

Minutes
City Council/Public Financing Authority
City of Huntington Beach

Monday, April 15, 2013
6:00 PM – Regular Meeting
Council Chambers Civic Center,
2000 Main Street
Huntington Beach, California 92648

An audio recording of the 4:30 PM portion and 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/agengas/

4:30 PM - ROOM B-8

CALLED TO ORDER: 4:30 PM

ROLL CALL

Present: Sullivan, Hardy, Harper, Boardman, Shaw, Carchio, Katapodis (arrived 4:46 pm)
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution) - None.

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

STUDY SESSION

1. Presentation by Bartel and Associates regarding CalPERS' proposed actuarial valuation changes and the projected impact on the City's future employer contribution rates.

John Bartel, Bartel Associates, LLC, provided a PowerPoint presentation entitled City of Huntington Beach Miscellaneous and Safety Plans, CalPERS Actuarial Issues - 6/30/11 Valuation Preliminary Results, including the following titled slides: Agenda, CalPERS Issues, Contribution Projections (PEPRA Impact), Safety (7.5% Expected Return), Miscellaneous (7.5% Expected Return), Government Accounting Standard Board (GASB) 68 (Current and Modified CalPERS Asset Smoothing & Amortization Policy Sample Safety Plan), Safety Impact of Direct Rate Smoothing (7.5% Expected Return, 7.25% Discount Rate and Mortality Changes - 7.25% & 7.5% Expected Return, 7.25% and Mortality Changes - Impact of Investment Return on ER Rates), Miscellaneous Impact of Direct Rate Smoothing (7.5% Expected Return, 7.25% Discount Rate and Mortality Changes - 7.25% & 7.5% Expected Return, 7.25% Discount Rate and Mortality Changes - Impact of Investment Return on ER Rates), Summary Direct Rate Smoothing, 7.25% Discount Rate and Mortality Changes Impact of Employer Contribution \$, Recommendations, and Definitions.

Councilmember Carchio and Consultant Bartel discussed changes to financial statements that now include unfunded liability information.

Councilmember Carchio and Consultant Bartel discussed how changes in interest rates effect CalPERS assumed rate of investment returns.

In response to concerns voiced by Councilmember Carchio, Consultant Bartel discussed CalPERS Chief Investment Officer (CIO) Joseph Dear's strategic philosophy for a sustainable system. In addition, Consultant Bartel also addressed concerns about how the current system will affect new employees.

RECESS TO CLOSED SESSION

A motion was made by Harper, second Carchio to recess to Closed Session. The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Shaw, Carchio, and Katapodis
NOES: None

CLOSED SESSION

1. Pursuant to *Government Code Section 54956.9(d)(1)*, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: *Parks Legal Defense Fund v. The City of Huntington Beach, et al.*; Orange County Superior Court Case No.30-2012-00570541. In this second lawsuit challenging the Senior Center, a public interest advocacy organization alleges that the City violated CEQA, City Charter Section 612 (Measure C), and City's General Plan in approving the Senior Center.

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:02 PM

ROLL CALL

Present: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
Absent: None

PLEDGE OF ALLEGIANCE – Led by Councilmember Jill Hardy

INVOCATION – Led by Rick Johnson of the Huntington Beach Interfaith Council

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Mayor Boardman stated that the thoughts and prayers of the people of Huntington Beach are with the people of Boston, the runners and their families and friends.

AWARDS AND PRESENTATIONS

Presentation - Mayor Boardman called on a representative from the Environmental Board and Chairman Emeritus Ron Shenkman from Rainbow Environmental Services to present

sustainable school awards to two schools. The awards are sponsored by Rainbow Environmental Services. They presented sustainable school awards to representatives of Hawes Elementary School and Seacliff Elementary School in recognition of their environmental efforts.

Presentation - Mayor Boardman called on Stake President Mel Markham and Stake President Rick Johnson from the Church of Jesus Christ of Latter-day Saints (LDS) to accept a proclamation in honor of "Mormon Helping Hands" Community Service Day on April 27th. She reported that the LDS Church has organized a host of activities in cooperation with the City. Mr. Johnson addressed the opportunity to do service in the community and introduced other attending representatives. Mr. Markham addressed the importance of service. Mayor Boardman thanked the organization for their service and presented them with a proclamation.

Mayor's Award - Mayor Boardman called on Public Works Director Travis Hopkins to present the Mayor's Award to Water Conservation Coordinator, Betsy Eglash. He invited Ms. Eglash to the podium and presented information regarding her background and duties with the City.

