Minutes
City Council/Redevelopment Agency Meeting
City of Huntington Beach

Monday, October 6, 2008
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audio recording of the 4:00 PM portion of this meeting and a video recording of the 6:00 PM portion of this meeting is on file in the Office of the City Clerk and is archived at www.surfcity-hb.org/government/agendas/

4:00 PM - ROOM B-8

CALL TO ORDER

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:00 PM, in Room B-8.

ROLL CALL (Councilmember Green requested permission to be absent pursuant to Resolution No. 2001-54)

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

ANNOUCEMENT OF LATE COMMUNICATION

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following communications related to the Study Session portion of the meeting received by the City Clerk's Office after distribution of the agenda packet:

PowerPoint communication submitted by the City's Energy Project Manager Aaron Klemm entitled, "HB Going Green," dated October 6, 2008.

PowerPoint communication submitted by the City Clerk's office, entitled, "City Clerk Technology Activity Update."

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

STUDY SESSION

1. (City Council) The City's Energy Project Manager, Aaron Klemm presented the work plan to date on efforts to create the Energy and Sustainability Strategic Plan for Huntington Beach.

Aaron Klemm, Energy Project Manager provided a PowerPoint presentation entitled, "HB Going Green," and discussed city leadership on energy and the environment conservation, green

building practices, Huntington Beach energy use, green house gas emissions, current legislation, energy projects, funding sources, outdoor lighting, energy purchases, and strategic sustainability.

2. (City Council) The City Clerk, Joan Flynn provided a brief demonstration on public access to NetFile, the City's online filing system for campaign disclosure documentation; SIRE Pub, a records management system designed by SIRE Technologies to store information including City contracts, deeds, ordinances, records and resolutions; and Agenda Plus, a SIRE Technologies product designed to build City Council agendas and manage Council staff reports through use of an electronic workflow.

City Clerk Joan Flynn provided a PowerPoint presentation entitled, "City Clerk Technology Activity Update," and discussed the status of implementing AgendaPlus™ designed by SIRE Technologies that will electronically automate the City Council agenda and staff report process; public website access to NetFile, an e-filing system for political disclosure documents; and the "Public Records Search" pilot program that will allow public website access to City records stored within the SIRE FileCenter electronic document imaging and records management system.

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

3. (City Council) Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Andrew Zepeda v. City of Huntington Beach; WCAB Case Nos. AHM 119525 and AHM 0120744; Claim Nos. COHB 04-0069 and COHB 01-0155.

4. (City Council) 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.

5. (City Council) Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Villella, Finance Director; and Duane Olson, Fire Chief, regarding labor negotiations with FMA.

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

7. (City Council) Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to confer with the City Attorney regarding the following potential lawsuit: In the Matter of Notice No. V12-0008 issued by the California Department of Transportation (Cal Trans) on June 15, 2007. Cal Trans has notified the City that the Huntington Beach Auto Mall sign located on City property adjacent to State Route 405 is in violation of the Outdoor Advertising Act. The Council will consider whether to appeal the determination to the Office of Administrative Hearings.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Cook reconvened the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 6:04 P.M. in the Council Chambers.

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath Reported No Action Taken During Closed Session Which Required A Reporting Pursuant to Government Code §54957.1(a) (3) (B).

ROLL CALL (Councilmember Green requested permission to be absent pursuant to Resolution No. 2001-54)

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

PLEDGE OF ALLEGIANCE - Led by Boy Scout Weeblos Den 2, Pack 227, from St. Bonaventure Church.

INVOCATION - Led by Father Christian Mondor, Sts. Simon and Jude Catholic Church

ANNOUNCEMENT OF LATE COMMUNICATION - None.

AWARDS AND PRESENTATIONS

Announcement - Mayor Cook announced October as National Disability Employment Awareness month. Initially the observance was enacted by Congress as Public Law 176, declaring the first week of October as "National Employ the Physically Handicapped Week." In 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. In 1988 the observance was expanded to a full month under its present name. The City Council would like to recognize the contributions of all disabled Americans as part of the city's Human Relations Task Force Federal Heritage Month program.

Mayor Cook congratulated City Treasurer Shari Freidenrich for being installed as Secretary of the Association of Public Treasurers of the United States and Canada.

