

Minutes
City Council/Redevelopment Agency
City of Huntington Beach

Tuesday, September 2, 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
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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 4:05 PM, in Room B-8.

ROLL CALL

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

LATE COMMUNICATION

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

PowerPoint received from Police Captain Craig Junginger entitled: *Public Safety Facility Improvement Project*

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

STUDY SESSION

1. (City Council) Staff presentation made regarding: Consolidating Dispatch Facilities for the Police, Fire, and Marine Safety Departments; Constructing a Police Firearms Training Facility and Updating the Main Police Department Building; and, Increasing the Number of Public Parking Spaces in the City Hall Complex.

Interim City Administrator Paul Emery introduced Police Captain Craig Junginger who provided a PowerPoint presentation entitled: *Public Safety Facility Improvement Project*. Topics of discussion included history and future development of the Police

Department facility; proposed improvements to the Communication Center, locker room, City employee fitness center and employee rest area; Firearms Training Facility (including current access to Seal Beach Naval Weapons Station and Rhaagues Gun Range); and City Hall parking.

Councilmember Green asked Captain Junginger to explain why the proposal recommends adding additional staff. Captain Junginger explained how consolidating dispatch services for Police and Fire creates need for additional staff, indicating that findings within the study report current resources as insufficient since fire dispatch is currently handled through MetroNet.

Councilmember Hardy and Fire Chief Duane Olson discussed how the proposal to combine dispatch services for Fire and Police will result in gained efficiency, how the in-house service still utilizes the MetroNet system, and that current Police staffing levels are not adequate for the number of calls received, processed and dispatched per day when adding fire calls. Fire Chief Olson reiterated that combining dispatch services for Police and Fire services creates additional need and both Police and Fire Departments do not have additional resources to place in the Communications Center.

Councilmember Coerper asked for clarification on costs for combining dispatch services. Captain Junginger and Chief Olson discussed the benefits of combining Police and Fire dispatch services and cross training staff. Chief Olson identified successful models, and Captain Junginger discussed the possibility of providing dispatch services to surrounding cities. Cost projections will be made available to Council when compiled.

Discussion ensued about the proposed recommendations to improve existing conditions in the Police Department's male and female locker rooms, the City's employee fitness center, and Police Department employee rest area necessary to accommodate the needs of staff who live a great distance from City Hall and experience extended hours due to court appearances or overtime.

Captain Junginger discussed how adding a training facility on Civic Center property will eliminate the need for Police Department personnel to leave the premises and travel a number of miles to utilize the Seal Beach Naval Weapons Facility or the Rhaagues Gun Range located in the City of Corona, making them unavailable for quick response on calls. He also discussed fuel cost savings and provided a brief video to depict the types of training activities offered at the Seal Beach Naval Weapons Range and the Orange County Sheriff's Range that Huntington Beach hopes to include onsite.

Captain Junginger discussed benefits and issues related to project Options 1 and 2 provided by Cash & Associates, indicating the Police Department's preference for Option 2 that includes a single-story, lead-free firearms facility without sound mediation issues, and a more open and employee-friendly communications center design. He also addressed how the proposal considers parking and described use of existing areas on Police Department property to add fifty-six spaces.

Councilmember Hardy asked if the project could be done in phases. Captain Junginger confirmed. Discussion ensued on the cost-prohibitive idea to add parking below or above the proposed firearms facility, parking on Park Street, and certain suggestions

that would either gain or lose parking spaces.

Councilmember Hansen asked if training facilities would be in use seven days per week. Captain Junginger confirmed. Discussion ensued about contracting with neighboring facilities to offset costs, how travel times are expensed, and the inability to respond to emergency calls when Police Officers are utilizing facilities outside the immediate area for firearms training.

Mayor Pro Tem Bohr asked about blending design factors into the new facility located on Civic Center property. Discussion ensued on architecture, internal and external enhancements, and inclusion of green specifications. Councilmember Coerper asked about major differences in quality between project Options 1 and 2. Captain Junginger stated the quality of overall expansion realized in Option 2, describing it as modern, open facility with larger work stations. Discussion ensued about lead-free ammunition, features of the Santa Ana Facility, annual estimates for travel to firearms facilities outside the area, and the possibility of recovering costs for outsourcing dispatch services. Interim City Administrator Emery discussed fund amounts available in the second tier reserve.

