

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

Monday, August 18, 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

The 4:00 PM portion of the meeting was recessed to 5:00 PM by Deputy City Clerk Kelly Mandic due to a lack of quorum.

CALL TO ORDER

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 PM, in Room B-8.

ROLL CALL

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

ANNOUNCEMENT OF LATE COMMUNICATION

City Clerk Joan Flynn announced no late communication for the Closed Session portion of the meeting.

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

None.

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, Green, and Carchio
NOES: None

CLOSED SESSION

1. 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 Cramer Lane in Huntington Beach and the purchase, sale or exchange of APN 114-150-94 in the City of Huntington Beach.
2. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Paul Emery, Interim 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.
3. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the proposal of Sunesys, LLC to construct a fiber optic communication network between the schools of the Fountain Valley School District. Sunesys intends to connect the fiber optic lines to existing utility poles, although Section 17.64.050 of the Municipal Code requires that such new utility lines be installed underground. By letter, dated July 30, 2008, Sunesys informed the City that it would sue unless excused from this requirement.
4. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding NextG Networks of California v. City of Huntington Beach, U.S. District Court, Case No. SACV-07-1471, Ninth Circuit Court of Appeals Case No. 08-55403, which alleges City's "Wireless Permit Ordinance" requirements are unlawful and prohibits Plaintiff from providing telecommunications services to its customers.
5. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding potential litigation. The facts and circumstances are not specified because they concern matters that might result in litigation against the City, and which the City believes are not yet known to potential plaintiffs. [Government Code § 54956.9(b)(3)(A).]
6. 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.

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Cook reconvened the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 6:00 PM in the Council Chambers.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Councilmember Carchio

INVOCATION - Led by Reverend Mark Willey, Costa Mesa Methodist Church

ANNOUNCEMENT OF LATE COMMUNICATION

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

#8 - Communication submitted by Patricia Dapkus, Department Analyst, Senior, dated August 18, 2008, entitled Late Communication Regarding the Council Committee Report on AB 1634.

#16 - Communication submitted by Stanley Smalewitz, Director of Economic Development, dated August 18, 2008, entitled Add Recommended Action to Consent Calendar Item No. 16 (Resolution of Intention to Levy an Annual Assessment for 2008-2009 within the Downtown Huntington Beach Business Improvement District.)

#17 - Communication submitted by Stanley Smalewitz, Director of Economic Development, dated August 18, 2008, entitled Add Recommended Action to Consent Calendar Item No. 17 (Resolution of Intention to Levy an Annual Assessment for 2008-2009 within the Huntington Beach Auto Dealers Business Improvement District.)

#18 - Communication submitted by Stanley Smalewitz, Director of Economic Development, dated August 18, 2008, entitled Add Recommended Action to Consent Calendar Item No. 18 (Resolution of Intention to Levy an Annual Assessment for 2008-2009 within the Huntington Beach Hotel/Motel Business Improvement District.)

#19 - Communication submitted by Mark Bixby, dated August 16, 2008, entitled Further Clarification Needed Regarding 8/18/08 Consent Item No. 19 (SAR/Bolsa Chica Law Enforcement.)

#19 - Communication submitted by Captain Chuck Thomas, Acting Chief of Police, dated August 18, 2008, entitled Request for Council Action Item No. 19 providing a replacement map to further define the Bolsa Chica area under consideration.

#23 - Communication submitted by Lisa Schick, dated August 18, 2008, entitled Public Comments for City Council Meeting.

#23 - Communication submitted by Janelle Evink, dated August 18, 2008, entitled Late Communication for Item No. 23 (Condo Conversion Restitution Fund Allocations.)

#23 - Communication submitted by Jennifer McGrath, City Attorney, dated August 18, 2008, entitled Late Communication for Item No. 23, Meeting 8/18/08 attaching a revised resolution reflecting a change made to Section 3A regarding dates.