Presentation - Mayor Cook called on the Huntington Beach Police Officers' Foundation (HBPOF) who hosted the CONSTABLE CLASSIC Golf Tournament at SeaCliff Country Club on Monday August 11th. The HBPOF had selected the Kiwanis of Huntington Beach as the designated charity for this event. The HBPOF presented a check to the Kiwanis to aid them in assisting underprivileged youth.

Craig Muller, President of the HBPOF, was joined by fellow board member Phil Scott, and Golf Committee Assistant Diane Shelton with Nissan Motor Corporation to explain efforts by the HBPOF to raise money for Kiwanis of Huntington Beach who support under-privileged youth in the community. President Muller called on Don MacAllister with Kiwanis to receive a check in the amount of $40,000. President Muller also recognized Mike Grummet, Mike Grummet Insurance Services, and Bob Miller from Huntington Beach Toyota, Surf City Nissan, Infinity of Escondido, The Waterfront Hilton, Luggatti's Italian Grill, Surf-City Bank, Home Property Management, DeGuelle Glass, Todai Restaurant, Prime Healthcare Management, the Mark McGuire Foundation and Huntington Beach Dodge.

Don MacAllister thanked the HBPOF for their donation and support in activities with youth and seniors in the community. Mr. MacAllister also invited those interested in participating in Kiwanis activities to join them for lunch each Tuesday at noon at the Meadowlark Country Club.

Presentation - Mayor Cook called on Clair Lunt with the Orange County Geranium Society to present the Huntington Beach Centennial Geranium that has been propagated especially in honor of the City's Centennial. The Geranium is the Official flower of the City and will be featured on the City's Rose Parade Float.

Ms. Lunt formally presented the flower to Steve Bone and Ron Shenkman representing the Centennial Celebration Committee, and introduced Geranium breeder Jim Zemzick. She described the history and characteristics of the flower, and informed the public that the flower will be available for purchase at the Shipley Nature Center during normal business hours.

Presentation - Mayor Cook called on William (Willie) Morris, Aera Energy's Manager of Operations for the LA Basin, to present a check to the Centennial Celebration Committee for $25,000.

Mr. Morris discussed how the oil industry has been a part of the Huntington Beach landscape for quite some time, and Aera Energy's enthusiasm in participating in the Centennial Celebration, and sponsoring the historical exhibit. On behalf of Aera Energy, Mr. Morris presented a check to the Centennial Celebration Committee in the amount of $25,000.

Ron Shenkman thanked Aera Energy for their generous donation.

Presentation - Mayor Cook called on Janis Mantini, Boeing's Program Manager, to present a check to the Centennial Celebration Committee for $25,000.

Janis Mantini discussed Boeing's relationship with the City and expressed pride in supporting the Centennial Celebration Committee and presented a check in the amount of $25,000. Steve Bone thanked Boeing for its extensive efforts of financial support to numerous organizations and causes citywide.

Presentation - Mayor Cook called on Sofia Abrina, Administrator for Huntington Beach Hospital and Garden Grove Hospital, and Candace Bartsch from Prime Healthcare, to present a check to the Centennial Celebration Committee for $10,000.

Sofie Abrina and Candace Bartsch expressed enthusiasm in participating in the Centennial Celebration, and presented a check to the Centennial Committee for $10,000. Steve Bone thanked representatives for their generous donation.

Mayor Cook announced the drawing for the names of the riders on the Huntington Beach Centennial Celebration 2009 Rose Parade Float, explaining that the riders will be drawn from residents who have submitted their names. She also explained that she will draw the name of a City of Huntington Beach Employee who submitted his or her name for the drawing, along with drawing names for representatives from the Junior Lifeguard Program and the Youth Character Awardees.

Mayor Cook drew the names of Patricia Pashich, Kenneth Bauer and Anita Jones as residents to ride on the Rose Parade float; Elizabeth Fok, Sandie Justen and John Newton were selected as alternates.

Steve Bone asked that all Committee members present join him for a photo, and described the Rose Parade float design. He informed the public that the Centennial Celebration Committee meets on the first and third Wednesday of each month at the Huntington Central Library, and encouraged members of the community to donate their time and get involved in the celebration. Mayor Cook discussed how the public can participate in building the Rose Parade Float, and that video progress of float construction and design will be provided on the City's website.

Mayor Cook drew the name of Debbie DeBow of the Public Works Department as the City Employee to ride on the Rose Parade Float; Jane James of the Planning Department was selected as alternate.

Mayor Cook drew the name of Catherine Wippler as the Junior Lifeguard to ride on the Rose Parade Float; Alexis Warnock was selected as alternate.