Councilmember Coerper asked if the green space area located behind the Police Department is considered parkland or open space, and if the added parking in that area will be available for the public. Captain Junginger stated the additional parking would be available to Police personnel only.

Councilmember Carchio asked for the number of female Police Officers and civilian employees. Captain Junginger responded, and discussion ensued regarding locker room use by sworn officers. Councilmember Carchio asked if Range Officers will need to be hired. Captain Junginger responded that the Department anticipates using current Range Masters.

Discussion ensued on the communications center and job definition. Chief Olson discussed how various options are being considered.

Mayor Pro Tem Bohr asked for a breakdown of costs and questioned the process from this point forward. Interim City Administrator Emery described possible costs for design and construction services, and the need to consider an appropriation revision prior to awarding a contract.

Councilmember Coerper asked Chief Olson to provide his opinion for combining Police and Fire dispatch services. Chief Olson voiced support for the proposal, stating his opinion that costs will be recovered, realizing that certain issues related to staffing need to be finalized.

Interim City Administrator Emery stated that the proposal only reflects the hard cost for construction, suggesting that the Council provide direction on moving forward. Councilmember Hardy expressed concerns about spending second tier reserves in the current unstable economic climate. Councilmember Green asked for the balance available in second tier, and discussed how the proposal identifies cost savings after consolidation. Councilmember Hansen stated a need to have project phasing analyzed, with consolidation and upfront costs, turn-key from start to finish, a complete, all-in

proposal.

Councilmember Green asked when Council should expect to see results of a communication study, asking if the study will provide cost effectiveness information, identify staffing issues, transitional costs, one-time costs and design. She also suggested grant funding be investigated. Mayor Cook requested receipt of information related to parking.

Interim City Administrator Emery indicated that staff will be ready to present additional information requested by Council within 60 to 90 days.

RECESS TO CLOSED SESSION

A motion was made by Bohr, second Hardy 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

2. Pursuant to Government Code Section 54956.8, the City Council shall recess 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.

3. Pursuant to Government Code Section 54957.6, the City Council shall recess 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.

4. Pursuant to Government Code Section 54957.6, the City Council shall recess 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.

5. Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: David Omens v. City of Huntington Beach; WCAB Case No. RIV 0021235; Claim No. COHB 97-0203.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

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 Hansen.

INVOCATION - Led by Reverend Peggy Price, Huntington Beach Interfaith Council.

ANNOUNCEMENT OF LATE COMMUNICATION

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

Communication submitted by Stanley Smalewitz, Director of Economic Development and Jim B. Engle, Director of Community Services, dated September 2, 2008, entitled Late Communication Regarding Item #16: Approve and Authorize the Mayor and City Clerk to Execute and Record the Landlord Consent and Estoppel Certificate for Owners and Operators of Duke's Restaurant, Pier Plaza (PPG) Leasehold.

Communication submitted by Jim B. Engle, Director of Community Services, dated September 2, 2008, entitled Late Communication Regarding Item #17 – Approve Updated Worthy Community Park Master Plan to Include a Modular Restroom and Skateboard Area adding to the Recommended Action the Community Services Commission's request to include appropriate signage of related City ordinances and park rules.

AWARDS AND PRESENTATIONS

6. Announcement - Mayor Cook announced that today marks the beginning of National Hispanic month, celebrated from September 15 through October 15. The observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded to a full month by President Ronald Reagan in 1988. The City Council recognizes the contributions of Hispanic Americans as part of the City's Human Relations Task Force Federal Heritage Month recognition program.

Mayor Cook announced that a Green Expo sponsored by the City and the Chamber of Commerce will be held on September 20 at the Huntington Beach Central Library from 10:00 AM to 4:00 PM, with businesses to display "Green" wares (windows, H-VAC, solar), and a number of speakers scheduled to present information on going "Green."

7. Presentation - Mayor Cook called on Jennifer Gonzalez from the Gas Company to present a check for \$10,000 to the Centennial Celebration Committee.

