

**Minutes  
City Council / Public Financing Authority  
City of Huntington Beach**

**Monday, July 7, 2014  
4:00 PM – Study Session, Room B-8  
6:00 PM – Regular Meeting  
Civic Center Council Chambers  
2000 Main St., Huntington Beach, CA 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/](http://www.surfcity-hb.org/government/agendas/)**

**4:00 PM - ROOM B-8**

**CALL TO ORDER – 4:03 PM**

**ROLL CALL**

Present: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan (arrived 4:34 PM), and Carchio (arrived 4:08 PM)  
Absent: None

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS** (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced supplemental communications that were received after distribution of the Council agenda packet:

**Study Session**

#1. PowerPoint communication submitted by Ken Domer, Assistant City Manager, entitled *Visit Huntington Beach*.

#2. PowerPoint communication submitted by Fred Wilson, City Manager, dated July 7, 2014, entitled *Bolsa Chica Lowlands Annexation Update*.

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

**STUDY SESSION**

The following items were taken out of their original, agendized order:

**2. Bolsa Chica Lowlands Annexation Update**

Teri Baker, Assistant to the City Manager, provided a PowerPoint presentation entitled *Bolsa Chica Lowlands Annexation Update*, that included the following titled slides: Summary of Actions to Date, Approved Motions (2-18-2014), Update on Motion A, Update on Motion B, Update on

Motion C, Harriett Wieder Regional Park Information, Proposed County Endowment, Revised Summary of Revenues and Expenditures (June 2014), and Project Schedule.

Stacy Blackwood, Director of Orange County Parks, and Councilmember Boardman discussed how money for annexation has not been allocated within the County's 5-year strategic financial plan, and whether or not the County has plans to improve the area should the City decide to not take ownership and accept an endowment of \$125M from the County.

Mayor Harper and Mayor Pro Tem Shaw discussed the effects on the project and its proposed timeline when a new County Supervisor is elected in November 2014.

Councilmember Hardy questioned if the Second District would consider developing a park in another location, and discussion ensued regarding the park name.

Councilmember Carchio described discussions held among members of the Local Agency Formation Commission (LAFCO), and how County Supervisor John Moorloch feels that the property should remain under County ownership with the same name. Discussion ensued on annual costs incurred by the City if it takes ownership.

In response to Mayor Harper's inquiry, City Attorney McGrath provided a legal opinion on the Bolsa Chica Conservancy's interpretative center on the site and if it triggered a Measure C vote.

Councilmember Boardman and Consultant Blackwood discussed the tot lots addition in 2002.

Mayor Harper stated support for annexation without City ownership.

Councilmember Katapodis questioned the urgency of the matter. City Manager Wilson stated urgency is tied to the County Supervisor leaving office in November.

Consultant Blackwood discussed the MOU, deal points, a pre-annexation agreement and the item being a priority for Supervisor Moorloch.

Councilmember Hardy stated support for annexation and accepting the endowment, with City ownership. Mayor Pro Tem Shaw and Councilmember Boardman concurred.

Councilmember Carchio discussed LAFCO's position and how the Supervisor's office will protect parks in their districts.

**1. Visit Huntington Beach provided a presentation regarding an increase in the current Huntington Beach Hotel/Motel Business Improvement District from self-assessment 2% to 3% and changing the District to a Tourism Business Improvement District.**

Visit Huntington Beach Chairman Brett Barnes introduced Paul Devitt, Kelly Miller, and Melanee Cottrill with Civitas Advisors.

Kelly Miller, VHB President/CEO, provided a PowerPoint presentation entitled *Visit Huntington Beach*, that included the following titled slides: Visit Huntington Beach (VHB) seeks City Council approval to:, VHB and the City of HB have enjoyed an excellent relationship for many years, Return-On-Investment is working!, City of HB/VHB Partnership Success (SMG Research: 2011-2013), City of HB/VHB Partnership Success (SMG Research 2011-2013), Competitive Reality:

Losing Ground, Why Increase the Current District Assessment?, Economic Impact of 1% Increase over five years is substantial (SMG 2014-2019), Leveraging new HBTIBD assessment dollars: Turning estimates into economic reality in a competitive travel world, Establish a Destination Product Development fund for new or repurposed capital improvement projects. Work collaboratively with City to establish funding criteria and award process, Destination Product Development (DPD) Collaboration, Create a Visitor Services Enhancement Fund, and Competitive TBIDs.

Melanee Cottrill continued the presentation with TIDs are an answer ..., California has two TID laws ..., and The Tourism Business Improvement Districts Modification Process.

Councilmember Sullivan and Ms. Cottrill discussed how assessment amounts are assigned, including formula and protest procedures.

Councilmember Boardman and Mr. Miller discussed what the Visitor Services Enhancement Fund encompasses.

Councilmember Sullivan voiced concerns about his perception of frivolous spending practices in the past, and the high number of bars downtown.

Councilmember Carchio discussed the importance of enhanced marketing to improve the downtown image.

Mayor Pro Tem Shaw stated support for the project as presented, describing it as positive.

Discussion ensued on the increase of visitors and Transient Occupancy Tax (TOT) in the past few of years.

#### **RECESS TO CLOSED SESSION – 4:55 PM**

Mayor Harper announced: Pursuant to Government Code Section 54957.6.a, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator City Manager Fred Wilson, who will be participating today in Closed Session discussions regarding labor negotiations with FMA, MEA, MSMA, PMA, POA., SCLEA and/or Non-Associated City Employees.

A motion to recess to Closed Session Item Nos. 3-5 was approved by a consensus of Council.

#### **CLOSED SESSION**

**3. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Terry Ingham v. City of Huntington Beach; Springhurst Townhome Ass'n., Orange County Superior Court Case No. 30-2013-00630439. In this case, Plaintiff was injured while walking in the City's Lambert Park adjacent to the Springhurst Townhomes area when a tree branch fell and struck him.**

**4. Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session regarding the widening of Atlanta Avenue between Delaware and Huntington Streets. The Council will give instructions to the City's Negotiator, Ken Domer, Assistant**

**City Manager concerning price and terms for the purchase of real property in the form of a street easement and a temporary construction easement from Pacific Mobile Home Park located at 80 Huntington Street in Huntington Beach. The easements for street purposes and temporary construction are more particularly described as an area of approximately 75,602 square feet along Atlanta Avenue between Delaware and Huntington Street. The property owner of the Park is 80 Huntington I, LLC and 80 Huntington II, LLC, and the principal of Huntington I and II is John Saunders, 4040 MacArthur Blvd., Suite 300, Newport Beach, CA. In addition, the Council will give instructions to Mr. Domer concerning price and terms for the purchase of personal property in the form of three mobile homes located on land within the area of the street easement. The location of these homes and their owners are: Space 101, located at 80 Huntington Street, and owned by 80 Huntington I, LLC and Huntington II, LLC, whose principal is John Saunders at 4040 MacArthur, Suite 300, Newport Beach. . Space 302, located at 80 Huntington Street, and owned by Rod and Cindra Stolk. . Space 401, located at 80 Huntington Street, and owned by James and Sue Rock.**

**5. Pursuant to Government Code Â§ 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators and Fred Wilson, City Manager regarding the following: FMA, MEA, MSMA, PMA, POA, SCLEA and/or Non-Associated City Employees.**

**6:00 PM – COUNCIL CHAMBERS**

**RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:16 PM**

**CLOSED SESSION REPORT BY CITY ATTORNEY - None**

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE – Led by Councilmember Katapodis**

**INVOCATION - Led by Father Christian Mondor of Saints Simon and Jude Parish and member of the Greater 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.