Mayor Cook drew the name of Araceli Arizmendi as the Youth Character Awardee to ride on the Rose Parade float; Arroya Karian was selected as alternate.

PUBLIC COMMENTS (3 Minute Time Limit)

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at http://www.surfcity-hb.org/government/agendas)

Prior to announcing names scheduled to speak during the public hearing, City Clerk Joan Flynn stated for the record that the meeting date of September 22, 2008, provided under Consent Item No. 15, should read September 15, 2008.

Corrine Ramirez voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant. She described the venue as unique and discussed family visits for breakfast, beautiful park surroundings, feeding the ducks, walking the lake and enjoying the outdoors. She urged action to rescue what she referred to as a "signature structure," and requested that the

Council consider aiding the business owner in renewing her lease. (24:05)

Mayor Cook asked for a status report on the site. Stanley Smalewitz, Director of Economic Development, described the disposition of the lease agreement with Alice's Restaurant including issues related to rent and facility conditions which need attention/repair. He also stated that the City initiated a Request for Proposal (RFP) from outside restaurateurs when consensus to remediate the property could not be reached between leaseholder and occupant, and indicated that the current tenant did not submit a proposal.

Richard Reinbolt voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant. He submitted a petition signed by approximately 1,953 residents who wish to keep the facility open, describing it as a sacred institution that he has visited since childhood, and how it complements the park with great food and laughter. He stated his opposition to the sale of alcohol in the park, stating it would disrupt the park's serene setting. He also discussed voters' rights, and spoke on behalf of the business owner who he believes is being treated unfairly. (29:38)

Mayor Cook informed the public that the City Council has not participated in any action related to the lease agreement between the City and Alice's Restaurant. She described negotiation activity that takes place between the property owner and the Economic Development Department. Mayor Cook stated she had not been approached by the business owner on this issue, and requested other Council to identify being contacted. Councilmember Carchio confirmed being contacted by the business owner. Mayor Cook expressed disappointment that the business owner failed to submit something to the City during the RFP process.

Nancy Shaw, 25-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, concurred with previous speakers and stated her opinion that the business owner may not have been prepared to respond appropriately during the lease renewal negotiation period. She described the venue as a peaceful and quiet oasis within the City that she has brought friends and family to, and where people can go to escape their busy schedules. She also discussed how her personal disabilities did not keep her from expressing her thoughts to the City Council. (34:26)

Mayor Cook asked if the City considered a shorter lease term to accommodate requests made by the business owner. Director Smalewitz described staff's responsibility in maintaining lease terms and conditions in a consistent and appropriate manner, and how special concessions to one and not all leaseholders create problems during negotiations. He also identified structural issues that require remediation by the business owner. Mayor Cook asked what happens after City staff analyzes the proposals received. Director Smalewitz described the next steps including financial analysis, negotiating a tentative lease agreement, and coming before Council with a recommended action that he feels will be ready some time next month.

Councilmember Carchio discussed his visit with the business owner, who apparently didn't complete the work identified by the City in order to keep her lease current. He asked if the business owner did indeed complete work requested by the City. Director Smalewitz described reviewing the latest report of invoices dated near 2000 involving termite control and painting. He stated the current instructions for work identified by the City was not accomplished to meet the terms of the new eight-year lease agreement. Discussion ensued on chronic termite remediation on the site, and costs associated with rehabilitation of the existing facility. Councilmember Coerper asked if the City was soliciting businesses that sell alcohol. Director

Smalewitz described the process of reviewing proposals and a possibility to sell alcohol, depending on the venue's theme and hours of operation. Mayor Cook suggested that further conversation resume when item is agendized.

Linda Beeuwsaert voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, and thanked the Council for their questions presented to staff. She discussed the difficult economic times and requested that Council take action to keep Alice's Restaurant in business to maintain its unique tradition, positive energy, excellent food and reasonable prices, and help it remain a staple in the community. (44:15)

Victoria Ann Chacon, 20-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, and spoke of its charm, the lake and feeding the ducks. She also described Alice's wonderful cinnamon rolls, and urged Council to allow Alice to maintain her lease for an additional two years. (45:55)

Susan Gilmore, Huntington Beach resident and Huntington Beach Playhouse volunteer, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant and discussed fond memories of visiting the facility with her sister. She suggested that Council consider a grandfather clause that would allow the tenant to remain open for business while a new tenant proceeds through the City's entitlement process so that both parties win. She described visiting the facility as spiritually uplifting and discussed the surrounding atmosphere with a lake and ducks, healthy food, smiles and hugs, and kids and pets welcome. (47:00)