Gas Company representative Jennifer Gonzales spoke of the company's history in Huntington Beach, and of their enthusiasm in celebrating the Centennial. Centennial Committee Co-Chair Ron Shenkman accepted the Gas Company's contribution of \$10,000 and thanked representative Gonzales on behalf of the Centennial Committee.

8. Presentation - Mayor Cook called on Council on Aging First Vice President Don MacAllister to present a check for \$23,000, to be used to fund the part-time Assistant Social Worker position in Senior Services for FY 08/09.

Don MacAllister, Council on Aging First Vice President, presented a check to the City in the amount of \$23,000 to help fund a position in the Senior Services Division of Community Services. He informed the public of Senior Saturday activities at Pier Plaza on Saturday, September 6 from 9:00 AM to 2:00 PM, and transportation availability from City Hall and the Rodgers Senior Center.

9. Presentation - Mayor Cook called on Bob Miller, President of the Huntington Beach Auto Dealers Association to hold the drawing for the lucky winner of a new \$25,000 car to be chosen from any of the dealers' cars on the Beach Blvd. of Cars. The fundraiser was sponsored by the HB Auto Dealers to support many different community groups throughout the City.

Bob Miller, President of the Huntington Beach Auto Dealers Association and representatives discussed the Association's idea to raise funds for various charities by auctioning a new car. Funds will support the Huntington Beach/Fountain Valley Boys & Girls Club, Huntington Beach Kiwanis, Huntington Beach Art Center Foundation, Huntington Beach Fire Association, Orange County Motor Officers, Hopeview School, the 3-1 Marine Battalion, and the Edison Cross Country team. President Miller and Mayor Cook spun the container filled with entries and drew the winning ticket, which was purchased by Carousel Press from the Huntington Beach Kiwanis Club.

PUBLIC COMMENTS (3 Minute Time Limit)

Billy Williams, Huntington Beach youth, spoke to the Council in support of a new, state-of-the-art skateboard park considered for discussion tonight as part of the Worthy Park Master Plan Update.

Susanna Griffin, Huntington Beach resident, voiced concerns related to private property rights and unwanted advertising/solicitations deposited on residential doorsteps. She asked Council to consider adopting an ordinance that would prohibit depositing litter (advertising cards, letters and solicitations) on private property, discussing difficulties experienced by the physically impaired to clean up the nuisance material. She questioned a current ordinance in place that allows material to be placed in secure areas.

Mayor Cook requested that the City Attorney provide the speaker with information previously prepared by her office relating to her request.

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

Councilmember Green provided a status report on the 3-1 Marine Battalion, informing the public that Gunnery Sergeant Paul Walters will speak at a ceremony held on Thursday, September 11, at 6:00 PM at Pier Plaza. She offered thanks to the American Legion for coordinating the event, and discussed other events such as a "Fun Run" in October, and a Christmas party for wives and children of the 3-1. She suggested citizens who wish to get involved in the 3-1 call (714) 375-3131 or send an email to hb4marines@aol.com. She also shared information on opportunities to personally connect with Marines who would welcome interaction with Huntington Beach residents, and discussed efforts to collect school supplies for children in the Philippines, thanking CERT members for packing items, Rainbow Disposal for a generous donation, and all who contributed donations at designated collection sites including the Huntington Beach Conference and Visitors Bureau, HB Digital Arts, Central Library, Surf-City Bank, Bella Terra and City Hall, with special thanks to the Public Works Department, George Cross and Pam Free. She again urged interested parties to contact Cindy Cross at (714) 375-3131, or email at hb4marines@aol.com.

CITY ADMINISTRATOR'S REPORT - None.

PUBLIC HEARING

10. - A - (City Council) Public Hearing Held - Accepted the Annual Sewer Service Charge Performance Audit as Presented, and Approved for Introduction Ordinance No. 3814 Amending Huntington Beach Municipal Code (HBMC) Chapter 14.55 Relating to Sewer Service Rates Methodology.

Interim City Administrator Paul Emery introduced Public Works Director Travis Hopkins who was available to present information related the Sewer Service Fund Annual Performance Audit. Director Hopkins discussed how the rate modification relates to Consumer Price Index (CPI) for this area, and review and support received from the Public Works Commission.