**AWARDS AND PRESENTATIONS**

**Mayor Harper called on Community Services Recreation Supervisor Chris Slama to present Parks Make Life Better Month.**

Mayor Harper introduced and deferred to Community Services Recreation Supervisor Chris Slama who provided a presentation regarding the City's Parks and Recreation programs and in acknowledgment of *Parks Make Life Better* Month. He introduced and deferred to Recreation Services Specialist and Miss Huntington Beach Erin Burke who spoke on the *Parks Make Life Better* campaign, and the importance of Parks and Recreation services in enhancing quality of life in the community.

**Mayor Harper and Councilman Katapodis presented commendations to Chief Executive Officer Colleen Mensel and to the Class of 2014 El Viento students – a program through Golden West College.**

Mayor Harper and Councilmember Katapodis presented commendations to the Class of 2014 El Viento students.

**Mayor Harper called on students from our Sister City Anjo, Japan for a special presentation.**

Mayor Harper called on students from Huntington Beach Sister City Anjo, Japan for a special presentation.

Carol Hoke, Chaperon to last year's Ambassadors to Anjo, commented on the Sister City program and introduced Huntington Beach 2014 Ambassadors to Anjo, Japan, and their chaperons and their guests. Each presented a brief statement of their backgrounds and experience in the program.

**Mayor Harper called on representatives from our Sister City Manly, Australia for a special presentation.**

Mayor Harper called on representatives from Huntington Beach Sister City Manly, Australia, including Mayor Jean Hay, for a special presentation.

Mayor Hay expressed her appreciation for the opportunity to address Council representing Manly, Australia (Surf City, Australia). She invited residents to visit Manly, and introduced Assemblyman Allan Mansoor. She presented a replica of the Manly Mayoral chain to Mayor Harper on behalf of Manly Council and its community.

Assemblyman Mansoor commented on the similarities between Manly, Australia and the City of Huntington Beach. Additionally, he commented on their Friendship City program and thanked Members of the Sister City Committee and City Council for their hospitality. He thanked Special Events Coordinator Chris Cole for his help and his efforts. On behalf of Manly, he presented Mayor Harper with a framed picture.

Mayor Harper presented Manly representatives with commemorative surfboard plaques.

**Mayor Harper called on a representative from the Orange County Sanitation District for a presentation about the OCSD.**

Ed Torres, Director of Operations and Maintenance with the OCSD, provided a presentation regarding efforts to cease chlorination of ocean outfall discharge. He presented an overview of the Sanitation District addressing its mission, treatment facilities, service area, ocean outfalls, and its commitment to protecting public health and the environment and ocean discharge improvements. He introduced and deferred to Dr. Jeff Armstrong, Environmental Supervisor for Ocean Monitoring.

Dr. Armstrong provided details of a PowerPoint presentation entitled, "The Effect of Effluent Disinfection on Marine Animals and Local Beaches". He addressed a timeline, changes in animal population, evidence that chlorination was the primary cause of animal decline, local beach water

quality, present status and goals as well as community outreach efforts.

In response to an inquiry from Mayor Harper, Dr. Armstrong addressed the industry standard of using chlorination and commented on other agencies that follow same.

Councilmember Carchio reported that the Sanitation District encourages students and groups to take tours of their facility. Those interested in doing so may call him or the Sanitation District to make arrangements.

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

Mayor Harper announced that at the conclusion of the meeting, he will adjourn it in memory of Newport Beach Lifeguard Ben Carlson who recently lost his life rescuing a swimmer in distress.

**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/>).

Mike Posey spoke to Council regarding fireworks and offered his opinion that the issue of legalization should be placed on the ballot for a vote of the people. (00:57:15)

In response to Mayor Harper's inquiry on whether there is still time to place this matter on the ballot for the upcoming election, City Clerk Joan Flynn indicated that the firm deadline to place items on the November 4, 2014 ballot is August 8, 2014. Clerk Flynn also explained that late ballot submissions reduce the amount of time recommended to collect and submit written arguments and rebuttals in order to meet established ballot publication deadlines.

Craig Frampton referenced a Twitter post issued by Councilmember Boardman, commented on the amount of illegal fireworks in the City during the recent Fourth of July holiday and voiced concerns about the amount of fireworks displayed when it is supposedly "illegal". He suggested that the Council bring the issue to a vote of the people. (01:00:01)

Councilmember Boardman reported that she rode along with the Battalion Chief during Fourth of July in 2012 and did so again this year. Both the Battalion Chief and she commented about how much quieter the streets were this year, in comparison to 2012 in the numbered streets, downtown and that was the subject of her tweet.

Chris Epting introduced family members of Robin Samsøe, the subject of Councilmember Item No. 19 (Establish an Ad Hoc Committee to provide a memorial for Robin Samsøe). He spoke in support of establishing a living memorial in her honor and thanked Councilmember Sullivan for bringing the matter forward. (01:04:03)

Members of Robin's family introduced themselves.

Robert Samsøe III shared his feelings and appreciation of Councilmember Sullivan bringing this item forward. (Councilmember Item No. 19 - Establish an Ad Hoc Committee to provide a memorial for Robin Samsøe). (01:05:30)

Dianne Thompson, Chairman, Huntington Beach Chamber of Commerce, provided comments in relation to Councilmember Item No. 20 (Restrict Hours of new Downtown Restaurants that serve Alcohol). On behalf of the Chamber, she stated that proceeding with the matter, at this time, is premature and that current enforcement efforts by the Police Department should be given an opportunity to work. She added that any kind of ban on existing licenses will only provide greater value to those who currently hold them and suggested increasing fines for those who violate existing ordinances. (01:06:21)

Jerry Wheeler, President and CEO of the Huntington Beach Chamber of Commerce, spoke in opposition to Councilmember Item No. 20 (Restrict Hours of new Downtown Restaurants that serve Alcohol). He contended that the restriction is not necessary and commented on existing regulations and increased Police patrol. He stated that enforcement is key and that current enforcement efforts should be allowed time to work. He expressed concerns that the ban will deter businesses from wanting to come to the City. He suggested working with businesses instead of placing further restrictions. (01:10:05)

Tim Geddes commented on the use of fireworks during the recent Fourth of July holiday noting that it disturbed neighborhoods and degraded quality of life. He spoke regarding a communication he received from former Mayor Don Hansen relating to the Manufactured Housing Educational Trust (MHET) and the subject of rent control. He stated that the mailing is deliberately deceptive and attempts to stir controversy over the issue of rent control. He condemned the attempt at changing public opinion on the matter and urged citizens to do the same. (01:10:57)