Ms. Eglash expressed her appreciation for the recognition.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

City Clerk Joan Flynn announced supplemental communications received after distribution of the Agenda as follows:

Consent Calendar

#5. Communication received from Rebecca Ross, dated April 15, 2013, regarding the Lambert Park Slope Repair CC-1337.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Mayor Boardman opened the Public Comments portion of the meeting and noted that the Brown Act prohibits Council from discussing non-agendized items.

Former Mayor Ralph Bauer thanked staff and the City Attorney for winning one of the lawsuits related to the Senior Center. He thanked Council Members who supported the project.
(00:21:58)

Councilmember Carchio thanked Former Mayor Bauer for his hard work and dedication.

Maureen Lawson commented on a quote from Mayor Boardman in the *Orange County Register*, regarding fire pits indicating there were no complaints from residents. She commented on Council's concerns with plastic bags and no consideration about fire pit related pollutants. She stated that her previous complaints about fire pits were not addressed and expressed concerns regarding a lack of respect among Members of Council. She asked that Council Members treat each other with respect. (00:25:13)

Benedicte Bradford commented on the decision to drop Junior Life Guards from Sunset Beach and felt that the City is doing a disservice to the community. She hoped that Council considers placing the item on a future agenda. (00:27:57)

Mayor Pro Tem Harper asked that the IRC explore potential options in terms of working with the State and County to consider a relocation of the program so that it will be able to continue.

Daren Ham, HBAquaticsFacility.org, addressed the proposed 11.5 acre Gothard site and recommended considering development of an aquatics complex on the site. He commented on challenges with existing facilities and addressed the benefits of a world-class aquatics facility in the City. (00:30:59)

There being no others wishing to address Council, Mayor Boardman closed the public comments portion of the meeting.

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

Councilmember Carchio reported attending the League of Cities Policy Committee meetings as well as the ACCOC installation of the 2013 Board of Directors where he was elected as one of the Directors.

Mayor Pro Tem Harper reported attending the ACCOC installation function and meetings in regards to the Second District in a connection with SCAG and OCTA. He announced his appointment to the Public Works Commission, Patrick Brenden.

Councilmember Shaw reported attending the Administrative Committee meeting of the Orange County Sanitation District.

Councilmember Sullivan reported attending the April meeting of the Senior Citizens' Advisory Council meeting of Orange County.

Mayor Boardman reported attending the Assistance League Fundraising Lunch on April 6, 2013 and commented positively on the event. She reported that she is a liaison to the L.A. Arts Board and announced an upcoming event at the Art Center, Friday, April 19, 2013; from 6:00 PM to 8:00 PM.

CITY MANAGER'S REPORT

City Manager Fred Wilson announced that Fourth of July Fireworks Booth drawing will be held in Council Chambers on Tuesday, April 16 at 7:00 PM and that the drawing will be televised on Channel 3.

CONSENT CALENDAR

Councilmember Sullivan requested pulling Items No. 4 and 9 from the Consent Calendar for separate discussion and consideration.

Councilmember Hardy requested pulling Item No. 5 from the Consent Calendar for separate

discussion and consideration.

Mayor Pro Tem Harper requested pulling Item No. 2 from the Consent Calendar for separate discussion and consideration.

Mayor Boardman reported that she will have to abstain from Item No. 5 because she owns property within 500 feet of the subject project.

1. Received and filed the City of Huntington Beach Strategic Plan Update

A motion was made by Councilmember Carchio, second by Councilmember Shaw to approve and receive and file the updated status of the Six-Month Strategic Objectives.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

2. Approved City position on Certain Legislation

Mayor Pro Tem Harper pulled this item for separate discussion and consideration and a separation of items for individual votes.

A motion was made by Mayor Pro Tem Harper, second by Mayor Boardman to authorize the Mayor to sign a letter of Support for SB 684 (Hill) - Caltrans Reader Boards; and, authorize the Mayor to sign a letter of Support with a requested revision to the bill that would make the Polanco Act available throughout the City for AB 440 (Gatto) – Hazardous Substances within Project Areas.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

Mayor Pro Tem Harper understood that the legislation related to SB 635 would give the City more flexibility and was unsure why it would be in the interest of the City of take a position against additional local control. He agreed to the ability to sell alcohol until 2:00 AM but felt that the Bill appears to allow cities to be able to continue to maintain whether through Conditional Use Permits or local ordinance, their own policies regarding the matter. He reported that he will oppose the recommendation.