Mayor Cook opened the public hearing for Items 10A and 10B, and called for speakers. With no one present to speak on the items, the public hearing was closed.

A motion was made by Bohr, second Coerper to a) accept the "Sewer Service Fund Performance Audit" as presented; and b) approve for Introduction Ordinance No. 3814, "An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to the Sewer Service Rates Methodology." The motion carried by the following roll call vote:

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

10. - B - (City Council/Redevelopment Agency) Public Hearing Held on the Proposed Fiscal Year 2008/2009 City Budget Appropriation of \$336,790,060 as Outlined in the Proposed Budget Document and All Revisions Contained in the Exhibits of the Budget Resolution, Including the Sewer Service User Charge, Which Shall be Adjusted to Reflect the Annual Percentage Adjustment; Adopted Budget Resolution No. 2008-54; and, Authorized the Professional Services Contract List Included in Fiscal Year 2008/2009 Budget to be Representative of Services Projected to be Utilized by Departments.

Interim City Administrator Paul Emery discussed development of the proposed budget that takes into account current economic conditions while continuing to provide the high level of service City residents expect, maintaining current staff levels, and remaining focused on City Council goals and objectives. Administrator Emery introduced former Finance Director Dan Vilella to provide a staff report. Former Director Vilella introduced Michael Solorza, Senior Budget Analyst who provided a PowerPoint presentation entitled *City of Huntington Beach Proposed Budget Fiscal Year 2008/09* that included slides addressing budget constraints, appropriations, revenue, sales tax (adopted budget vs. actuals), general fund appropriations by department, revised operating budget vs. operating expenditures, key fund balance reserves (designations), and proposed changes to the General Fund. Analyst Solorza provided an explanation of the City's request to incorporate funds for emergency medical services into the General Fund for accounting purposes, but continuing to utilize specific account numbers to make reporting easy and accessible.

Councilmember Green asked for clarification on changing the accounting system for funds. Interim Administrator Emery explained that although Fire Med subscription services has lessened the General Fund burden for emergency medical services, the General Fund continues to provide revenues that correlate to the overall expenditure of emergency medical services delivery. He compared the accounting activity to practices used for recreational services, further indicating that revenues received for emergency medical services (billable or subscription) should be reflected in the General Fund.

Councilmember Green discussed perceptions of fund use by those who are familiar with or participate in the program, voicing concerns about not having emergency funds stored separately and monitored. She questioned what the fund actually covers. Interim Administrator Emery explained how the fund helps support twelve paramedics and administrative staff, purchase of equipment, and station enhancement, and indicated that staff is not recommending a change in how the service works, just how the accounting is handled.

Councilmember Green stated her opinion that funds should not be used to pay for paramedics. Interim Administrator Emery discussed how 80% of Fire Department dispatch calls for service are related to emergency services. Mayor Cook discussed how Fire Med fund does not pay for cost of service, rather the General Fund covers the subsidized services.

Councilmember Green asked about Fire Med benefits related to transfer costs to hospitals of choice, and supplement insurance copayments. Fire Chief Olson indicated that the program was designed to provide enhanced service, but does not cover transfer costs, indicating that fees generated by the ambulance, ambulance operators and

paramedics pay for transfer costs. He explained how the Fire Med program was developed and has always been used to support General Fund expenditures for emergency medical services, equipment and personnel. Discussion ensued about what types of emergency medical services are and/or should be covered by General Fund or Fire Med funds, and what "enhanced" service means to subscribers. Councilmember Green clarified that the program is voluntary, and questioned if the Fire Med fund is considered an enterprise fund.

Councilmember Hansen requested that the Fire Chief clarify the confusion related to benefits provided to individuals versus subscribers. Fire Chief Olson discussed discounted services offered to subscribers, and the differences in financial benefits between the insured and non-insured. He continued to ensure the Council that the recommended change in accounting practices will have no net affect to the services provided to subscribers. Councilmember Hansen explained his perception of how Fire Med revenue represents only a fraction of funds spent on emergency medical services, including apparatus and Fire personnel, and in reality does not operate as an enterprise fund. Mayor Cook discussed how the General Fund is subsidizing the Fire Med program, versus opinion that the Fire Med program subsidizes the General Fund, adding that investments correlate with services, not premiums.