Mary Jo Baretich spoke regarding a communication from former Mayor Don Hansen regarding the Manufactured Housing Educational Trust (MHET) and the subject of rent control. She reported that the letter implies that present City Council is "looking for loopholes to undo Huntington Beach's landmark property protection initiatives that voters passed in 2002". She commented on practices in the City of Santa Monica which has successful rent control. (01:14:13)

Betsy Crimi commended the City for being a "Compassionate City" and spoke regarding a communication written by former Mayor Don Hansen regarding the Manufactured Housing Educational Trust (MHET) and the subject of rent control. She believed that the letter is misleading and deceptive and commented on the City's efforts to help its senior citizens. She commented on seniors who are homeless and living precariously without a safety net and many are forced to decide between buying food and paying for their prescriptions. She encouraged Council to look into the letter and make sure that seniors in need are receiving the subsidies they need to receive. (01:17:32)

Gerald Chapman voiced concerns about illegal fireworks near his home and the negative impacts on his pets. He called for increased signage to let people know that fireworks are illegal in the City of Huntington Beach. He commented on challenges accessing relevant information on the City's website and felt that a greater effort should be made to let the public know that fireworks are illegal. (01:20:52)

Linda Harrison reported on her experience with her home burning down and voiced concerns about the dangers of fire and fireworks. She suggested establishing a permit process for people to use safe and sane fireworks. (01:24:19)

Maria T. Spain voiced concerns regarding demonstration of illegal fireworks on July 4th. She

requested that the City establish a task force to address the issue and also place it to a vote of the people. Additionally, she expressed concerns over lost revenue for non-profits and stated that the ban only served to increase the use of illegal fireworks and placed a burden on the City.  
(01:26:52)

Stephanie Green voiced concerns about her children having to view fireworks from the downtown area which she feels is not safe. She expressed support for allowing the sale of safe and sane fireworks to help support non-profit sports groups. She commented on the impacts of City Council actions on youth sports in the City and asked for help in securing fields and funds for same.  
(01:29:47)

Sharon Peterson voiced concerns regarding property rights for senior citizens who reside in mobile home parks. She commented positively on City Council's support of seniors who live in mobile homes. She expressed concerns regarding increasing space rents noting that they are causing "economic evictions" and urged City Council to continue its support of senior citizens.  
(01:32:45)

Diane Atkins, Pacific Mobile Home Park resident, thanked the Mayor for acknowledging the recent passing of Newport Beach Lifeguard Ben Carlson and expressed her condolences to the family and co-workers. She expressed concerns regarding the property rights of mobile home park residents. She thanked City Council for its support of mobile home owners in the City. She noted that while this is a step in the right direction, there are still many hurdles to jump including the lack of a ceiling on rent increases for space. She asked that the Mobile Home Advisory Board be allowed to meet monthly. (01:34:50)

Paul Marano, Pacific Mobile Home Park HOA President, voiced concerns about property rights for mobile home park residents. He related an experience he had with a senior resident who was losing his home because the mobile home park owners had raised space rent to a point he was unable to pay. He explained that the same people that owned that park now own Pacific Mobile Home Park and complained of similar increases noting that many residents, especially seniors on fixed incomes, are unable to pay them. He stated that their actions are predatory and that something needs to be done. (01:38:14)

Councilmember Sullivan opined that park owners who are doing this are criminals but that unfortunately, in many ways, Council's hands are tied. He commented on the ballot measure prohibiting rent control in the City, which became part to the City Charter. He added that people have left their homes because they cannot pay and the park owners have refurbished them and sold or rented them.

Mayor Harper noted that this is not the time for Council comments.

Councilmember Sullivan noted that the stories are heard week after week and stated that this is the time to address the matter.

In response to Councilmember Carchio's inquiry as to whether there is anything the City can do to help people, who are at risk of losing their mobile homes, Deputy Economic Development Director Kellee Fritzel stated she is unaware of anything but that staff will look into the matter. She added that the City currently does not have an assistance program in the Municipal Code.

Councilmember Carchio stated that Council may want to review the possibility of implementing an

assistance program to help people that are in dire need.

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

Councilmember Carchio reported attending the California League of Cities Policy Committees (Administrative and Community Services) in Sacramento, the Dedication of Headquarters Building in memory of Sgt. Paul T. Nakamura of the 79th Sustainment Support Command, Joint Forces Training Base in Los Alamitos, who was killed in action in Iraq in 2005 and the Clergy Vision Luncheon for Homeless Research.

Councilmember Katapodis reported attending the California League of Cities Public Safety Committee meeting in Sacramento. He thanked Councilmember Sullivan for his earlier comments.

Mayor Pro Tem Shaw reported attending the California League of Cities Public Safety Committee meeting in Sacramento and took this opportunity to thank the Fourth of July Board for their work and efforts in the success of Fourth of July events. He thanked Councilmember Sullivan for his earlier comments.

Councilmember Boardman stated she is the liaison to the Compassionate Cities Committee and reported they will be meeting on July 9, 2014, at 7:00 P.M. in Conference Room 2 on the 4th floor.

In response to Councilmember Sullivan's inquiry regarding the protocol for AB 1234 reporting, City Attorney Jennifer McGrath reported that it is intended for Council to disclose events they have attended for which the City has paid. It also includes committee liaison reports but anything else, is not appropriate during this portion of the meeting.

### **CITY MANAGER'S REPORT**

City Manager Fred Wilson deferred to City Clerk Flynn who provided information on the candidate filing period scheduled to commence on July 14, 2014, for the November 4, 2014, General Municipal Election. Regarding placing the matter of fireworks on the ballot, she noted that a Councilmember Item would need to be presented at an upcoming meeting to direct staff to bring back a resolution.

City Manager Fred Wilson deferred to the Fire and Police Chiefs who provided a summary of downtown events and activities related to the Fourth of July. They addressed calls for service, citations issued and prioritization of calls. Detailed reports will be provided at an upcoming meeting.

Mayor Harper commented on the Brown Act and the protocol for public comments and asked for clarification from the City Attorney.

City Attorney McGrath reported that the risk involves establishing consensus on an item that is not properly agendaized. She noted that actions cannot be taken on items that are not on the agenda and that the breadth of discussion is left at the discretion of the Mayor.

Mayor Harper noted that it is not his intention to try to cut discussions but rather to ensure that every Councilmember has the ability to express himself/herself. He added that it is his hope to

run each meeting in a way that is respectful and proper. He reported there is a period towards the end of meetings for Councilmembers to provide their comments.