#30 - Communication submitted by Gerry Marnien, Manager of the Los Angeles Times/LA Displays, dated August 18, 2008, entitled Updated Anchor Bolt Size.

AWARDS AND PRESENTATIONS

Mayor Cook introduced Fred Wilson, newly appointed City Administrator for the City of Huntington Beach who is scheduled to assume his position on September 22, 2008. She discussed his professional background in the City of San Bernardino, and referenced similarities in government style and processes between the two cities. Mr. Wilson thanked the Council for his appointment, and expressed excitement in coming to Huntington Beach.

Mayor Cook referenced the art displayed behind the City Council dais, explaining that it was constructed by children who attended the Huntington Beach Art Center Summer Camp called Art At Beach, stating the summer art program is available to children ages 6-12, with more information available at the downtown Art Center.

Mayor Cook called on Sister City Program Chair Carmen Erber, who introduced Huntington Beach high school students who recently returned from Anjo, Japan. Holly Slevcove, a Senior at Marina High School, described the points of interest, activities, people and traditions she experienced while there; Elizabeth Tornheim, Junior at Huntington Beach High School, described the hospitality of Japan's people and how Anjo's Mayor was excited when learning an American dance. Cameron Mahdad, Senior at Huntington Beach High School, described his experience learning about Japanese lifestyles, housing and customs. Shannon Carter, Junior at Edison High School, described Japanese art, technique, taste and an amazing variety of Japanese cuisine. She thanked the City Council, Carmen Erber and the Sister City Association for such a wonderful opportunity, and distributed Japanese snacks to the Council.

Carmen Erber described the program and opportunities on how to apply, identifying the Sister City website address of www.hbsistercity.org.

7. Mayor's Award - Mayor Cook called on Fire Chief Duane Olson to present the Mayor's Award to Art Weir, Equipment and Auto Maintenance Crew Leader.

Mayor Cook called on Chief Duane Olson to assist in presenting the Mayor's Award to Art Weir, Equipment and Auto Maintenance Crew Leader. Chief Olson described Art's 35-year tenure with the City, his mechanical experience with fire vehicles and equipment, uniforms, operations, attitude and skills. Chief Olson stated the department's respect for Art, and discussed Art's local background, education in industrial arts, certifications and service experience in the United States Navy. Art introduced his wife Sharon, daughter Kristie, grandson Gavin, and fellow associates from the Fire Department. Mayor Cook presented Art with the Mayor's Award.

PUBLIC COMMENTS (3 Minute Time Limit)

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

Allen Baylis, Huntington Beach resident, spoke to the Council in favor of pet owners' rights regarding spay and neuter of domestic pets, requesting their support in opposing AB 1634. He spoke in favor of adopting Ordinance No. 3810 relating to water conservation, suggesting that the Council consider bringing together a citizens panel for creative solutions. He also recommended moving forward with new ideas, suggesting that the Council would benefit from ideas provided by the people they represent. (00:31:33)

Carol Hamilton, Huntington Beach resident, spoke in opposition to AB 1634. She introduced Clancy, a pure bred Irish Terrier, and discussed PETA and the Humane Society's involvement in current legislation that does not represent animal rights associations. She described Clancy's background and special abilities, and discussed how shelters are filled with dogs brought in from various countries, many of which are disabled. (00:34:07)

Ann Patrick, long-time resident of Huntington Beach, thanked Mayor Cook for returning her call regarding AB 1634. She urged Council to oppose the bill. (00:34:42)

Keith Lezatte, Costa Mesa resident, requested that Council oppose AB 1634. (00:35:04)

Teddi Alves, Huntington Beach resident, spoke in opposition to AB 1634. She discussed the provisions of the bill, and informed the Council of a measure being

considered in Costa Mesa that will prohibit dog noises outside of property owner boundaries. She urged Council to oppose AB 1634. (00:37:08)

Catherine DeLuca, Huntington Beach resident, again introduced her dog Clancy and spoke in opposition of AB 1634. She called the legislation an invasion into the rights of responsible pet owners, and described irresponsible acts by PETA representatives at dog shows, suggesting there are better ways to handle animal problems. (00:39:22)

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

Reports submitted by Mayor Pro Tem Bohr and Councilmember Hardy are on file and available in the City Clerk's Office.