Councilmember Bohr and Chief Olson discussed annual subscription fees and actual costs realized by the City and/or customer who receives emergency medical services with or without the benefit of subscribing to the Fire Med program. Councilmember Coerper asked what happens if Fire Med funds are kept separate from the General Fund. Chief Olson discussed how the Fire Med program has generated over two million dollars in revenue that has been stored in an undesignated reserve similar to the equipment replacement fund. Councilmember Coerper asked if other funds exist that are similarly accounted for. Interim Administrator Emery discussed the differences in accounting for other funds set aside to operate as enterprise funds.

Michael Solorza continued with the presentation and introduced Public Works Director Travis Hopkins to discuss items of interest related to the Capital Improvement Program (CIP) including arterial rehabilitation, traffic improvements, residential street program, utilities improvements, parks, beaches and facilities.

A motion was made by Coerper, second Bohr to a) open the Public Hearing on the proposed fiscal year 2008/09 City budget appropriation of \$336,790,060 as outlined in the proposed budget document and all revisions contained in the Exhibits of the Budget Resolution, including the sewer service user charge, which shall be adjusted to reflect the annual percentage adjustment; b) adopt Resolution No. 2008-54, "A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2008/09;" and, c) authorize the "Professional Services Listing" included in fiscal year 2008/09 budget to be representative of services projected to be utilized by departments in 2008/09.

Councilmember Green requested that her vote be recorded as "abstaining" on the residential street improvement portion of the budget due to a possible conflict of interest, and a "no" on the request to incorporate the FireMed Program into the General Fund, indicating that it should remain and be accounted for as a separate fund.

Mayor Pro Tem Bohr indicated that the Firefighter's Association requested an audit of funds. Interim Administrator Emery stated that an audit was completed by the Finance Department and transmitted to the Association, its representatives, and the Council, stating additional direction will be required if a request for outside audit comes forward. Mayor Pro Tem Bohr continued by commenting on meetings he had with staff to discuss their budget concerns, and how important it is to report accurate information and keep all City employees informed and valued for their services.

Councilmember Hansen expressed his pleasure with a balanced budget that includes reserves, discussed the importance of maintaining current staffing levels, and congratulated staff for strong performance during a transitional period, something he feels the City can be collectively proud of.

Councilmember Carchio went on record to vote against incorporating the FireMed fund into the General Fund. He also congratulated staff for great performance and a balanced budget.

Mayor Cook questioned the substantial increase in revenues identified on Slide 13. Interim Administrator Emery explained a change affecting where accounting mechanisms were partitioned off and monies were not accurately identified in the General Fund.

The record will reflect Councilmember Green's request to "abstain" on the portion of the budget related to residential street improvements due to a possible conflict of interest, and vote "no" on incorporating the FireMed fund into the General Fund. The record will also reflect Councilmember Carchio as voting "no" on incorporating the FireMed fund into the General Fund.

The motion carried by the following roll call vote:

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

CONSENT CALENDAR

A motion was made by Bohr, second Green to approve the Consent Calendar with the exceptions of Item 12 and Item 16. The motion carried by the following roll call vote:

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

11. (City Council/Redevelopment Agency) Approved minutes.

A motion was made by Bohr, second Green to approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meeting of August 18, 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

12. (City Council) Accepted a Resignation and Approved Appointments and Reappointments to the Children's Needs Task Force.

Councilmember Coerper pulled the item to announce resignations and approve appointments and reappointments of various members to the Children's Needs Task Force.

A motion was made by Coerper, second Green to approve the appointments of Jim Hayden and Tim Liggett to fill the term vacancies of Pat Guidotti and Phyllis Lembke to expire August 30, 2009 as recommended by Council liaisons Green and Coerper; approve the reappointment of Robert Dettloff to August 30, 2009 as recommended by Council liaisons Green and Coerper; approve the appointments of Jeanette Price, Martin Rodriguez and Molly Thompson to fill the term vacancies of Adam Buttons, Ian Collins and Cathy McGough, with terms to expire August 30, 2011, as recommended by Council liaisons Green and Coerper; and, accept the resignation of Stan Cohen and approve the appointment of Jeanette Price for a term to expire on August 30, 2011 as recommended by Council liaisons Green and Coerper. The motion carried by the following roll call vote:

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

13. (City Council) Approved and Authorized the Mayor and City Clerk to Execute Professional Services Contracts with: 1) V and A Consulting Engineers, Inc. in an Amount Not to Exceed \$250,000 Over a Three-Year Period, and 2) Schiff Associates in an Amount Not to Exceed \$250,000 Over a Three-Year Period, for "As-Needed" Corrosion Engineering and Maintenance Services.