Councilmember Hardy reported that she opposes the Bill because of the close proximity to other cities and felt that when people can drink to 4:00 AM, that is a problem for the City of Huntington Beach and Law Enforcement. Additionally, she stated that while communities can create their own hours, she knows that opinions come and go and that pressures from various groups can change opinions in the future. She felt that it is not a good idea for the City or for the State. She stressed the need for limits.

Councilmember Katapodis agreed with Councilmember Hardy's comments and addressed current problems with drunk drivers with the 2:00 AM limit and did not feel that people should be

allowed to drink until 4:00 AM.

A motion was made by Mayor Boardman, second by Councilmember Shaw to authorize the Mayor to sign a letter of Opposition for SB 635 (Leno) - Hours of sale for Alcoholic Beverages.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Boardman, Shaw, Katapodis
NOES: Harper, Carchio

Mayor Pro Tem Harper reported that he will oppose the letter of Support on The Marketplace Fairness Act because it is a tax increase.

Councilmember Hardy reported that this would be the same sales tax that is charged at a store, whether via the internet or at the store.

A motion was made by Councilmember Hardy, second by Councilmember Shaw to authorize the Mayor to sign a letter of Support on The Marketplace Fairness Act.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Boardman, Shaw, Katapodis
NOES: Harper, Carchio

A motion was made by Mayor Pro Tem Harper, second by Councilmember Shaw to approve and authorize the Mayor to sign a letter of Support for Maintaining the Tax-Exempt Status of Municipal Bonds.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

Mayor Pro Tem Harper commended Mayor Boardman for addressing the issue and urged colleagues and staff to try to persuade the AQMD in positive terms that they could understand relative to how it would affect residents within the Districts of Board Members. He stated that fire rings are coastal access enhancers and indicated his support for the matter.

Councilmember Carchio thanked the Mayor for her leadership on this issue.

Councilmember Carchio thanked the Marketing and Visitors Bureau and the Mayor for taking the lead on this issue and commented on his efforts to communicate with some of the Board Members. He felt that it involves a tradition that has taken place over many years and stressed the need to keep the lifestyle. He commended the City for coming together on this issue.

Councilmember Katapodis thanked Dianne Thompson of the Chamber of Commerce for her efforts on the issue.

Mayor Boardman reported that she is working with some of the Board Members to organize a meeting and invite the AQMD Board Members for a meeting of public testimony in the City. She

commented on the challenges with converting the fire rings into propane. She reported that the AQMD will not be deciding on this issue until June.

A motion which was recommended as amended via the Agenda Addendum was made by Councilmember Hardy, second by Councilmember Shaw to ratify the submittal of the Mayor's letter (dated March 22, 2013) of Opposition for the South Coast Air Quality Management District's Proposed Amended Rule 444 (Open Burning – Prohibited on Beaches); and, authorize the Mayor to continue sending letters as needed for future SCAQMD Meetings regarding Proposed Rule Amendment 444; and, Adopt Resolution No. 2013-14, "A Resolution of the City Council of the City of Huntington Beach Opposing the South Coast Air Quality Management District's (SCAQMD) Proposed Amended Rule 444 Prohibiting Open Burning on Beaches."

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

3. Received and filed the Park Impact Fee Report for FY 2011/12

A motion was made by Councilmember Carchio, second by Councilmember Shaw to approve the "Parkland Acquisition and Park Facilities Development Impact Fee Annual Report for Fiscal Year 2011/2012."

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

4. Approved donations from Huntington Beach Council on Aging (HBCOA) for Senior Transportation and Meals to the Home Programs

Councilmember Sullivan pulled this item for separate discussion and consideration. He acknowledged the great work done by the Huntington Beach Council on Aging and who have agreed to provide almost \$100,000 for the Meals Program at the Center. He commended the volunteers and noted they deserve a new Senior Center.

A motion was made by Councilmember Sullivan, second by Mayor Pro Tem Harper to authorize the Director of Finance to accept and appropriate up to \$97,500 in donations anticipated to be received from the Huntington Beach Council on Aging through the balance of FY 2012/13.

Councilmember Carchio reported having the opportunity to go with volunteers in the Meals-on-Wheels program and commented positively on the program.