8. Councilmember Jill Hardy, Chair of the Intergovernmental Relations Committee, (IRC) Reporting a Letter has been sent to Assemblyman Lloyd Levine Requesting that the City be Removed as a Supporter of AB 1634 until City Council could Review the Current Language to Determine its Current Position.

Councilmember Hardy reported on the City's past position for AB 1634 in June 2007, informing Council that the bill has been amended several times and needed to be brought back for discussion purposes. She described the Council's options to support, oppose or stay neutral on the bill.

Councilmember Coerper asked for clarification that Council had previously supported the bill, and that Mayor Cook had sent a letter to the State requesting Huntington Beach be removed as a supporting agency. Councilmember Hardy confirmed.

Councilmember Coerper considered a motion to remain neutral. Councilmember Hardy explained that there is no need for a vote to remain neutral, and informed the Council that the issue could be revisited through the Intergovernmental Relations Committee (IRC) process.

Councilmember Bohr voiced concerns about what he perceived to be an erroneous statement made by a public speaker regarding PETA's involvement in the bill, and his objection to opposing AB 1634.

A motion was made by Carchio, second Green to oppose AB 1634. The motion carried by the following roll call vote:

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

Councilmember Green reported on recent activity by the Orange County Transportation Authority (OCTA) to study the extension of the 57 freeway to the 405 freeway, reminding the Council of the City's opposition.

CITY ADMINISTRATOR'S REPORT - None

CONSENT CALENDAR

A motion was made by Green, second Coerper to approve items on the Consent Calendar, including amendments brought forth in late communication related to items 16, 17, 18, and 23. The motion carried by the following roll call vote:

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

9. (City Council) Approved Minutes.

A motion was made by Green, second Coerper to approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meeting of August 4, 2008 as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

10. (City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$101,500 to PTM General Engineering Services, Inc. for the Traffic Signal Installation Project at Bolsa Chica Street and Robinwood Drive, CC-1301, and the Installation of Traffic Signal Interconnect Conduit on Main Street from Florida Street to Promenade Parkway, CC-1303; and, Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney.

A motion was made by Green, second Coerper to a) Approve the project plans and specifications for the Traffic Signal Installation at the intersection of Bolsa Chica Street and Robinwood Drive (CC-1301) and the installation of interconnect conduit along Main Street from Florida Street to Promenade Parkway (CC-1303); b) Accept the lowest responsive and responsible bid submitted by PTM General Engineering Services, Inc., in the amount of \$101,500.00; and c) 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, Green, and Carchio
NOES: None

11. (City Council) Approved Project Plans and Specifications and Award Construction Contract in the Amount of \$756,178.82 to Hillcrest Contracting, Inc. for the Heil Avenue Widening Project, CC-1230; Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney; and Authorized the Director of Public Works to Approve up to Fifteen Percent (15%) in Construction Change Orders.

A motion was made by Green, second Coerper to a) Approve the plans and specifications for the Heil Avenue Widening Project, CC-1230; b) Accept the lowest responsive and responsible bid, including the additive alternate bid item, submitted by Hillcrest Contracting, Inc., in the amount of \$756,178.82; c) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and d) Authorize the Director of Public Works to approve up to fifteen percent (15%) in construction change orders. The motion carried by the following roll call vote:

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

12. (City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$90,209 to Christopher R. Morales, Inc. for the Traffic Signal Modifications at the Intersections of Springdale Street and Heil Avenue, and at Center Avenue and One Pacific Plaza, CC-1322; and, Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney.