A motion was made by Bohr, second Green to approve and authorize the Mayor and City Clerk to execute a "Maintenance and Professional Services Contract Between the City of Huntington Beach and V and A Consulting Engineers, Inc. for As-Needed Corrosion Engineering and Maintenance Services;" and approve and authorize the Mayor and City Clerk to execute a "Maintenance and Professional Services Contract Between the City of Huntington Beach and Schiff Associates for As-Needed Corrosion Engineering and Maintenance Services." The motion carried by the following roll call vote:

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

14. (Redevelopment Agency) Adopted Resolution No. 373 of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative and Cooperation Agreements Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Merged Huntington Beach Project Area and the Southeast Coastal Project Area.

A motion was made by Bohr, second Green to adopt Resolution No. 373, "A Resolution of the Redevelopment Agency of the City of Huntington Beach Amending the Agency

Debt Pursuant to the Operative Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project, and the Cooperation Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach Regarding Certain Capital Improvements Within, or of Benefit to, the Southeast Coastal Redevelopment Project." The motion carried by the following roll call vote:

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

15. (City Council) Approved Final Tract Map No. 16733 Located at the Northwest Corner of Newland Street and the Terminus of Hamilton Avenue, Accepted Offer of Dedication, Improvements and Bonds Pursuant to Findings and Requirements, and Approved Subdivision Agreement (Blue Canvas) Between the City and WL Newland Associates, LLC for the Construction of 204 Residential Units Consisting of 126 Triplex Units and 78 Duplex Units.

A motion was made by Bohr, second Green to approve Final Tract Map No. 16733 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements; and, approve the "Subdivision Agreement By and Between the City of Huntington Beach and WL Newland Associates, LLC for Tract No. 16733," and authorize execution by the Mayor and City Clerk. The motion carried by the following roll call vote:

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

16. (City Council) Approved and Authorized the Mayor and City Clerk to Execute and Record the Landlord Consent and Estoppel Certificate for Owners and Operators of Duke's Restaurant, Pier Plaza Group LLC (PPG) Leasehold.

Mayor Pro Tem Bohr pulled the item to question information included in section 16.6 of the agreement regarding purpose for a loan, voicing concerns about the lender having the right to take over the lease if it expires. City Attorney Jennifer McGrath referenced section 16.9 (d) that refers to limitations and refers back to section 15.2 of original lease, and section 16.61 that limits who the lease can be assigned to, with the City having control over current tenancy. Mayor Pro Tem Bohr asked if the City can assume tenancy. Attorney McGrath replied no.

Mayor Pro Tem Bohr voiced concerns related to valet parking and the number of spaces coned off daily that could be utilized for beach parking. He also voiced concerns related to Chimayo's filing Chapter 11, and whether the property is realizing what it could in rent payments, requesting that the issues be considered during discussion on the Downtown Parking Master Plan.

Interim Administrator Emery asked Stanley Smalewitz, Director of Economic Development, to explain ramifications of Council not approving the estoppel agreements at tonight's meeting. Director Smalewitz explained that a lack of decision at tonight's meeting will impact the owner's ability to receive refinancing.

Councilmember Carchio discussed new management at the location, and agreed with Mayor Pro Tem Bohr's concerns related to valet parking at that location.

Mayor Pro Tem Bohr asked Director Smalewitz about the City's control over a subtenant. Director Smalewitz explained that when the space was originally leased, the agreement allowed the leaseholder to control sub-tenant occupancy, but ensured Council that the City and leaseholder have a strong relationship, also explaining how the leaseholder would only consider tenants that would provide a benefit to both parties.