Councilmember Boardman stated that in addition to being respectful of public speakers, Council must be respectful of the Brown Act. She added that it is acceptable for Councilmembers to correct factual errors but commented on the possibility of having a discussion as to whether Councilmembers should hold their comments towards the end of meetings. She noted that if public speakers comment on an item that is not on the agenda and Councilmembers discuss it, there could be many others who would be interested in the discussion but since it was not on the agenda, they did not expect a discussion so did not attend the meeting. This would deprive them of being able to participate in discussions. That is why, while she was Mayor, she tried to curtail Council interactions with the public during public comments.

Councilmember Sullivan noted there was no interaction among Councilmembers regarding the matter of rent control and that he was the first to comment on it when the Mayor interrupted.

Mayor Harper noted that he faced a difficult dilemma as Councilmember Sullivan's comments went beyond the three (3) minutes that the public is allowed.

Councilmember Boardman noted that Council is in danger of violating the Brown Act if another Councilmember were to make a comment related to the mobile home park issue. She added that she takes the law seriously and noted the importance of open, transparent meetings where everyone has a chance to participate.

## **CONSENT CALENDAR**

Councilmember Carchio pulled Item No. 8 for separate discussion and consideration.

Councilmember Sullivan pulled Items No. 4, 7 and 14 for separate discussion and consideration.

Mayor Harper asked to be recorded as a "no" vote on Items No. 5, 9, 10, 11, 12 and 16.

### **1. Received and filed City Clerk's Quarterly Report listing of Professional Service Contracts filed in the City Clerk's office for contracts executed between July 1, 2013 and March 31, 2014**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk for the Period of July 1, 2013 through September 30, 2013;" receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk for the Period of October 1, 2013 through December 31, 2013;" and, receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk for the Period of January 1, 2014 through March 31, 2014."

The motion carried with the following vote:

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

NOES: None

**2. Approved School Board appointments to Community Services Commission (CSC)**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to reappoint Albert Gasparian, Coast Community College District Representative to a term of July 1, 2014, to June 30, 2015; reappoint Norm Westwell, Ocean View School District to a term of July 1, 2014, to June 30, 2015; reappoint Paul Burkart, Fountain Valley School District Representative to a term of July 1, 2014, to June 30, 2015; reappoint Bridget Kaub, Huntington Beach City School District Representative to a term of July 1, 2014, to June 30, 2015; reappoint Roy Miller, Huntington Beach Union High School District Representative to a term of July 1, 2014, to June 30, 2015; and, appoint Shay Reardon, Westminster School District Representative to a term of July 1, 2014, to June 30, 2015.

The motion carried with the following vote:

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

**3. Awarded and authorized execution of a contract in the amount of \$267,960.50 to California Professional Engineering, Inc. for the Safe Routes to School Project in the Vicinity of Stacey Middle School and Clegg Elementary School, CC-1426; authorized fifteen (15) percent in change orders; and, declared Unique Performance Construction, Inc. as non-responsive**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to declare the apparent low bid from Unique Performance Construction, Inc., as non-responsive; accept the lowest responsive and responsible bid submitted by California Professional Engineering, Inc., in the amount of \$267,960.50; authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract construction costs or \$40,194.

The motion carried with the following vote:

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

**4. Approved funds and in-kind donations for Surfboards on Parade and 100 Years of Surfing**

The aforementioned item was pulled by Councilmember Sullivan for separate discussion and consideration. He stated opposition of the City appropriating \$10,000 to support a world-record attempt on a surfboard and felt it more appropriate for the people involved to raise the money. He noted that the City has real problems and cannot afford to give money away on this effort.

Mayor Pro Tem Shaw disagreed with Councilmember Sullivan's comments and stated support for donating \$10,000 in matching funds for the project adding that it brings tourism into the City and the event has been a great tool for promoting the City. The event also promotes the City's history and fighting skin cancer and has also helped to raise much-needed funds for the Surfing Museum and the Art Center.

Councilmember Boardman stated that this is a good example of the City becoming involved with a public, non-profit and private venture. She added that the money will support skin-cancer research and prevention at Hoag Hospital. She added that the Economic Development Committee required the Surfing Museum to get matching grants and they raised the money from Toyota and Rainbow Environmental and thanked them for participating.

Councilmember Sullivan agreed with previous comments but expressed concerns that the bulk of the money is going towards the surfing event and that it should be raised by other means as the City does not have the money.

In reply to Councilmember Hardy's inquiry, City Manager Wilson reported this money is in addition to what was paid for the new plaque at the pier. He added that the plaque was \$1,300 and that \$5,000 was spent on the sponsorship.

Councilmember Carchio reported attending the unveiling of all the surfboards at the Art Center and stated that \$10,000 is a small amount to pay for Surf City USA. He added that they have raised awareness of skin cancer. He stated he will support the motion as he believes it is a good thing and that the money will be well-spent.

In response to Councilmember Hardy's inquiry, staff commented on the use of funds previously donated by the City. She indicated she will support the motion as it provides helpful opportunities for the City including support for the Art Center.

A motion was made by Mayor Pro Tem Shaw, second by Councilmember Boardman to approve \$5,000 and up to \$5,000 in-kind donation to the Huntington Beach Rotary Club for Surfboards on Parade; and, approve \$10,000 and up to \$5,000 in-kind donation to the International Surfing Museum for "100 Years of Surfing."

The motion carried with the following vote:

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

- 5. As recommended by the Intergovernmental Relations Committee (IRC), approved a City Council position and authorized the Mayor to sign a letter of support for Assembly Bill 1717 (Perea) which establishes a uniform, statewide collection mechanism of Utility User Tax (UUT) on prepaid wireless services**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve a City position of support for Assembly Bill 1717 (Perea) - Utility User Tax (UUT) on prepaid wireless sales; and, authorize the Mayor to sign a letter of support for Assembly Bill 1717.

The motion carried with the following vote:

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

- 6. Adopted Resolution No. 2014-30 ordering the Summary Vacation of portions of several easements in the Brightwater Development due to the reconfiguration of**

### **Ashville Drive**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to adopt Resolution No. 2014-30, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of Portions of Several Easements Due to the Reconfiguration of Ashville Drive" in the Brightwater Development; and, instruct the City Clerk to record said Resolution (and attachments) with the Orange County Recorder.

The motion carried with the following vote:

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

**7. Adopted Resolution No. 2014-35 authorizing the City to levy the Annual Retirement Property Tax for Fiscal Year 2014/15 to pay for pre-1978 Employee Retirement Benefit Levels**

The aforementioned item was pulled by Councilmember Sullivan for separate discussion and consideration. In response to his inquiry, City Manager Wilson affirmed there are eleven (11) cities that have this tax. He commented on previous actions related to this matter and wanted to ensure that the City is under the allowed level.

City Attorney McGrath affirmed that the City is well-below that number and reported that a few years ago; Councilmember Boardman sponsored a successful item that caps it at the current level, forever.

A motion was made by Councilmember Sullivan, second by Councilmember Boardman to adopt Resolution No. 2014-35, "A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2014/15 to Pay for Pre-1978 Public Employee Retirement Benefits" of \$0.01500 per \$100 of assessed valuation. The tax rate of \$0.01500 would continue the current tax rate included in the Fiscal Year 2013/14 adopted Budget.