A motion was made by Green, second Coerper to a) Approve the project plans and specifications for the Traffic Signal Modifications at the intersections of Springdale Street and Heil Avenue and at Center Avenue and One Pacific Plaza (CC-1322); b) Accept the lowest responsive and responsible bid submitted by Christopher R. Morales, Inc., in the amount of \$90,209.00; and c) 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, Green, and Carchio
NOES: None

13. (City Council) Adopted Annual Disadvantaged Business Enterprises (DBE) Goal for Fiscal Year 2008/2009 to be Eligible for Financial Assistance From the Federal Highway Administration (FHWA).

A motion was made by Green, second Coerper to adopt the Annual Disadvantaged Business Enterprises (DBE) goal of three percent (3%). The motion carried by the following roll call vote:

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

14. (City Council) Escheated a Total of \$411.62 of Unclaimed Funds Over Three Years Old and Less Than \$15.00, and a Total of \$10,908.34 of Unclaimed Funds Over Three Years Old and More Than \$15.00 to the City's General Fund per Government Code Section 50055.

A motion was made by Green, second Coerper to review and approve the transfer of \$11,319.96 of unclaimed funds to the unappropriated General Fund in compliance with Government Code Section 50055. The motion carried by the following roll call vote:

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

15. (City Council) Accepted Annual Review of the Flood Management Plan (FMP) for Period Covering July 1, 2007 Through June 30, 2008 and Authorized Submittal to the Federal Emergency Management Agency (FEMA).

A motion was made by Green, second Coerper to accept the annual review of the Flood Management Plan as adequate and complete and forward it to FEMA. The motion carried by the following roll call vote:

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

16. (City Council) Approved the Huntington Beach Downtown Business Improvement District (BID) Annual Report FY 2008-2009 BID Renewal; Adopted Resolution No. 2008-48, Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Downtown Business Improvement District (BID) for FY 2008-2009; and, Directed the City Clerk to Schedule a Public Hearing for September 15, 2008, and Notify Each Business to be Assessed and Provide Public Notification.

A motion was made by Green, second Coerper to a) Adopt City Council Resolution No. 2008-48, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2008-2009 within the Huntington Beach Downtown Business Improvement District;"
b) Direct the City Clerk to schedule a public hearing to be held on September 15, 2008, and send copies of the Resolution of Intention including the BID Boundary Map and assessment formula to each business to be assessed, and publish same in a newspaper of general circulation as required; amended by late communication to add
c) Approve the Downtown Huntington Beach Business Improvement District Annual Report for Fiscal Year 2008-2009. The motion carried by the following roll call vote:

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

17. (City Council) Approved the Huntington Beach Auto Dealers Business Improvement District (BID) Annual Report FY 2008-2009 BID Renewal; Adopted Resolution No. 2008-49, Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Auto Dealers Business Improvement District (BID) for FY 2008-2009; and, Directed the City Clerk to Schedule a Public Hearing for September 15, 2008, and Notify Each Business to be Assessed and Provide Public Notification.

A motion was made by Green, second Coerper to a) Adopt City Council Resolution No. 2008-49, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District for Fiscal Year 2008-2009;" b) Direct the City Clerk to schedule a public hearing to be held on September 15, 2008 and send copies of the Resolution of Intention and assessment formula to each business to be assessed and publish the same in a newspaper of general circulation as required; amended by late communication to add c) Approve the Huntington Beach Auto Dealers Business Improvement District Annual Report for Fiscal Year 2008-2009. The motion carried by the following roll call vote:

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

18. (City Council) Approved the Huntington Beach Hotel/Motel Business Improvement District (BID) Annual Report FY 2008-2009 BID Renewal; Adopted Resolution No. 2008-50, Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District (BID) for FY 2008-2009; and, Directed the City Clerk to Schedule a Public Hearing for September 15, 2008, and Notify Each Business to be Assessed and Provide Public Notification.