A motion was made by Bohr, second Coerper to a) authorize the Mayor and City Clerk to approve the "Landlord Consent and Estoppel Certificate for Pier Plaza Group Leasehold" and authorize the Mayor and City Clerk to execute same; and b) direct the City Clerk to record the same. The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

17. (City Council) Approved Updated Worthy Community Park Master Plan to Include a Modular Restroom in the Park and a Skateboard Area Previously Used for the Pay-N-Play Racquetball Court.

Interim City Administrator Emery called on Jim Engle, Director of Community Services to provide a staff report. Director Engle provided a PowerPoint presentation that outlined elements of the Worthy Community Park Master Plan, including proposed amendments of potential park facility/amenity options such as modular restrooms, a skateboard area in the portion of the park previously used for the Pay-N-Play racquetball court, and additional signage.

Councilmember Green discussed her surprised understanding that many skateboarders were satisfied with the 6,000 square foot skateboard park previously located at Huntington Beach High School.

Mayor Pro Bohr asked for reasons provided by members of the public who oppose inclusion of a skate park at the Worthy location. Director Engle responded that three voiced opposition due to the park's close proximity to their homes, and had concerns related to noise and vandalism. Mayor Pro Tem Bohr asked about Measure C, asking if the proposal exceed parameters identified in Measure C. Director Engle explained the legal guidelines behind what requires a Measure C vote. Mayor Pro Tem Bohr requested that the City utilize a donation made in the amount of \$75,000 from Huntington Beach High School. Director Engle confirmed.

Councilmember Coerper asked for a total project cost. Director Engle stated the proposed project could run anywhere from \$600,000 to \$1 million.

Councilmember Green asked if Measure C restrictions relate to the cost of the structure, or the cost realized by the City. Director Engle responded he believes the vote is

triggered by the cost of the structure.

Councilmember Carchio suggested that the skateboard community would prefer a gated, versus open space facility, wondering what the neighbors would prefer. Director Engle stated that skate park fencing can certainly be considered.

A motion was made by Hansen, second Bohr to approve the Worthy Community Park Master Plan to include a modular restroom in the park and a skateboard area in the 10,000 square foot area previously used for the Pay N Play Racquetball court, **as amended by late communication to include appropriate signage of related City ordinances and Park rules.** The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

18. (City Council) Adopted 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. Approved for Introduction August 18, 2008.

A motion was made by Coerper, second Hardy to after City Clerk reads by title, Adopt 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

19. (City Council) Adopted 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 Adopted Resolution No. 2008-52 Designating the Number and Location of Newsracks in the Downtown Specific Plan Boundary. Approved for Introduction August 18, 2008.

A motion was made by Coerper, second Carchio to after City Clerk reads by title, Adopt Ordinance No. 3813, "An Ordinance of the City of Huntington Beach Amending Chapter 12.37 of the Huntington Beach Municipal Code Relating to Newsracks." 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 Green informed the public that in August, the City of Huntington Beach lost three valued citizens including Ellen Dunn, Robert Polkow and Michael Johnson. She also announced three promotions realized by members of the Huntington Beach

Police Department, including Lieutenant Gary Faust, Sergeant Kelly Rodriguez, and Communications Supervisor Julie Reynolds.

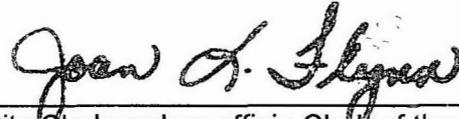
Councilmember Coerper described a visit to the Black Bowl Chop House downtown, and thanked supporters for his election at-large to the League of California Cities.

Mayor Pro Tem Bohr reported attending Junior Life Guard Graduation Ceremonies, congratulating the achievements witnessed and providing appreciation for a fantastic program.

Councilmember Carchio described his enjoyment attending the Civil Way Day event held at Central Park, and encouraged teachers and students to attend future reenactments.

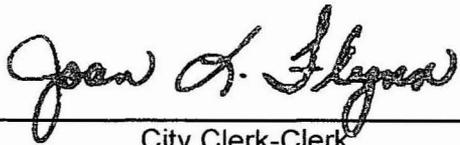
ADJOURNMENT

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, September 15, 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