The motion carried with the following vote:

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

**8. Adopted Resolution No. 2014-21 approving and implementing the Memorandum of Understanding (MOU) between the Police Officers' Association (POA) and the City for 10/01/13 through 09/30/15; and, approved budget appropriation**

The aforementioned item was pulled by Councilmember Carchio for separate discussion and consideration. He thanked all of the bargaining units and staff who worked hard, made concessions and came to agreement.

Councilmember Sullivan commented on the process and expressed concerns that the public is totally cut out of the process. He added that he will be bringing forth a coin ordinance at a future meeting, for sunlight/daylight negotiations.

A motion was made by Councilmember Carchio, second by Councilmember Boardman to adopt

Resolution No. 2014-21, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Police Officers' Association (POA) and the City for October 1, 2013 through September 30, 2015;" and, by adoption of the resolution approving and implementing the HBPOA MOU, Council hereby approves the required Fiscal Year 2013-14 budget appropriation adjustment in the amount of \$292,554.

The motion carried with the following vote:

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

**9. Adopted Resolution No. 2014-34, approving and implementing the Memorandum of Understanding (MOU) between the Municipal Employees' Association (MEA) and the City for July 1, 2013, through September 30, 2015, and approving the appropriation adjustment for FY 2013/14**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to adopt Resolution No. 2014-34, "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Municipal Employees' Association (MEA) and the City for July 1, 2013, through September 30, 2015;" and, by adoption of the Resolution approving and implementing the MEA MOU, the City Council of the City of Huntington Beach hereby approves the required Fiscal Year 2013-14 budget appropriation adjustment in the amount of \$88,719.

The motion carried with the following vote:

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

**10. Adopted Resolution No. 2014-33 amending the Memorandum of Understanding (MOU) between the City and the Surf City Lifeguard Employees' Association (SCLEA), by adopting a Side Letter Agreement**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to adopt Resolution No. 2014-33, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Surf City Lifeguard Employees' Association (SCLEA), by Adopting the Side Letter of Agreement;" and, authorize the City Manager to sign the Side Letter Agreement.

The motion carried with the following vote:

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

**11. Adopted Resolution No. 2014-32, approving and implementing modifications to salary and benefits for non-represented employees**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to adopt Resolution No. 2014-32, "A Resolution of the City Council of the City of Huntington Beach

Modifying Salary and Benefits for Non-Represented Employees;" and, approve the City Clerk's compensation adjustment request to move from the Start Point of the pay range to the Control Point of the pay range.

The motion carried with the following vote:

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

**12. Approved and authorized execution of Amendment No. 3 to Professional Services Contract with Liebert Cassidy & Whitmore to provide Legal Services**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve and authorize the Mayor and City Clerk to execute "Amendment No. 3 to Professional Services Contract Between the City of Huntington Beach and Liebert Cassidy & Whitmore to Provide Legal Services."

The motion carried with the following vote:

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

**13. Approved and authorized execution of a Professional Services Contract between the City and RJM Design Group, Inc. for completion of a Citywide Parks and Recreation Master Plan; and, authorized appropriation of funds**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and RJM Design Group, Inc. For Citywide Parks and Recreation Master Plan" in an amount not to exceed \$220,000; and, authorize the appropriation of \$220,000 from the Park Acquisition and Development (PAD) Fund 209 fund balance to PAD Administration account 20945101.69300 for the completion of a Citywide Park Master Plan.

The motion carried with the following vote:

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

**14. Approved and authorized execution of a Promotional Agreement with Toyota Motor Sales USA, Inc. for provision of vehicles for Marine Safety and Beach Operations**

The aforementioned item was pulled by Councilmember Sullivan for separate discussion and consideration. In response to his inquiry, Fire Chief Patrick McIntosh reported this item is for official sponsorship of Huntington Beach City beaches, Lifeguards, the City of Huntington Beach Rescue Lifeguards and deals specifically with Marine Safety operations. He added that the sponsorship allows Toyota to place their vehicles on Pier Plaza but does not preclude other sponsorships or activities.

A motion was made by Councilmember Sullivan, second by Councilmember Katapodis to approve and authorize the Mayor and City Clerk to execute the "Promotional Agreement Between the City

of Huntington Beach and Toyota Motor Sales, Inc." for the provision of 18 vehicles at no cost to the City for two years, with two (2), 2-year options for use by the Marine Safety Division of the Fire Department and the Beach Operations Division of the Community Services Department.

The motion carried with the following vote:

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

**15. Approved and authorized execution of Cooperative Agreement No. C-4-1626 between Orange County Transportation Authority (OCTA) and the City for Atlanta Avenue Widening Project; and approved additional appropriations for the project**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to approve and authorize the Mayor and City Clerk to execute "Cooperative Agreement No. C-4-1626 Between Orange County Transportation Authority and City of Huntington Beach for Atlanta Avenue Widening Project;" approve an appropriation of \$622,000 from the General Fund Capital Improvement Reserve to Account No. 10040314.82700; and, approve an appropriation of \$556,944 in additional grant funds to MPAH Account No. 96585001.82000.

The motion carried with the following vote:

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

**16. Adopted Ordinance No. 4028 amending Huntington Beach Municipal Code Chapter 10.44 related to oversized vehicle parking regulations, exceptions, and overnight parking in a commercial or industrial district  
Approved for introduction June 16, 2014  
Vote: 6-1 (Harper No)**

A motion was made by Councilmember Carchio, second by Councilmember Hardy to adopt Ordinance No. 4028, "An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking – Time Limits" (Oversized Vehicle Parking Regulations, Exceptions, and Overnight Parking in a Commercial or Industrial District).

The motion carried with the following vote:

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

**PUBLIC HEARING**

**17. CONTINUED TO JULY 21, 2014 a request to approve and adopt a Resolution that makes findings, authorizes financing, appropriates funding and awards a contract to Seimens Industry, Inc. to upgrade City-owned streetlight and parking lot LED lighting; and, authorize the City Manager to execute related lease/purchase and escrow agreements.**

A motion was made by Councilmember Boardman, second by Councilmember Hardy to continue

this item to the July 21, 2014, City Council meeting.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Harper, Boardman, Sullivan, Carchio  
NOES: None  
ABSENT: Shaw (Out of Chambers)

**18. Adopted Resolution No. 2014-31 approving General Plan Amendment No. 14-001; and approved for introduction Ordinance No. 4029 - Zoning Map Amendment No. 14-001 (Airport Circle Residential) located on the west side of Airport Circle approximately 300 feet north of Warner Avenue**

Senior Planner Jill Villasenor presented details of the staff report addressing the subject site, surrounding uses, project description, Planning Commission actions and recommendations, existing and proposed General Plan designation, existing and proposed Zoning Map amendment, site suitability and recommendations.

Councilmember Boardman commented on conditions placed by the Planning Commission relative to the number of units allowed and indicated wanting assurance that the project will build only forty-five (45) units. In response to Councilmember Boardman's inquiry, Planner Villasenor stated the applicant would have to apply for another Conditional Use Permit and entitlement if they want to increase the number of units built.

