

**Minutes
City Council/Redevelopment Agency/Public Financing Authority Meeting
City of Huntington Beach**

Monday, May 16, 2011
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

4:00 PM - ROOM B-8

CALL TO ORDER - 4:02 PM

ROLL CALL

Present: Shaw, Harper, Hansen (arrived at 4:05PM), Carchio, Bohr, Dwyer (arrived at 4:06 PM), and Boardman
Absent: None

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced receipt of one study session communication received following distribution of the City Council agenda packet:

A PowerPoint presentation submitted for Study Session Item No. 1 from Lori Ann Farrell, Finance Director, dated May 16, 2011 and entitled *City of Huntington Beach FY 2010/11 Mid-Year Financial Report*.

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

Kreg Muller, President, Huntington Beach Police Officers' Association, spoke in support of the Police Department's Tactical Swat Medic Program, distributed information on "Tactical Medicine," and described the value of the operational program. (00:01:03)

Councilmember Boardman and Lieutenant Muller discussed swat calls involving the Huntington Beach Police Department.

David Chen, Emergency Room Technician with Saddleback Hospital in Orange County, urged Council to retain "Tactical Medicine" operations and training in the Huntington Beach Police Department. (00:05:34)

STUDY SESSION

1. A presentation was provided by the Finance Department on the Fiscal Year 2010/11 Mid-Year Budget Review and the Comprehensive Annual Financial Report (CAFR) for the Year Ending September 30, 2010.

City Manager Fred Wilson introduced Finance Director Lori Ann Farrell to present a PowerPoint presentation entitled *City of Huntington Beach FY 2010/11 Mid-Year Financial Report*, with the following titled slides: Summary, FY 2009/2010 (Audited), and General Fund Reserve Balance (In Thousands).

Councilmember Dwyer and Director Farrell discussed the effects of borrowing from reserves to pay back last year's financial obligations to the PARS' supplemental retirement program.

Linda Hurley, Macias, Gini & O'Connell, presented slide FY 2009/2010 Audit Results, and discussed her firm's unqualified opinion in relation to the audit process. Councilmember Dwyer questioned committing reserves for repayment of the unfunded liability within the CalPERS program. Mayor Pro Tem Hansen discussed investigating methods of fiscal restraint when fund balances begin to rise. Councilmember Boardman questioned the use of last year's economic uncertainty dollars. Manager Wilson discussed policies in place that address economic uncertainty and reserves.

Director Farrell continued the presentation with FY 2010/2011 Mid Year Update, Revenues, where we have been ..., Revenues, where we are headed ..., General Fund Revenue Projection, Major Components of Revenue - Property Tax, Major Components of Revenue - Sales Tax, Major Components of Revenue - TOT, General Fund Expense Projections, FY 2010/11 General Fund, and FY 2010/11 Recap.

Discussion ensued regarding paying down the PARS' loan sooner with reserves to save interest costs.

Director Farrell continued the presentation with FY 2011/12 Projected Budget, Negotiated Salary Increases FY 10/11 and FY 11/12, FY 2011/2012 State Budget Update, FY 2011/2012 Budget Timeline (Tentative), and Next Steps.

Councilmember Boardman and Manager Wilson discussed possible employee concessions to offset cuts, and Councilmember Boardman asked for suggested increases of revenue. Mayor Pro Tem Hansen suggested that departments develop third tier cuts in preparation for unanticipated deficits at the State level.

RECESS TO CLOSED SESSION

By consensus the Council recessed to Closed Session.

CLOSED SESSION

2. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy City Manager; Bob Hall, Deputy City Manager; Michele Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with all labor groups.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING

ROLL CALL

Present: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
Absent: None

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

PLEDGE OF ALLEGIANCE - Led by Hana Smith, Miss Huntington Beach

INVOCATION - Provided by Reverend Susan Baird, Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Mayor Carchio Announced: On Tuesday, May 24, KTLA Channel Five News will broadcast their morning news program from the Huntington Beach Pier between 4:30 AM to 10:00 AM, and the public is invited to attend.

