvements, 51189002.82600 and will be transferred to Sewer Lift Station CIP, Sewer Improvements, 51189001.82600.

City Administrator Culbreth-Graft introduced Public Work Director Robert Beardsley. Director Beardsley introduced City Engineer Travis Hopkins to provide a staff report. Engineer Hopkins described the request and its review by the Public Works Commission. He discussed replacing three deficient and aging lift stations that serve Huntington Beach, Sunset Beach and the State Beach area. He stated discussions were held with the Orange County Sanitation District (OCSD) for compatibility purposes prior to OCSD taking possession. Engineer Hopkins described the contract as complex, with supplemental costs.

Mayor Coerper and Engineer Hopkins discussed circumstances that delayed project completion. Director Beardsley explained time constraints involved with the pump station and the connecting sewer line project, bid delays and rejections, and an anticipated completion of November, 2007.

Councilmember Bohr asked about the engineering changes encountered. Engineer Hopkins identified soil and gas issues and discussed change order figures.

Councilmember Green discussed the regional value of Lift Station D.

A motion was made by Green, second Hansen to 1) Increase the previously authorized 15% change order limit for Lift Station D construction from \$621,435 (15%) an additional \$375,000 (9%) or for a total change order authorization of \$996,435 (24%); and 2) Recommend an additional \$150,000 in supplemental expenses to complete the project. The motion carried by the following roll call vote:

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

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$1,005,946 to Imperial Paving Company for the Street Rehabilitation of Myrtle Drive and Normandy Lane, CC-1295 and Roadway Improvements Within the Oak View Area and Mandrell Drive, CC-1309; and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney**

Communication from the Director of Public Works transmitting the following **Statement of Issue**: On May 30, 2007, bids were opened for the Street Rehabilitation of Myrtle Drive and Normandy Lane, CC-1295 and Roadway Improvements within Oak View Area and Mandrell Drive, CC-1309. Staff requests that City Council award the contract to

Imperial Paving Co., the lowest responsive and responsible bidder.

Funding Source: Funds for the Myrtle Drive and Normandy Lane Improvements, CC-1295, are budgeted from Gas Tax, Sidewalk Improvements, Street Improvements, 20790001.82300. Funds for the Oak View Area and Mandrell Drive Improvements, CC0-1309, and budgeted from merged Redevelopment Agency Fund, Street Improvements, 30590006.82300. The engineer's cost estimate for the combined projects was \$1,270,000.

City Administrator Culbreth-Graft stated the item was not included on the Consent Calendar because of its large dollar amount, and referred to Director Beardsley to explain the project. Director Beardsley explained that the project is included in Residential Street Tree Petition Lists 1 and 2 (Normandy Lane and Myrtle Drive).

A motion was made by Green, second Bohr to 1) Approve the project plans and specifications for the Street Rehabilitation of Myrtle Drive and Normandy Lane, CC-1295 and Roadway Improvements within Oak View Area and Mandrell Drive, CC-1309; 2) Accept the lowest responsive and responsible bid submitted by Imperial Paving Company in the amount of \$1,005,946.00; and 3) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

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

**(City Council) Approved for Introduction Ordinance No. 3770 Amending Title 2 of the Huntington Beach Municipal Code by Amending and Deleting Various Chapters and Sections as Part of a Comprehensive Review and Update of the Huntington Beach Municipal Code by the City Attorney**

City Attorney Jennifer McGrath explained the nature of the request to review the municipal code to modify typographical errors, constitutional violations and aged ordinances that are inapplicable.

Councilmember Green asked about review of Boards and Commissions that have outlived their useful life or no longer exist. Attorney McGrath explained what content is being reviewed in Chapter 2 and whether or not certain Boards and Commissions have outlived their useful life and should be removed would be at the discretion of the City Administrator.

Councilmember Green asked for clarification of campaign contribution language. Attorney McGrath explained a correction involving a minor typo, and a contribution limitation that prohibited employees from contributing to political campaigns which violates their first amendment rights.

A motion was made by Green, second Cook to After City Clerk reads by title, Approve for Introduction Ordinance No. 3770, "An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code by Amending and Deleting

Various Chapters and Sections Thereof" by roll call vote. The motion carried by the following roll call vote:

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

**(City Council) Approved Request Submitted by Councilmember Don Hansen - Proposal of an Alternate Method, With Limited Application, for Permissible Sprinkler Omission Applicable to Additions in Existing Public Assembly Buildings.**

Communication from Councilmember Don Hansen transmitting the following Statement of Issue: The City's current fire sprinkler ordinance does not make provisions for sprinkler omissions when an addition is added to an existing public assembly building. Currently, the Huntington Beach fire codes require either adding a four-hour fire wall separating the addition from the existing building, or installing fire sprinklers in the new addition and the non-sprinklered portions of the existing building.

My proposal and recommendation would be to devise an alternate method, with limited application, when constructing additions to existing public assembly buildings without compromising public safety.