In response to Councilmember Sullivan's inquiry, Planner Villasenor reported that with the fifteen (15) dwelling units per acre, the applicant may have up to thirty-seven units and that their proposal is for eighteen (18) dwelling units per acre which would equate to forty-five (45) units and the maximum density will allow up to sixty-two (62) units. She added that the condition imposed was to incorporate forty-five (45) units (maximum capacity) into the CC&Rs for the project. The Conditional Use Permit indicates how many units were approved and that the plans also call out for forty-five (45) units maximum. Councilmember Sullivan commented positively on the condition imposed.

Mayor Harper opened the Public Hearing.

Sandi Gottlieb, applicant with The Olson Company, distributed an informational pamphlet on the Airport Circle project, and provided a visual presentation that addressed the Olson Company's reputation and project sustainability. (02:47:40)

Johanna Crooker, WHA, continued the visual presentation that addressed Site Plan Considerations and Superior Street Scene. (02:51:23)

Cheryle Browning voiced concerns regarding covenants to not exceed the proposed forty-five (45) units, the need for agreements that the garages will only be used to house resident vehicles and not be rented out and maintaining Airport Circle as a cul-de-sac and include signage prohibiting commercial truck parking. She added that the quality of life for future residents must be considered in terms of the recycling center. (02:53:46)

Linda Harrison voiced concerns about what she feels are insufficient traffic studies for the area near Edinger and Beach that decreases her confidence in traffic mitigation for this project. (02:57:30)

Mayor Harper closed the Public Hearing.

In response to an inquiry by Councilmember Katapodis, Planner Villasenor reported that a traffic study was done for this project and that results indicated that the level of service will not change.

Councilmember Hardy confirmed that the Planning Commission limited the amount of units to be built at forty-five (45). She inquired regarding restrictions on trucks that will be using Airport Circle and Planner Villasenor stated that there will be appropriate signage on the street but the matter would need to be reviewed by and enforced through the Public Works Department.

Councilmember Hardy and applicant Sandi Gottlieb discussed CC&R provisions regarding garage uses and prohibiting renting them. Ms. Gottlieb stated that the CC&Rs require that garages be used for parking and the Home Owners Association would be the regulating body. She added there is on-site guest parking and that renting those spaces out is not permitted. Additionally, she provided an update relative to the nearby recycling center.

Councilmember Boardman referenced comments by a speaker regarding existing code violations related to renting garages for storage. She encouraged that the speaker fill out a card for so that Code Enforcement can follow up on that issue. She referenced comments regarding maintaining the existing cul-de-sac and reported there is nothing in the report that indicates changes.

A motion was made by Mayor Harper, second by Councilmember Boardman to approve General Plan Amendment No. 14-001 by adopting City Council Resolution No. 2014-31, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 14-001 (Airport Circle Residential);" and, approve Zoning Map Amendment No. 14-001 within findings for approval and after the City Clerk reads by title, approve for introduction Ordinance No. 4029, "An Ordinance of the City of Huntington Beach Amending District Map 24 (Sectional Map 21-5-11) of the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located on the West Side of Airport Circle Approximately 300 Feet North of Warner Avenue from Residential Medium Density (RM) to Residential Medium High Density (RMH) (Zoning Map Amendment No. 2014-001)."

The motion carried with the following vote:

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

Mayor Harper complimented The Olson Company on the project.

## **COUNCILMEMBER ITEMS**

### **19. Submitted by Councilmember Sullivan - Establish an Ad Hoc Committee to provide a memorial for Robin Samsoe**

Councilmember Sullivan commended the Samsoe Family for their participation this evening. He commented on the tragedy and referenced an article regarding same and suggesting honoring Robin Samsoe with a bench. He read from a statement he made regarding the matter as well as prior actions regarding prohibiting sexual offenders from using City parks. He believed that the City should show its respect for Robin's memory as well as its contempt for the failures of the courts to protect children by establishing an Ad Hoc Committee to consider providing a memorial

for her. He added that the committee would be comprised of three (3) Members of Council and that he would like to be part of the committee and also suggested Councilmember Carchio as a member. He reported that the committee would be tasked with placing a bench or a significant memorial at City expense, in a very visible and prominent spot on Pier Plaza to honor her memory and serve as a constant reminder that the community is determined to do everything possible to protect its children. Additionally, to have public safety services (Police, Fire and Marine Safety) report to the City Council on the steps they are taking to try to prevent a repeat of the tragedy.

Councilmember Hardy stated she was a little girl when the tragedy occurred and that she remembers the lecture she received about what to do and not do. She added she was able to use one of the pieces of advice when she was approached by a stranger offering her a ride to school.

Councilmember Boardman expressed her condolences to the family and indicated support for the item. She stated that an expectation when one loses a loved one is that the pain will go away, but it never does, it just may get a little less but one never does get over it. She added this is the least that the City can do.

Councilmember Carchio commented on the City's efforts to protect its children but stated it was struck down in court. He added that the court does not see what happens to families and how they are destroyed in situations such as this one. He commented on the importance of policy-makers protecting the community and its children. He commended Councilmember Sullivan for bringing this matter forward and spoke in support of the item.

Councilmember Katapodis noted that having been a Law Enforcement Officer for thirty-five (35) years, he will never forget any child molestation case that he ever encountered. He spoke in support of the item and believed it is a good reminder, education and opportunity for parents to talk to their children.

Mayor Pro Tem Shaw thanked the family for participating this evening. He stated that he had a family member who was molested by a neighbor, someone that the family knew and trusted and added that he served on a jury involving a child molestation case. He added that Councilmember Sullivan's proposal will serve as a reminder of the need to be vigilant and do whatever that can be done to prevent tragedies like this from happening. He thanked Councilmember Sullivan and stated his support for the item.

Councilmember Sullivan commented on a patient he had that was molested and survived and noted that those who survive will carry the burden for the rest of their lives. He commented on a recent case where a judge let a multiple offender go and stated that the public should be aware of judges' decisions and records when election time comes.

After brief discussion, the Mayor announced that Councilmembers Sullivan and Carchio and Mayor Pro Tem Shaw will comprise the Ad Hoc Committee.

A motion was made by Councilmember Sullivan, second by Mayor Pro Tem Shaw that City Council form an Ad Hoc Committee of three Councilmembers with the task of placing a bench or other significant memorial for Robin Samsøe, at City expense, in a very visible and prominent spot in Pier Plaza to both honor her memory and to serve as a constant reminder that Huntington Beach is determined to do everything possible to protect our children; and, that public safety services of Huntington Beach (Police, Fire and Marine Safety) report to the City Council on the

steps that they are taking to try to prevent a repeat of this tragedy. The Ad Hoc Committee will be comprised of Councilmembers Sullivan and Carchio and Mayor Pro Tem Shaw.