Dolores Baron voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, and described the business owner's positive reputation in the community, how her family works hard, and how the facility exudes love, trust, and spirituality. She also described artifacts present on the site, and how the surroundings offer added pleasure with wildlife. (49:25)

Donna Asperen, 26-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant and described witnessing past acts of nature destroy Huntington Beach landmarks. She described Alice's as a place of charm and color, with friendly staff and fresh food. She discussed how Alice responded to a request by the City to produce revenue in the park, and voiced disappointment that Alice must now face double rent payments. She also voiced opposition to alcohol sales in the park. (52:50)

Suzette Clark spoke to Council about the Cape Ann Condominium affordable housing program, describing her frustration with the City's formula to establish resale value being tied to interest rates and not property values. She stated that the City failed to inform her of the resale formula written four years after she purchased her property, and described how the program penalizes owners for refinancing their loans by extending the 30-year affordability period and does not allow owners to withdraw surplus funds. She stated her opinion that the program is unconstitutional, and her disturbance that she is unable to leave property to family members who may not meet affordable housing income requirements. (55:50)

Hannelore Palmer spoke to Council about the Cape Ann Condominium affordable housing program, and discussed the personal experiences that led to the purchase of her home, and life events that caused her to retire from employment early in 2005. She expressed frustration that she is no longer able to afford her mortgage, is not allowed to transfer ownership of property to

her daughter because she does not satisfy affordable income requirements, and that the program does not allow her to rent the property out. She also discussed not being able to remove equity, and her inability to make future plans, requesting that the Council provide assistance. (59:12)

Robert Johnson, Cape Ann Condominium resident, voiced concerns about the affordable housing program and his opinion that the restrictions currently in place were not present when he bought his home. He requested that the Council put fairness above politics. (01:02:00)

Archie Clark, Seal Beach resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant and described how he and family members have used the facility for over 15 years. He urged Council to assist the tenant in remaining in business and maintain the family tradition that has been established at that location. He also voiced opposition to alcohol sales in the park. (01:03:40)

Christopher Clark, Huntington Beach resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, describing how his family has frequented the facility for 15 years, and how the restaurant located near a lake with ducks is a gem in Huntington Beach. He urged Council to assist the tenant by extending her lease for two years, or consider an appropriate use that would maintain the location's current character. (01:05:08)

Yana Kennedy, Cape Ann Condominium owner, spoke to Council about the affordable housing program she is restricted by at Cape Ann. She described her professional affiliations, her single-mom status, and her regrets for purchasing property through a government program which she feels works against people. She is disturbed by the City's formula to establish resale value based on mortgage rates versus assessed property value and affordable income requirements that she believes are difficult to qualify for. She requested that the Council take action on what she describes as a poorly designed program. (01:08:11)

Shaun Dahl, Cape Ann Condominium owner, discussed his decision to purchase property in Huntington Beach, and expressed concerns about recapturing his investments and not being able to will the property to his children if they cannot meet the affordability requirements. He stated his opinion that the City failed to explain fully the restrictions behind the program, and requested that Council provide assistance to change the program. (01:10:55)

Mayor Cook asked the City Attorney to clarify concerns voiced by speakers on the Cape Ann affordable housing program. City Attorney Jennifer McGrath indicated entering into a discussion that is not agendized would be inappropriate, that the item is pending litigation and could be scheduled for the next Closed Session, and that the City may consider reviewing affordable housing policies in the future.

Christina Daza, 11-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant and described her surprise that such a safe and happy facility existed so near her home. She described the facility's nostalgic charm and surroundings, and how long-time residents enjoy their favorite establishments and don't want another trendy bistro. She provided a quote by Colin Powell, and urged the Council to preserve the facility. (01:12:57)

Teresa Macedo, 25-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, described growing up in Huntington Beach, adventures, raising a family, and having breakfast at Alice's. She also stated she and friends consider bringing their children

to Alice's as a tradition, and although not opposed to progress, wished to preserve the local culture so important to the residents. She urged Council to consider the spirit of the centennial, and assist Alice in keeping her restaurant in the park open for business. (01:16:50)