Recommended Action: Motion to:

New code language would be added to the Huntington Beach Fire Code section 17.56.060 CFC Section 1003.4 Permissible Sprinkler Omission as follows: Permissible sprinkler omission is applicable to the original assembly occupancy when the addition does not exceed 20% of the original square footage of the building's floor area, to a maximum of 5,000 square feet, with the following conditions:

- 1) The sprinkler omission does not apply to mixed occupancies use public assemblies;
- 2) The new addition shall have fire sprinklers;
- 3) The sprinkler omission shall be applicable one time with the existing occupancy;
- 4) Separation between the original occupancy and the new addition shall be a two-hour fire resistant wall;
- 5) The two-hour wall shall meet all current fire and building code requirements;
- 6) Openings in the two-hour fire wall shall meet current fire and building code requirements;
- 7) If the new addition exceeds 20% of the original building's floor area or 5,000 square feet, then the addition and the original building floor area shall be sprinklered; and,
- 8) All other applicable local, county, state and federal codes shall apply.

Councilmember Hansen discussed existing public assembly buildings that need provisions, and how adding sprinklers hikes budget figures. He thanked Chief Olson and the City Administrator for their efforts to maintain public safety and discussed meetings to map out the process included in the request and how a small addition to an existing structure should not trigger retrofit consideration.

Mayor Pro Tem Cook asked if Chief Olson had concerns. Chief Olson identified no concerns and discussed wall requirements applicable to the request. Mayor Pro Tem Cook discussed the existing ordinance and what would trigger retrofit requirements.

Chief Olson stated retrofit of sprinklers by separation depends on the number of feet.

Mayor Coerper asked if the item will impact the public hearing item continued earlier with similar content. Attorney McGrath discussed correlation on a go forward basis, and clarifications on non-conforming structures.

A motion was made by Hansen, second Green to Recommended Action: Motion to: New code language would be added to the Huntington Beach Fire Code section 17.56.060 CFC Section 1003.4 Permissible Sprinkler Omission as follows: Permissible sprinkler omission is applicable to the original assembly occupancy when the addition does not exceed 20% of the original square footage of the building's floor area, to a maximum of 5,000 square feet, with the following conditions: 1) The sprinkler omission does not apply to mixed occupancies use public assemblies; 2) The new addition shall have fire sprinklers; 3) The sprinkler omission shall be applicable one time with the existing occupancy; 4) Separation between the original occupancy and the new addition shall be a two-hour fire resistant wall; 5) The two-hour wall shall meet all current fire and building code requirements; 6) Openings in the two-hour fire wall shall meet current fire and building code requirements; 7) If the new addition exceeds 20% of the original building's floor area or 5,000 square feet, then the addition and the original building floor area shall be sprinklered; and, 8) All other applicable local, county, state and federal codes shall apply. The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Hardy

#### **Council Comments - (Not Agendized)**

**Councilmember Green** reported on visiting the Illume Art Exhibit on the Beach and thanked Director Beardsley for his years of service.

**Mayor Pro Tem Cook** thanked Director Beardsley for his years of service.

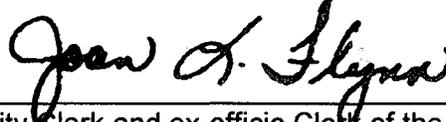
**Councilmember Carchio** thanked Director Beardsley for his years of service, reported attending the Rainbow Disposal 50 Year Anniversary Celebration, giving thanks to Ron Sherkman, attended the American Cancer Society Huntington Beach Relay for Life on June 10, attended the Search and Rescue Pancake Breakfast, accompanied NFL Star Tony Gonzales to the Seaciff Healthcare event, and is enjoying *Surf City Nights* Downtown.

**Mayor Coerper** complimented Director Beardsley and his dedication to the City, reported on attending a 102 year birthday celebration for Juanita Woodbridge, attended the Firefighters' Quest for Burn Survivors on June 5, announced a 101-year birthday celebration for Dolores, a Huntington Beach resident, complimented Mayor Pro Tem Cook for her presentation at the Rainbow Disposal Celebration, attended the 2nd Annual Orange County Mayors' Summit at Bower's Museum, attended the Huntington Beach Relay for Life event, attended the Search and Rescue Pancake Breakfast put on by the Huntington Beach Lion's Club on June 9, Eagle Scout Court of Honor ceremonies for Tyler Alexander Haunreiter, Adam Herbert Weiss, Aaron Kofahl, Nolan Edwards, Brett Holdaway, and David Panek, attended *Surf City Fest*, attended a Ribbon Cutting

at Huntington Beach Mitsubishi, and announced that All Star Baseball Teams from Japan and the United States will compete at the Huntington Beach Sports Complex on June 26.

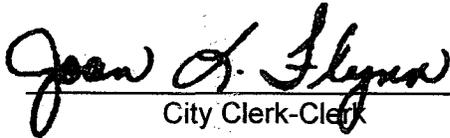
**Adjournment - Council/Redevelopment Agency**

Mayor Coerper adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:40 p.m. to Monday, July 2, 2007, at 4:00 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach.



\_\_\_\_\_  
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