Councilmember Katapodis commented positively on the service provided.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

5. Awarded and authorized execution of a construction contract in the amount of \$238,975 with Excavating Engineers, Inc. for the Lambert Park Slope Repair Project, CC-1337; and, authorized up to twenty percent (20%) in construction change orders

Mayor Boardman recused herself from hearing the aforementioned item because she owns property within 500 feet of the subject site. She departed the Chambers at this juncture.

Councilmember Hardy pulled this item for separate discussion and consideration. She commented on the number of trees to be removed and wondered whether the matter has been heard by the Beautification, Landscape and Tree Committee.

Public Works Director Travis Hopkins reported that it will be heard by the Committee this month.

A motion was made by Councilmember Hardy, second by Councilmember Carchio to continue the item to City Council meeting after Beautification, Landscape and Tree Committee (BLT) reviews it.

Councilmember Carchio indicated receiving several letters from concerned citizens regarding the trees and commented on the importance of allowing them to explain their position on the issue.

Public Works Director Hopkins clarified that the site does not involve the entire Lambert Park Slope and that many of the trees in the area will not be affected. In order to stabilize some of the area, vegetation and some of the trees will need to be removed and staff is working diligently to minimize the impact to the slope.

Brief discussion followed regarding location of the specific area to be excavated.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Carchio, Shaw, Katapodis
NOES: None
ABSENT/
RECUSED: Boardman

Mayor Boardman returned to the Chambers and took her place on the dais.

6. Approved Annual Compliance Reports for the Planned Local Drainage Fund, Sanitary Sewer Facilities Fund and Fair Share Traffic Impact Mitigation Fee Program

A motion was made by Councilmember Carchio, second by Councilmember Shaw to approve the "Planned Local Drainage Facilities Fund Annual Compliance Report Fiscal Year 2011/12;" approve the "Sanitary Sewer Facilities Fund Annual Compliance Report Fiscal Year 2011/12;" and, approve the "Fair Share Traffic Impact Fee Program Annual Report for Fiscal Year 2011/12."

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis

NOES: None

7. Approved Annual Compliance Reports for Law Enforcement, Fire Suppression, and Public Library Facilities Development Impact Fees

A motion was made by Councilmember Carchio, second by Councilmember Shaw to approve the Annual Compliance Report, "Law Enforcement Facilities Development Impact Fees Annual Report Fiscal Year 2011/12;" approve the Annual Compliance Report, "Fire Suppression Facilities Development Impact Fees Annual Report Fiscal Year 2011/12;" and, approve the Annual Compliance Report, "Public Library Facilities Development Impact Fees Annual Report Fiscal Year 2011/12."

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

8. Authorized the Director of Public Works to request a one-year delay from the Orange County Transportation Authority (OCTA) of the deadline to initiate the preparation of final plans, specifications & estimates and right-of-way engineering for the widening of the Brookhurst Street and Adams Avenue intersection

A motion was made by Councilmember Carchio, second by Councilmember Shaw to authorize the Director of Public Works to request a one-year delay of the deadline to initiate final plans, specifications & estimates and right-of-way engineering for the intersection of Brookhurst Street and Adams Avenue from the Orange County Transportation Authority.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

9. Authorized issuance of a Request for Proposal (RFP) for a Private/Public Partnership to determine development feasibility of the 11.5 acre County-owned former Gothard Landfill property

Councilmember Sullivan pulled this item for separate discussion and consideration. He reported speaking with the City Administrator regarding the matter and provided background. He stated that the clean-up required on the site could be significant and that the City, in his view, cannot take on that responsibility.

A motion was made by Councilmember Sullivan, second by Councilmember Hardy to approve and authorize the City Manager to issue a Request for Proposals for a Private/Public Partnership to determine development feasibility of the 11.5 acre County-owned former Gothard Landfill property.

Mayor Pro Tem Harper noted that he is an employee of the County of Orange and understands that he is authorized to vote on the issue.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

Mayor Boardman indicated that she had meant to pull Item No. 11 to make additional comments and noted that she will make them during Council Member Comments.