Dan Kanne, representing the Shipley Nature Center, invited Council and citizens to the Shipley Nature Center's Harvest Festival on Saturday, October 11 from 9:00 AM to 2:00 PM. He provided location information, described event activities, and California native plants that are drought-tolerant, support native wildlife, and conserve water. He also gave special thanks to Councilmember Joe Carchio for his support of the festival. (01:19:30)

Steve Stafford voiced concerns about property violations being ignored by members of the Crystal Island Homeowners Association. He discussed issues he perceives are related to privacy, raw sewage odor, illegal construction without permits, improper assessments, and violations of the property's CC&Rs. (01:21:19)

Rick Lucian voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant and described Alice's as a landmark of the community which is being removed. He discussed how people mean more than lease market rates, and his frustration with the City's solicitation requesting proposals for new tenancy that would allow alcohol use that is currently prohibited in the park. He requested that Council not invite trouble and police activity, not place revenue generation above community interest, and not disturb open space. (01:24:40)

Mike Reynolds, 34-year resident, spoke to Council about street sweeping on Farnsworth Lane, and Peterson Elementary School officials having the authority to halt street sweeping operations during summer school hours of operation and notify Parking Enforcement when vehicles should be ticketed. He voiced frustration when neighbors rush to move their cars on posted days and not have a parking spot to return to because school staff members and visitors reach them first, on top of the street not being swept. He described discussions with City staff that provided no apparent remedy, and requested issuance of credit on his utility bill for the service he is not receiving. (01:27:50)

Mayor Pro Tem Bohr requested the speaker complete a follow-up card.

Hunter Grant, 7-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant and described how the facility is a favorite spot, does great business, is popular like other successful businesses in the City such as the Sugar Shack and Duke's. He voiced disappointment with the tenant being asked to produce double rent when she answered a request by the City years ago to generate revenue in the park. He urged Council to assist the tenant to remain in business and preserve the community flavor. (01:30:40)

David Harris, 24-year resident, voiced concerns about what he described as the institutional behavior of Council and increased density related to the proposed Beach/Edinger Corridor project. He discussed statistics related to the number of people and apartments per acre, and the negative impacts of traffic generated by the proposal. He urged Council to carefully consider the proposal approved by the Planning Commission that he feels will undoubtedly be brought before them through the appeal process. (01:33:30)

Linda Peterson, 62-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, a business she refers to as a jewel in the City. She discussed how the facility has traditional value and should be maintained for future generations, describing it as

a space for growth in a natural, peaceful location that houses a collection of historical items. She urged Council to search their souls and assist the tenant in remaining open for business. (01:36:52)

Nancy Reese voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant and discussed how she takes her grandchildren to the facility, calling it a treasure in the City. She voiced opposition to alcohol sales in the park and making revenue generation more important than community interest. She discussed the City's alarming statistics for alcohol violations, and urged Council to consider a venue that makes sense and belongs in a unique and wholesome setting. (01:38:20)

Robert Sternberg, resident, voiced concerns related to density and the proposed Ripcurl Project at the former Levitt's Furniture site at Bella Terra. He described actions taken by the Planning Commission to scale down the project, but moving it forward with increased density figures. He urged Council to fully understand the ramifications of a project that allows the density proposed for Ripcurl, and overriding considerations that must be addressed. (01:40:45)

Quinn Bowyer, 33-year resident, Paramedic and U.S. Coast Guardsman, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant, describing it as a staple facility that is about to close. He discussed how City charm is being stripped away by new development, and urged Council to preserve community character and assist the business owner by granting a lease extension. (01:44:00)

John Stern, 39-year resident who resides north of Goldenwest College, voiced concerns about the increased density identified within the Beach/Edinger Corridor Specific Plan study, and how it will negatively impact the area's serenity by creating problems associated with traffic, parking and crime. He asked Council to consider ways to alleviate the concerns identified by residents. He also discussed his opinion that apartment complexes bring additional crime into the City. (01:46:05)

Devin Dwyer, 45-year resident, voiced concerns about the disposition of Alice's Breakfast in the Park Restaurant. He discussed his experiences enjoying what he considers community landmarks over the years such as the Golden Bear, the End Cafe, Farrell's Ice Cream Parlor, and traditional events like the Sts. Simon and Jude Fair, expressing his hopes that the City assists the business owner to rebuild the facility and keep it open for business. (01:49:18)