The motion carried with the following vote:

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

**20. Submitted by Councilmember Sullivan - Reconsider previous Council action to restrict hours of new restaurants with alcohol Downtown**

Councilmember Sullivan introduced the item and read a statement regarding his decision to reconsider the matter. He suggested increasing restaurant hours from 10:00 P.M. to 11:00 P.M. on Fridays and Saturdays. He commented on the cap placed on the number of restaurants but believed the cap should be lifted and listed his reasons. He added that the ban increases the value of existing alcohol licenses downtown.

City Attorney McGrath clarified that the first motion should be made prior to considering the second motion.

Councilmember Boardman reported that her original motion included placing a cap on the number of drinking establishments in the downtown. A compromise was approved that any new drinking establishments in District 1 would close at 10:00 P.M. She asked whether what is being considered is the original motion or the actual action that was approved.

City Attorney McGrath stated that the ban relates to any new establishment that wants to stay open beyond 10:00 P.M.

Councilmember Boardman noted there is no cap as to the number of establishments allowed.

Councilmember Sullivan stated that he reviewed the City Council meeting recording and that a statement was made that there be a cap on the number of drinking establishments allowed. His intent is that there not be a cap and that on Friday and Saturday nights they be allowed to close at 11:00 P.M.

Councilmember Carchio commended Councilmember Sullivan for bringing the matter forward. Councilmember Sullivan clarified that 11:00 P.M. would be the closing time rather than stopping alcohol service. He added that it does not make sense to require a restaurant to close at 11:00 P.M.

Councilmember Sullivan explained that he wants to prevent new bars in the area.

Councilmember Carchio expressed concerns with limiting the time a restaurant can serve food by requiring closure at 10:00 P.M. or 11:00 P.M.

City Attorney McGrath reiterated the need to vote on the motion to reconsider. She added that if the motion to reconsider is approved, no further motion would be necessary as it would un-do what was approved originally. Additionally, she stated that hours of operation would be defined through the use-permit process.

Mayor Pro Tem Shaw indicated that City Council's original action was a compromise, that a cap was not placed on the amount of alcohol licenses allowed but rather that restaurants would be allowed if they were to close at 10:00 P.M. He believed it would be beneficial to maintain the previous action but allow establishments to close on 11:00 P.M. on Fridays and Saturdays.

Councilmember Sullivan stressed that a vote on whether or not to reconsider the matter is necessary at this time.

City Attorney McGrath restated what City Council is considering at this time.

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to reconsider the June 16, 2014 City Council action directing staff to process a Zoning Text Amendment to prohibit any new eating and drinking establishments with alcohol sales in District 1 to remain open past 10:00PM Monday through Sunday, and the placing of a restriction on the number of establishments serving liquor.

The motion carried with the following roll call vote:

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

Councilmember Sullivan noted Council's prior action and stated it is not good for business and will prevent the opportunity for new restaurants in the area. He suggested requiring establishments to close at 11:00 P.M. rather than 10:00 P.M. on Fridays and Saturdays.

A motion was made by Councilmember Carchio, second by Councilmember Hardy to direct staff to process a Zoning Text Amendment restricting any new eating and drinking establishment with alcohol sales in District 1 of the Downtown Specific Plan, and modify the closing time to 10:00PM Sunday through Thursday, and 11:00PM Friday and Saturday.

Councilmember Carchio requested clarification as to whether or not restaurants that serves alcohol must stop doing so at 11:00 P.M. and have the ability to continue to serve food subsequently.

In response to Councilmember Carchio's inquiry, Director of Planning and Building Scott Hess reported that the Conditional Use Permits that have been approved for eating and drinking establishments that serve alcohol typically list a closing hour and do not distinguish between serving food or alcohol. He added that distinguishing between serving alcohol and food would be a discretionary action by the Planning Commission. It would be part of the use-permit process.

A substitute motion was made by Councilmember Carchio, seconded by Councilmember Hardy that restaurants close at 10:00 P.M. during the week; close at 11:00 P.M. on Fridays and Saturdays, but have the ability to serve food beyond that time.

City Clerk Flynn clarified that this would apply to only restaurants in District 1 and asked whether a Zoning Text amendment would be necessary.

Councilmember Carchio stated that by not allowing restaurants to serve food beyond the stated closing times, it would restrict their opportunity to succeed.

Director of Planning and Building Hess stated that currently there is a resolution that spells out the time for conditions of approval with conditional use permits. He added that the action could be taken by resolution but that the last action directed staff to prepare a Zoning Text amendment and bring it back for City Council consideration.

Councilmember Carchio amended his motion to include that the action will be done with a Zoning Text amendment.

City Attorney McGrath clarified that according to the resolution, establishments would still close at midnight.

Councilmember Hardy addressed a number of emails she received and referenced a "sarcastic" comment she made that she takes her children to Main Street. She apologized for making the comment and noted that she is not crazy and that she takes her children downtown because she feels that it is safe. She indicated her support of Councilmember Carchio's substitute motion and listed reasons why she is doing so. She spoke in support of allowing restaurants to stay open until midnight in order to serve food. She added that the purpose is to change the atmosphere downtown and that can be done by restricting alcohol sales without restricting the hours of operation.

Councilmember Boardman corrected an incomplete statement she made at a previous Council meeting relative to an amendment regarding Pacific City that allowed 27,000 square feet to remain open, serving alcohol, until 2:00 A.M. She added that the remaining square footage at Pacific City restaurants close at midnight. She stated that is an example of Council's jurisdiction to regulate operating hours. She expressed concerns with enforcement issues related to establishments stopping alcohol service at a specified time.

Police Chief Robert Handy reported it would present the same issue as prohibiting alcohol sales beyond 2:00 A.M. Some work on the honor system and some on routine inspections by the City as well as ABC.

Mayor Pro Tem Shaw indicated he will support Councilmember Carchio's substitute motion. He added that this is a practical and common-sense solution.

In response to Councilmember Sullivan's inquiry regarding a current moratorium in that downtown area on the allowable number of alcohol-serving establishments, Director of Planning and Building Hess noted there is no moratorium. Any new restaurants would be required to file a Conditional Use Permit and to go before the Planning Commission. That action can be appealed to City Council. He added that based on the current motion, there would be a restriction of new restaurants serving alcohol, to the stated hours, but there is no limitation of the total number.

Discussion followed regarding the differences between a resolution and having a Zoning Text amendment.

City Attorney McGrath noted that a Zoning Text amendment was called for in the prior action as well as the proposed action at this time.

Councilmember Carchio explained that establishments would still need to comply with the midnight closing time.

Discussion followed regarding citations issued relative to establishments operating past the allowed time. Chief Handy noted there have been various violations and summarized same.

Councilmember Sullivan expressed concerns regarding the ABC enforcement process. He believed there is an opportunity for this Council to do something about the problems downtown.

Councilmember Carchio explained the motion on the floor and commented on the enforcement process. He added that the limitations would apply to new establishments in the downtown area. He spoke against "handcuffing" businesses.

Councilmember Sullivan commented on the number of alcohol-related disturbances in the downtown area.