A motion was made by Green, second Coerper to a) Adopt City Council Resolution No. 2008-50, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2008-2009 Within the Huntington Beach Hotel/Motel Business Improvement District;" b) Direct the City Clerk to schedule a public hearing to be held on September 15, 2008, and send copies of the Resolution and assessment formula to each business to be assessed and publish same in a newspaper of general circulation as required; amended by late communication to add c) Approve the Huntington Beach Hotel/Motel Business Improvement District Annual Report for Fiscal Year 2008-2009. The motion carried by the following roll call vote:

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

19. (City Council) Approved and Adopted the Memorandum of Understanding (MOU) Among the County of Orange, the Orange County Sheriff-Coroner, and the City of

Huntington Beach for Sharing Law Enforcement Responsibilities in the unincorporated West Bank of the Santa Ana River and the Majority of the Bolsa Chica Wetlands.

A motion was made by Green, second Coerper to approve and adopt the "Memorandum of Understanding Among the County of Orange, the Orange County Sheriff-Coroner and the City of Huntington Beach for Sharing Law Enforcement Responsibilities Along the Santa Ana River and the Bolsa Chica Wetlands." The motion carried by the following roll call vote:

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

NOES: None

20. (City Council) Approved and Authorized the Mayor to Execute Local Business Energy Efficiency Program Agreements totaling \$24,348.80 as Incentive Payments for Previously Purchased Replacement Engines at Water Well #9 (\$12,856.80), and Water Well #13 (\$11,492.00).

A motion was made by Green, second Coerper to a) Approve and authorize the Mayor to execute "Local Business Energy Efficiency Program Agreement" for Water Well #9; and b) Approve and authorize the Mayor to execute "Local Business Energy Efficiency Program Agreement" for Water Well #13. The motion carried by the following roll call vote:

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

NOES: None

21. (City Council) Approved and Authorized the Mayor and City Clerk to Execute the Southern California Edison (SCE) Clean Green California Demand Response Sales and Services Agreement with EnerNOC, Inc. Providing Incentive Payments to the City of Huntington Beach if the City is Able to Shed Electrical Load from Designated Facilities During Peak Use Events.

A motion was made by Green, second Coerper to approve and authorize the Mayor and City Clerk to execute the "Southern California Edison (SCE) Clean Green California Demand Response Sales and Services Agreement" with EnerNOC, Inc. The motion carried by the following roll call vote:

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

NOES: None

22. (City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$5,473,640.29 to R. J. Noble Company for the FY 2007/08 Arterial Rehabilitation, CC-1320; and, Authorized the Mayor and City Clerk to Execute a Construction Contract in a Form Approved by the City Attorney.

A motion was made by Green, second Coerper to a) Approve the plans and specifications for the FY 2007/08 Arterial Rehabilitation, CC-1320; b) Accept the lowest responsive and responsible bid submitted by R.J. Noble Company in the amount of \$5,473,640.29; and c) 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, Green, and Carchio
NOES: None

23. (City Council) Adopted Resolution No. 2008-51 Establishing Procedures for the Hearing Officer, Thomas W. Allen, to Process Claims and Distribution of Monies in the Condominium Conversion Restitution Fund for the Illegally Converted Condominiums.

A motion was made by Green, second Coerper to adopt Resolution No. 2008-51, "A Resolution of the City Council of the City of Huntington Beach Establishing a Procedure for Processing Claims and Distribution of the Condominium Conversion Restitution Fund." as amended by late communication reflecting a change to Section 3 A of Resolution No. 2008-51 regarding dates. The motion carried by the following roll call vote:

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

24. (City Council) Approved the Memorandum of Agreement (MOA) Among Public Agencies Participating in the Orange County Intelligence Assessment Center Designed to Provide a Concentrated and Collective Gathering Point Within the County to Effectively Disseminate Information on Terrorist and Criminal Activities; and, Authorized the Police Chief to Sign the Agreement.