Alice Gustafson, business owner of Alice's Breakfast in the Park Restaurant, discussed how she and business associates have worked hard to maintain a wholesome, serene, peaceful place to eat and play. She thanked her loyal guests for speaking in support of her business, and thanked Council for their attention in listening to the speakers. She requested that the City allow her the ability to extend her lease and finish the job she started. She also voiced disappointment with City staff that in her opinion inaccurately depicted lack of action on her part during lease negotiations. (01:50:50)

Ryan Downey, oldest grandson of Alice Gustafson, described how Alice's Breakfast in the Park Restaurant is a part of his family history. He described how the restaurant and surrounding park have served as a place to learn and grow, and shared disappointments about past family establishments (Maxwell's and the End Cafe) being destroyed by natural disasters, and his

opinion that the City failed to assist his family then, and are doing so now. He voiced opposition to alcohol sales in the park, and how the City marketed the location as a bistro opportunity. (01:53:20)

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

Mayor Cook identified valuable leadership advice as "being tough on issues, tender on people," reminding the public that staff often takes the blunt force of opinion, but in reality only proposes projects, while the Council makes decisions and are the responsible party for outcomes.

CITY ADMINISTRATOR'S REPORT

Mayor Cook welcomed Fred Wilson to the City of Huntington Beach. City Administrator Wilson thanked Mayor Cook and members of the City Council, expressing his interest in the community, and how he looks forward to working with Council and moving the City forward.

CITY ATTORNEY'S REPORT

14. City Attorney's Notice of Filed Complaint by the City of Huntington Beach. City of Huntington Beach v. Carl M. Garfield and Does 1 to 15, Inclusive, Orange County Superior Court Case No. 30-2008-00097830. Nature of Case: Claim for recovery of worker's compensation benefits paid to Fire Captain Keith Bateman who was rear-ended while on City business, traveling in his private vehicle.

City Attorney McGrath reported the item involves recovery of workers' compensation benefits involving a City vehicle.

CONSENT CALENDAR

15. (City Council/Redevelopment Agency) Approved Minutes

A motion was made by Coerper, second Bohr to Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meeting of September 22, 2008 as written and on file in the Office of the City Clerk, **amended to correct meeting date to September 15, 2008**. The motion carried by the following roll call vote:

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

16. (City Council) Received and Filed the City Attorney's Quarterly Report of Activity for April 1, 2008, through June 30, 2008.

A motion was made by Coerper, second Bohr to Receive and file the City Attorney's Quarterly Report for April 1, 2008, through June 30, 2008. The motion carried by the following roll call vote:

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

ABSENT/OUT OF ROOM: Green

17. (City Council) Adopted Resolution No. 2008-61 Amending the Fiscal Year 2008/09 Budget to Continue $19,040,705 in Unspent Appropriations from Fiscal Year 2007/08 for Unfinished Capital Improvement Program (CIP) Projects.

A motion was made by Coerper, second Bohr to Adopt Resolution No. 2008-61, "A Resolution of the City Council of the City of Huntington Beach Amending the Fiscal Year 2008/09 Budget to Carry Over Unspent Appropriations from Fiscal Year 2007/08" which incorporates and references the Continuation Funding Exhibit listing individual Capital Improvement Program Projects totaling $19,040,705. The motion carried by the following roll call vote:

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

18. (City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of $47,750 to J. RDMMAC, Inc. for the Safe Routes to School, Cycle IV Project in the Vicinity of Marine View Middle School, CC-1244; and, Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney.

A motion was made by Coerper, second Bohr to Approve the project plans and specifications for the Safe Routes to School, Cycle IV Project in the vicinity of Marine View Middle School, CC-1244; Accept the lowest responsive and responsible bid submitted by J. RDMMAC, Inc. in the amount of $47,750; and, Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

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

19. (City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of $170,000 to GMC Engineering, Inc. for the Safe Routes to School, Cycle IV Project in the Vicinity of Mesa View Middle School, CC-1243; Declare the Apparent Low Bid from California Engineering and Contracting, Inc. as Non-Responsive; and, Authorize the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney.

A motion was made by Coerper, second Bohr to Approve the project plans and specifications for the Safe Routes to School, Cycle IV Project in the vicinity of Mesa View Middle School, CC-1243; Declare the apparent low bid from California Engineering and Contracting, Inc. as non-responsive; Accept the lowest responsive and responsible bid submitted by GMC Engineering, Inc., in the amount of $170,000; and, Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

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

20. (City Council) Approved and Authorized the Mayor and City Clerk to Execute Amendment No. 1 to the Professional Services Contract with Huitt-Zollars, Inc. Extending Contract Term for As-Needed Civil Engineering Services for the Beach Blufftop Restrooms Project and Other Capital Improvement Projects.