Councilmember Carchio discussed how laws are in place to address problems in the downtown area, noting that he can see a lot of improvements in the area. He added that changes will occur but that they will take time.

In response to Councilmember Sullivan's inquiry, Chief Handy addressed additional costs of enforcement in the downtown area on Friday and Saturday nights. Councilmember Sullivan indicated he would like to know the costs and Chief Handy stated he will research the matter and report back to Council.

Councilmember Sullivan commented on the need for additional staffing to deal with the downtown problems and noted it would affect other areas of the City. He reiterated he is interested in knowing the costs of sustaining the efforts that the Police Department is undertaking. He added this needs to be a multi-pronged approach for a resolution.

Mayor Pro Tem Shaw called for the question.

City Clerk Flynn clarified the action to be taken as directing staff to process a Zoning Text Amendment restricting any new eating and drinking establishment with alcohol sales in District 1 of the Downtown Specific Plan from serving alcohol past 10:00 P.M. Sunday through Thursday and 11:00 P.M. Friday and Saturday but allow food service until midnight.

Mayor Harper noted that if someone feels or may be drunk at any point in the evening, at that point they should not decide to drive even if they decide to eat for a couple of hours. The appropriate decision would be to get a ride or call a cab.

The substitute motion carried with the following vote:

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

#### **COUNCILMEMBER COMMENTS (Not Agendized)**

Councilmember Hardy thanked the Fourth of July Board, staff and volunteers for putting on a successful Fourth of July event. She commented on the Orange County Fair and noted there is an alternative transportation to the fair through OCTA's OC Fair Express. One of the stops is in the Huntington Beach Transportation Center, costs \$2.00 each way and they provide a coupon for entering the fair for only \$3.00.

Councilmember Sullivan thanked the Fourth of July Board, staff and volunteers for putting on a successful Fourth of July event. He commented on the disgraceful situation occurring for seniors in mobile home parks and explained that the City's hands are tied on this issue. In response to his inquiry regarding the possibility of including rent control on an upcoming ballot, City Attorney McGrath reported that the original property rights measure in 2002 was done by a ballot measure and that another Charter amendment is possible through that same system. He expressed frustration with people being driven out and losing their homes because they couldn't pay the space rent, and noted that he may consider placing an item on the next agenda related to rent stabilization.

Councilmember Katapodis reported attending the Literacy Volunteers, Huntington Beach 30th Anniversary Annual Awards Night at the Huntington Beach Library and commented positively on the event. Additionally, he attended the 100th Anniversary of the 1914 HB Pier Commemoration Ceremony, the Amigos' Bolsa Brunch at Sea Cliff Country Club, the Surf City 5K Run and Fitness Expo and reported that he attended downtown during the weekend and encouraged residents to visit. He thanked the Fourth of July Board, staff and volunteers for putting on a successful Fourth of July event and also reported attending the Welcome Mayor Jean Hay, Manly, Australia event at Don MacAllister's. He commented on City employee Aaron Klemm who will be leaving and noted he will be sorely missed. He expressed his condolences to the family of Newport Beach Lifeguard Ben Carlson.

Councilmember Carchio thanked Julie Toledo for the 100th Anniversary of the 1914 HB Pier Commemoration Ceremony and commented positively on the event. He thanked sponsors of the Parade and reported attending the Fourth of July Executive Board Sponsor Recognition Party at the Hilton, the Amigos' Bolsa Brunch at Sea Cliff Country Club, thanked the Kiwanis for their work on Lake Park Breakfast as well as the hosts of the VIP Breakfast at 2nd Floor Restaurant. He commented positively on the Fourth of July Parade and thanked ABC Channel 7. He commented on the Pier Plaza Festival and thanked Don MacAllister for hosting a party welcoming Manly Australia Mayor Jean Hay. He commented on a situation involving Ritter's Restaurant and an appeal protesting the issuance of an alcohol license for the venue, opining that it is unfair and commented on personal experience regarding a similar situation. He commented on the issue of fireworks and stated that it is time to rethink Council's prior decision regarding banning fireworks adding there was a proliferation of illegal fireworks while the City lost half-a-million dollars. He spoke in support of safe and sane fireworks.

Councilmember Boardman commented on the Grand Jury's findings regarding fireworks. She added that both the Police Chief and Fire Chief recommended against ending the ban on fireworks in terms of it being a public safety issue. She thanked the Fire Chief for arranging the ride-a-long and observed there was less activity on specific streets than two (2) years ago. She acknowledged a problem with illegal fireworks. She reported attending the Project Self Sufficiency June Recognition Program and congratulated those who received scholarships. Additionally, she commented positively on the 100 Years of Surfing events at the beach and thanked the Historical Society, the Historic Resources Board and City staff for their efforts. She reported attending the Wags and Wine event and thanked all of the sponsors of the Fourth of July Parade and the Fourth of July Board. She attended the Amigos' Bolsa Brunch at Sea Cliff Country Club and thanked Don MacAllister for hosting a party to welcome Manly Australia Mayor Jean Hay. She attended a good-bye party for the students visiting from Anjo and thanked the Sister City Board for holding the event at one of their homes as well as liaison Chris Cole. She commented on Aaron Klemm and noted that she will miss him and wished him well in his new

position. She thanked Deputy Economic Development Director Kellee Fritzal for her work regarding the relocation of a mobile home owner. She thanked everyone who worked on Fourth of July events and during the weekend.

Mayor Pro Tem Shaw thanked the City's Public Safety Divisions for their work over the last weekend. He commented positively on the party welcoming Manly Australia Mayor Jean Hay and thanked City staff for their efforts in the downtown area over the Fourth of July.

Mayor Harper reported speaking at the Hebrew Academy Graduation ceremony, the graduation ceremonies for Huntington Beach High School and Edison High School. He congratulated all of the graduates. Additionally, he attended the Stacy Middle School Graduation, the Chamber of Commerce Ribbon Cutting for the Beach Hut Deli, the USA Women's National Volleyball Team Intrasquad Match at Edison High School, the Public Opening of the New Exhibit, and "Century of Stoke" at the International Surfing Museum and urged residents to check it out. He thanked Council colleagues and staff who participated in the Huntington Beach Pier Commemoration Ceremony and commented on the news regarding Historic Wintersburg. He thanked the Fourth of July Board and Committee for the numerous successful events. He commented on the merits of having a discussion item regarding fireworks in the City and felt that the ban on safe and sane fireworks did not result in the elimination or curtailment of illegal fireworks. He acknowledged the City's collaboration and friendships with Sister Cities and thanked Don MacAllister for hosting a welcome party for Manly Australia Mayor Jean Hay.

#### ADJOURNMENT

There being no further business to come before Council, Mayor Harper adjourned the meeting at 10:57 P.M. in memory of Newport Beach Lifeguard Ben Carlson who passed away last weekend while saving a swimmer in distress.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, July 21, 2014, 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 Secretary of the Public Financing Authority of the City of Huntington Beach, California

ATTEST:

  
City Clerk-Secretary  
Mayor-Chair