A motion was made by Green, second Coerper to approve the "Memorandum of Agreement Among Public Agencies Participating in the Orange County Intelligence Assessment Center," and grant signing authority to the Chief of Police. The motion carried by the following roll call vote:

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

25. (City Council) Approved a License Agreement Between the City of Huntington Beach and Dos Cuadras Offshore Resources (DCOR), LLC for a Booster Pump Facility at Pacific Coast Highway (PCH) and Warner Avenue that Provides Freshwater to an Offshore Oil Platform.

A motion was made by Green, second Coerper to approve the "License Agreement Between the City of Huntington Beach and DCOR, LLC for Booster Pump Facility at PCH/Warner." The motion carried by the following roll call vote:

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

26. (City Council) Accepted Bid and Awarded the Federally Funded Community Development Block Grant (CDBG) Construction Contract in the Amount of \$123,800 to Hondo Company, Inc. for the Lake View Park Clubhouse Americans with Disabilities Act (ADA) Improvement Project, MSC-439; and, Authorized the Mayor and City Clerk to Execute a Contract in a Form Approved by the City Attorney.

A motion was made by Green, second Coerper to a) Accept the lowest responsible bid submitted by Hondo Company, Inc., in the amount of \$123,800 for the Lake View Park Clubhouse ADA Improvement, MSC-439; and b) Authorize the Mayor and City Clerk to execute CDBG construction contract MSC-439. The motion carried by the following roll call vote:

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

27. (City Council) Approved and Authorized the Mayor and City Clerk to Execute the First Amendment to Master Communications Site Lease Agreement Between the City of Huntington Beach and Los Angeles SMSA Limited Partnership, DBA Verizon Wireless; and, Enter Into a New License Agreement; and, Schedule for a Telecommunications Facility at Edwards Fire Station Located at 18591 Edwards Street; and, Authorized the City Clerk to Record the Memorandum of Lease; and, Delegated Authority to the Director of Economic Development and the Fire Chief to Execute Other Related Documents.

A motion was made by Green, second Coerper to a) Authorize the Mayor and City Clerk to approve and execute the "First Amendment to Master Communications Site Lease Agreement Between the City of Huntington Beach and Los Angeles SMSA Limited Partnership, DBA Verizon Wireless," and enter into a new License Agreement, Schedule, and Memorandum of Lease for a telecommunications facility at Edwards Fire Station, 18591 Edwards Street; b) Direct the City Clerk to record the "Memorandum of Lease;" and c) Delegate authority to the Director of Economic Development and the Fire Chief to execute other related documents. The motion carried by the following roll call vote:

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

28. (City Council) Adopted Resolution No. 2008-53 Accepting Grant Funds in the Amount of \$100,000 from the State of California Department of Alcoholic Beverage Control (ABC) for Enforcement of State Laws Regulating the Sales of Alcohol, and Authorized the Mayor to Execute the Grant Assistance Program Standard Agreement #08G-LA36.

A motion was made by Green, second Coerper to a) Approve and authorize the Mayor to execute the State of California, Department of Alcoholic Beverage Control Grant Assistance Program Standard Agreement #08G-LA36; and b) Adopt Resolution No. 2008-53, "A Resolution of the City Council of the City of Huntington Beach Accepting Grant Funds from the State of California Department of Alcoholic Beverage Control and Authorizing Execution of the Grant Agreement." The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

29. (City Council) Approved for Introduction Ordinance No. 3812, Amending Chapter 8.17 of the Huntington Beach Municipal Code (HBMC) by Adding Language Specific to Flood Control/Drainage Channel Obstructions, Nuisances Declared, and Removal - Notice to Owner.

A motion was made by Coerper, second Green to after City Clerk reads by title, Approve for Introduction Ordinance No. 3812, "An Ordinance of the City of Huntington Beach Amending Chapter 8.17 of the Huntington Beach Municipal Code Relating to Public Rights-of-Way. The motion carried by the following roll call vote:

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

30. (City Council) Approved for Introduction Ordinance No. 3813 Amending Chapter 12.37 of the Huntington Beach Municipal Code (HBMC) Relating to Newsracks in the Downtown Specific Plan Boundary Effective January 1, 2009, and Adopt Resolution No. 2008-52 Designating the Number and Location of Newsracks in the Downtown Specific Plan Boundary.