Mayor Carchio Announced: As part of the City's Human Relations Task Force recognition of federal diversity months, I would like to announce that in addition to May being Asian/Pacific American Heritage Month, May is also Older Americans Month. This month gives us an opportunity to honor the older adults in our community and in our lives. United by historical experiences and strengthened by diverse perspectives and backgrounds, older adults bring insight and perspective to our society. On behalf of the City Council, we join in this annual commemoration and recognize the contributions Older Americans have made and will continue to make in our community and nation.

Mayor Carchio Announced: May 22 has been designated Harvey Milk Day, and recognized Mr. Milk as the first openly gay elected official in the United States, and one who fought for equal rights in his community.

Presentation: Mayor Carchio called on Fire Chief Patrick McIntosh to receive a proclamation for Emergency Medical Services Week May 15 - 21, 2011.

Presentation: Mayor Carchio called on Marine Safety Lt. Mike Beuerlein to receive a proclamation for National Beach Safety Week May 23 - 30, 2011.

Mayor's Award: Mayor Carchio called on Police Chief Ken Small to present the Mayor's Award to the 2011 Baker to Vegas Running Team.

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced communications received by her office following distribution of the Council agenda packet:

Communication for Consent Item No. 6 submitted by Bob Hall, Deputy City Manager and Stanley Smalewitz, Director of Economic Development, dated May 16, 2011 requesting the Subordination Agreement with Beach Promenade, LLC. for the Beach Atlanta Frontage Project be removed from consideration from tonight's agenda.

PowerPoint communication submitted for Consent Item No. 7 by Stanley Smalewitz, Director of Economic Development entitled *Pierside Pavilion First Amendment to the OPA*.

Communication submitted on Consent Item No. 7 from Matthew "Clint" Orr, dated May 16, 2011 regarding re-establishment of The Golden Bear at the Pierside Pavilion.

Communication submitted for Consent Item No. 9 from Jennifer McGrath, City Attorney, dated May 12, 2011, entitled *Proposed Management Audit of the City Attorney's Office*.

PowerPoint communication submitted for Public Hearing Item No. 11 by Stanley Smalewitz, Director of Economic Development entitled *Waterfront Resort, Fifth Implementation Agreement to the Amended and Restated DDA, May 16, 2011*.

Communication submitted for Public Hearing Item No. 12 by Thomas J. McLane, Environmental Director & RC of Plains All American, requesting a continuance of the Public Hearing regarding the Magnolia Oil Storage Tanks Demolition and Transfer Pipeline Removal.

Communication submitted for Councilmember Item No. 14 from Erin D. Runnion, Mother of Samantha, Co-Founder of The Joyful Child Foundation and the Surviving Parents Coalition, dated May 16, 2011, entitled *City Ordinance to prohibit sex offenders from utilizing City parks*.

Communication submitted for Councilmember Item No. 14 by Ken Small, Chief of Police, entitled *California Megan's Law Information*.

Communication submitted for Councilmember Item No. 14 by Michael Sumners, dated May 11, 2011 regarding the proposed ordinance prohibiting registered sex offenders from entering City parks and beaches.

PUBLIC COMMENTS (3 Minute Time Limit)

Manual and Zoe Florence presented a brief PowerPoint about banning the use of plastic bags. (00:25:16)

Rick Stein, Executive Director Arts Orange County, spoke to Council in support of the Huntington Beach Art Center downtown. (00:27:20)

Paul Coulter, Huntington Beach resident and former Art Teacher, spoke in support of the Huntington Beach Art Center downtown. (00:29:53)

Leslie Yagar, Artist and Art Educator, spoke in support of the Huntington Beach Art Center downtown. (00:33:02)

Trang Lee, Artist, spoke in support of the Huntington Beach Art Center downtown. (00:36:12)

John Zurn and Pam Conti from the Pegasus School presented a video made by Pegasus School students as part of a class project to study plastic debris littering local beaches. (00:40:23)

Joanna Yuan, Pegasus School student, spoke to Council about attending a Marine Research Foundation Youth Summit as part of their beach debris research project. (00:47:01)