10. Authorized the City Manager to execute all documents on behalf of the Fourth of July Executive Board in furtherance of the sale of Safe and Sane Fireworks

A motion was made by Councilmember Carchio, second by Councilmember Shaw to authorize the City Manager to execute the "Service Agreement Between the City of Huntington Beach and American Promotional Events, Inc. (TNT) for Firework Sales in the City of Huntington Beach" as vendor for the sale of Safe and Sane Fireworks, and execute contracts with ten non-profits groups; and, execute any other contracts on behalf of the Fourth of July Executive Board regarding the sale of Safe and Sane Fireworks.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

11. Adopted Ordinance No. 3973 amending Chapter 5.24 of the Huntington Beach Municipal Code (HBMC). The proposed amendment augments current state law and enhances the City's ability to regulate massage businesses operating in Huntington Beach. Approved for introduction April 1, 2013 - (Vote: 6-0-1, Carchio absent)

A motion was made by Councilmember Carchio, second by Councilmember Shaw to adopt Ordinance No. 3973, "An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments."

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

12. Adopted Ordinance No. 3976 updating the Huntington Beach Municipal Code (HBMC) and Zoning and Subdivision Ordinance (ZSO) to reflect certain technical, non-substantive changes identified by Quality Code Publishing's Standard Editorial Procedures Approved for introduction April 1, 2013 - (Vote: 6-0-1, Carchio absent)

A motion was made by Councilmember Carchio, second by Councilmember Shaw to adopt Ordinance No. 3976, "An Ordinance of the City of Huntington Beach, California Amending Various Sections of the Huntington Beach Municipal Code (HBMC) and Zoning and Subdivision Ordinance (ZSO) to Globally Change Department Head Titles of City Administrator, Deputy City Administrator and Chief of Police; Amending HBMC Section 1.01.020 to Identify Quality Code Publishing as the Publisher of the HBMC; Amending HBMC Section 1.01.040 to Reflect the Updated City Charter; and Adopting Standard Editorial Procedures as Recommended by Quality Code Publishing."

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

13. Adopted Ordinance No. 3977 repealing Huntington Beach Municipal Code (HBMC) Chapter 9.28 which regulates pinball machines in the City Approved for introduction April 1, 2013 - (Vote: 6-0-1, Carchio absent)

A motion was made by Councilmember Carchio, second by Councilmember Shaw to adopt Ordinance No. 3977, "An Ordinance of the City of Huntington Beach Repealing Chapter 9.28 of the Huntington Beach Municipal Code Relating to Pinball Machines."

The motion carried by the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis
NOES: None

ORDINANCES FOR INTRODUCTION

14. Approved for introduction Ordinance No. 3978 amending the Huntington Beach Municipal Code (HBMC) by adding Chapter 2.06 relating to Campaign Documents

Councilmember Shaw reported on the item noting that the matter would simple put back in place the ordinance that was eliminated. He stressed the need to amend the ordinance to apply only for campaign mailers and only mailers distributed to 500 people or more. He felt that the matter has been a long-standing problem in the City and felt that the ordinance is a good idea because it acts as a deterrent and allows for transparency. He commented on challenges with obtaining campaign donor information and stressed the need for transparency. He acknowledged that this will not fix the problem, but gives citizens the ability to see for themselves who is financing campaigns.

City Attorney Jennifer McGrath reported that the ordinance, as drafted, does not mandate that a campaign document must be placed online, specifically, because there is no way to protect the document. She added that the ordinance, as drafted, will require the submission by email or in person to the City Clerk and will become a public record for the City Clerk to disseminate as with other public records.

Councilmember Hardy stated that she agrees with increasing the item to 500 or more pieces and proposed that walked pieces should also be part of the ordinance and acknowledged problems with including electronic attachments. She presented personal testimony regarding anticipating negative pieces and agreed with being able to view pieces prior to distribution. She commented positively on being able to see what other candidates support. She indicated that she would like the ability to email pieces to the City Clerk's office.

Mayor Pro Tem Harper thanked the City Attorney for bringing up the issue of a version of the ordinance would require the City to become a tool in campaigns and expressed concerns that the ordinance would mandate that the City Clerk's office would become a City-funded campaign research tool. He wondered regarding an expiration date for records retention.

City Attorney McGrath reported that it would be typically, two years.

City Clerk Flynn stated that she believes records retention for campaign documents would be six months after the election has been certified. She added that the City's retention schedule would be followed as with all documents.

Mayor Pro Tem Harper wondered when the document would be required to be filed and City Attorney McGrath reported that it would need to be filed within twenty-four hours of its first distribution. She addressed walked pieces, applicability to any campaign documents regardless of the speaker, distribution to specific groups, applicability to slate cards and enforcement and prosecutory decision making. Ms. McGrath noted that the ordinance does not have additional disclosure requirements other than what is currently required by the FPPC. She affirmed that the ordinance does not prevent negative information about candidates or lies or falsehoods about candidates.