Councilmember Carchio moved approval of the recommended action but amended it by suggesting the ordinance apply to newsracks citywide.

Mayor Cook suggested that Council hear staff's presentation prior to making a decision on the item.

Nova Punongbayan, Development Specialist, provided a PowerPoint presentation that identified information provided by the Downtown Newsracks Ad-Hoc Committee review of outdoor retail sales, newsracks and handbills, committee objectives, newsracks standards, newsrack design(s), branding language, preventative and anti-graffiti products, implementation and permit fees, newsrack location and logistics, and timeline of ordinance to become effective January 1, 2009.

Mayor Cook suggested moving forward on adopting an ordinance applicable to the downtown area in order to allow residents in other areas time to become educated before applying restrictions citywide. Councilmember Carchio stated that newsracks across the entire City have become troublesome, describing various areas with reported problems. He expressed a need for the City to move forward and establish guidelines that apply citywide. Mayor Cook suggested asking the committee to study the issue on a citywide basis, and contact newspaper personnel to hear their ideas and keep them informed. City Attorney Jennifer McGrath agreed that an additional study be considered for a citywide ordinance. Councilmember Carchio was agreeable and withdrew his amended motion.

Councilmember Coerper described his efforts during early years on Council to remove newsracks downtown, how he met with downtown business owners and newspaper representatives to bring forth resolution and information on regulating newsracks on public sidewalks.

A motion was made by Hardy, second Carchio to a) Adopt Resolution No. 2008-52, "A Resolution of the City Council of the City of Huntington Beach Designating the Number and Location of Newsracks in the Downtown Specific Plan Boundary;" and b) After City Clerk reads by title, Approve for Introduction Ordinance No. 3813, "An Ordinance of the City of Huntington Beach Amending Chapter 12.37 of the Huntington Beach Municipal Code Relating to Newsracks", amended to c) include selection of the "A" frame design; and d) direct ad hoc committee to continue study on application of recommendations citywide. The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

31. (City Council) Adopted Ordinance No. 3810 Amending Chapter 14.18 of the Huntington Beach Municipal Code (HBMC) Relating to the Water Management Program. (Approved for Introduction August 4, 2008)

A motion was made by Coerper, second Green to after City Clerk reads by title, Adopt Ordinance No. 3810, "An Ordinance of the City of Huntington Beach Amending Chapter 14.18 of the Huntington Beach Municipal Code Relating to the Water

Management Program," by roll call vote. The motion carried by the following roll call vote:

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

32. (City Council) Adopted Ordinance No. 3811 Deleting Chapter 2.06 of the Huntington Beach Municipal Code (HBMC) Relating to Campaign Documents. (Approved for Introduction August 4, 2008)

A motion was made by Green, second Coerper to after City Clerk reads by title, Adopt Ordinance No. 3811, "An Ordinance of the City of Huntington Beach Deleting Chapter 2.06 of the Huntington Beach Municipal Code, Relating to Campaign Documents, In Its Entirety," by roll call vote. The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

33. (City Council) Selected Voting Delegate to the Annual League of California Cities Conference and Business Meeting in Long Beach on September 24-27, 2008.

Mayor Cook solicited interest and Councilmember Coerper responded.

A motion was made by Cook, second Green to appoint Gil Coerper to serve as the voting delegate for the City of Huntington Beach at this year's League of California Cities Conference and Business Meeting, to be held September 24-27. The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Coerper reported attending a demonstration of the Electromagnetic Cargo Conveyor by General Atomics in San Diego, and his hope that a similar presentation could be made sometime in the future in Huntington Beach.

ADJOURNMENT

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:05 PM. The next regularly scheduled meeting will take place on Tuesday, September 2, 2008, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:


City Clerk-Clerk
Mayor-Chair