A motion was made by Coerper, second Bohr to Approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Huitt-Zollars, Inc." The motion carried by the following roll call vote:

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

21. (City Council) Adopted Resolution No. 2008-62 Requesting the Orange County Transportation Authority (OCTA) to Allocate Funds Through the Combined Transportation Funding Program (CTFP) for the Initial 90% Reimbursement of Costs Related to the Heil Avenue Widening Project, CC-1230.

A motion was made by Coerper, second Bohr to Adopt Resolution No. 2008-62, "A Resolution of the City Council of the City of Huntington Beach Requesting the Orange County Transportation Authority to Allocate Combined Transportation Program Funds for Heil Avenue Widening Between Silver Lane and Beach Boulevard, Project Numbers 03-HBCH-GMA-1110 and 03-HBCH-MPH-1111." The motion carried by the following roll call vote:

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

22. (City Council) Adopted Resolution No. 2008-63 Revising and Restating the City's Insurance and Indemnity Requirements.

A motion was made by Coerper, second Bohr to Adopt Resolution No. 2008-63, "A Resolution of the City Council of the City of Huntington Beach Revising and Restating the City's Insurance and Indemnity Requirements." The motion carried by the following roll call vote:

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

23. (City Council) Denied Request for Amicus Curiae Brief Support of the City of Anaheim's Ban of the Operation of Medical Marijuana Dispensaries Within Its City Limits, in the Matter Entitled "Qualified Patients Association v. City of Anaheim," Case No. G040077.

A motion was made by Coerper, second Bohr to Approve and Authorize participation as amicus curiae in support of the City of Anaheim for the matter entitled "Qualified Patients Association v. City of Anaheim," G040077, 4th District Court of Appeal, Division 3. The motion failed by the following roll call vote:

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

ABSENT/OUT OF ROOM: Green

24. (City Council) Approved and Authorized the Mayor and City Clerk to Execute Amendment No. 1 of the Intergovernmental Service Agreement Between the City of Huntington Beach and the City of Newport Beach for the Detention at Huntington Beach Police Department of Detainees Held in Custody by the Newport Beach Police Department.

A motion was made by Coerper, second Bohr to Approve and authorize the Mayor and City Clerk to execute the revised "Amendment No. 1 to Intergovernmental Service Agreement Between the City of Huntington Beach and the City of Newport Beach for the Detention at Huntington Beach Police Department of Detainees Held in Custody by the Newport Beach Police Department." The motion carried by the following roll call vote:

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

25. (City Council) Approved Appointments of Alison Baskin, Kelly Beitler, and Emily Wagner to the Youth Board With a Term to Expire in June 2009; Reappoint Carey Huss, Rebecca Clopp, Kevin Edwards, Dylan Heyden, Grace Le, and Stephanie Morley to the Youth Board With a Term to Expire in June 2009

A motion was made by Coerper, second Bohr to Approve appointments of Alison Baskin, Kelly Beitler, and Emily Wagner to the Youth Board with their terms to expire in June 2009; and, Reappoint Carey Huss, Rebecca Clopp, Kevin Edwards, Dylan Heyden, Grace Le, and Stephanie Morley to the Youth Board with their term to expire in June 2009. The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

26. (City Council) Adopted Ordinance No. 3815 Amending Chapter 10.42 of the Huntington Beach Municipal Code (HBMC) Relating to the Residential Parking Permits. Approved for Introduction September 15, 2008.

A motion was made by Coerper, second Carchio to After City Clerk reads by title, Adopt Ordinance No. 3815, "An Ordinance of the City of Huntington Beach Amending Chapter 10.42 of the Huntington Beach Municipal Code Relating to Residential Parking Permits." The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carchio thanked everyone who called and sent cards to him recognizing his mother's passing, and the Council for sending beautiful flowers.

Mayor Pro Tem Bohr discussed presenting a proclamation on behalf of the City Council to Linda Miller, responsible for coordinating "surf" concerts for the Surf City Museum.

ADJOURNMENT

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:01 PM. The next regularly scheduled meeting will take place on Monday, October 20, 2008, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Joan A. Flynn

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:

Joan A. Flynn

City Clerk-Clerk

Debbie Cook

Mayor-Chair