Councilmember Sullivan indicated that he supported the ordinance originally but expressed concerns with possible unintended consequences and penalties.

Councilmember Shaw indicated that he would be open to suggestions from Council to amend the ordinance relative to penalties including the forfeiture of office. He indicated that he would support amending the ordinance and making the penalty a civil citation.

Councilmember Carchio asked whether this will be an additional burden for the City Clerk's office and including additional costs.

City Clerk Flynn commented positively on the proposed narrowed scope of the ordinance. She inquired regarding emails related to public records distribution. She added that her office will work with what is approved, noted that there will be additional staff time required.

Councilmember Carchio commented on the honor system and noted that people wanting to distribute negative information are not really on the honor system.

Ms. McGrath suggested increasing the number of pieces beyond 500 in order to exclude fundraising invitations or candidate events.

Councilmember Carchio felt that the ordinance needs reconstruction and indicated that he cannot support it as presented.

Councilmember Katapodis felt that this is an important issue but that there are too many variables to consider.

Councilmember Hardy reported that she supports the item from a positive perspective of education rather than thinking that it will stop anything negative. She suggested changes to the ordinance as stated in her motion.

City Attorney McGrath indicated that she would like to bring the ordinance back for first reading because of the extensive changes proposed.

A motion by was made by Councilmember Hardy, second by Councilmember Shaw to return for first reading on May 6, 2013, the approval for Introduction Ordinance No. 3978, "An

Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by adding Chapter 2.06 relating to Campaign Documents, as amended to include: 2.06.020 G - mailing and walking only; 2.06.030 - filing campaign mailers 1000 or more, and change from 24-hour delivery to the City Clerk's Office to one business day, eliminate email transmittal; 2.060.060 A: Civil Citations (fee only, instead of misdemeanor); 2.06.060 – B; delete completely (remove all references to emailing in the ordinance).

Mayor Boardman noted that the ordinance worked well before it was repealed and indicated that she will support the motion.

The motion carried by the following vote:

AYES: Sullivan, Hardy, Boardman, Shaw
NOES: Harper, Carchio, Katapodis

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Shaw commented positively on the recent Surf Riders' Ohana Festival and indicated meeting someone from Earth Log who could help with the fire rings problem.

Councilmember Katapodis reported attending the Rescue Roundup, benefiting the Wagon Trails Rescue at the Equestrian Center and commented positively on the event. He announced the Farmers' Market at Peter's Landing Marketplace and reported on the recent Baker/Vegas Race noting the participation of the Huntington Beach Police Department. He congratulated the Newport Beach Police Department who finished first in their category and broke their last record. He reported that a resident of Huntington Beach, Lieutenant Colonel Richard Gash was the guest speaker at a class taught by Councilmember Katapodis and he thanked him for his participation. He addressed the recent events in Boston and urged everyone to be aware and alert of suspicious activity.

Councilmember Carchio reported attending the Assistance League Lunch and commended the organization for their efforts and the event. He commended Chuck Hench for the recent paint ball event as well as the Community Services Department.

Councilmember Shaw reported that after passing the plastic bag ordinance, a local artist, Katie Brach presented him with a printed tote bag and stated that she sells these on her website and that a portion of the sales price goes to the American Red Cross.

Mayor Boardman reported attending an Eagle Court of Honor for Troop 1 and the Earth Day Celebration of the Bolsa Chica State Reserve and the opening of the Huntington Harbor Yacht Club.

Regarding Item No. 11, she reported that extensive discussions occurred on the matter at Council's March 18, 2013 meeting with subsequent changes made to comply with State law, so that the item had to come back for re-introduction. She noted that the ordinance gives the City useful tools to address illicit massage businesses within the City.

ADJOURNMENT

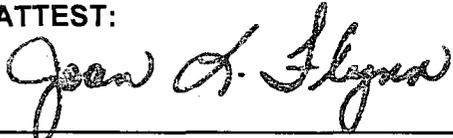
There being no other business to come before Council and the Public Financing Authority, Mayor Boardman adjourned the meeting at 7:49 PM.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, May 06, 2013, at 4:30 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach,
and Secretary of the Huntington Beach
Public Finance Authority

ATTEST:



City Clerk, Clerk, Secretary



Mayor-Chair