Finn Dobkin, Pegasus School student, spoke to Council about studying marine debris samples from Crystal Cove and other area beaches, and Styrofoam products. (00:47:54)

Alisa Bhakta, Pegasus School student, spoke to Council about plastic findings (specifically Styrofoam) sifted from the sand in certain identified areas of local beaches. (00:49:03)

Ann Garth, Pegasus School student, spoke to Council about Styrofoam's ill effects on the human body, and requested that Council consider expanding banning Styrofoam products in City restaurants and businesses. (00:51:13)

Claire Goul and Jodie Horowitz, Pegasus School students, urged Council to consider banning use of Styrofoam products in local restaurants, and to implement the use of a storm drain debris extractor manufactured by Greentec. (00:52:57)

Jeff Coffman, President of Clean Green Technology and Chairman of the Rise Above Plastics Committee, spoke in support of the Arroyo Seco Foundation's proposal for a storm drain debris extractor. (00:56:22)

Elaine Keeley, Huntington Beach resident and former Allied Arts Board Member, spoke in support of the Huntington Beach Art Center downtown. (00:59:58)

Case Metkovich spoke to Council about banning the use of plastic bags in Huntington Beach. (01:03:59)

Derek Yamashita, representing Huntington Beach High School, spoke to Council about banning the use of plastic bags in Huntington Beach. (01:05:48)

Laurie Pechulis, Huntington Beach Alliance for Arts Education, spoke in support of the Huntington Beach Art Center downtown. (01:06:45)

Brian Fitzpatrick, Deputy District Attorney representing Orange County District Attorney Tony Rackauckas, spoke in support of Agenda Item No. 14 - Ordinance prohibiting registered sex offenders from entering City parks and beaches. (01:08:00)

Councilmember Boardman and Mr. Fitzpatrick discussed how the County intends to enforce their ordinance. Councilmember Harper referred to the County ordinance as a "model code" ordinance for Cities to use.

Louis Dennis spoke to Council in support of the Huntington Beach Art Center downtown. (01:13:08)

Jeff Burns voiced concerns about the oppressive business environment in the State of California, and asked Council to protect private sector employees. (01:16:23)

Councilmember Dwyer discussed pension systems and an independent study done at the state level which is currently being circulated.

Matthew "Clint" Orr spoke in support of a theater development downtown. (01:20:51)

Ralph Bauer, resident and former Mayor, spoke in support of the Huntington Beach Art Center downtown. (01:24:03)

Mayor Pro Tem Hansen recommended that a study session be scheduled on the rumored action to relocate the surf museum to the Huntington Beach Art Center downtown. City Manager Wilson indicated that if a concept is solidified it would be brought to Council, but at this time, there is none.

Hana Smith, Miss Huntington Beach, spoke regarding *Hope for Japan*, a fundraising effort initiated by her to raise funds that will benefit those most affected by the April 7 earthquake and tsunami in Japan. (01:30:45)

Alison Baskin, Huntington Beach Youth Board, updated Council on Youth Board activities, and thanked Mayor Carchio and Councilmembers Shaw and Bohr for their participation in the mock City Council meeting held during Youth in Government Day on April 7. (01:33:50)

Kathleen Saindon, resident near the easement of the Community Garden, voiced concerns and frustrations about dust from the garden entering her home, and lack of communication from Community Garden representatives. (01:35:49)

Councilmember Dwyer suggested that the speaker fill out a blue card for Council follow-up.

Jon Lue, speaking on behalf of the Surfrider Foundation, supported a ban on plastic bags. (01:41:20)

Jeffrey McBride spoke in opposition to Agenda Item No. 14 - Ordinance prohibiting registered sex offenders from entering City parks and beaches. (01:42:24)

John Briscoe, School District Board Member, voiced concerns regarding classroom and locker room size and child safety at Stacey Middle School. (01:46:15)

Jim Gill, 46-year resident of Huntington Beach, asked Council to support the County guidelines related to sex offenders entering City parks and beaches. He also voiced concerns about people who live in their vehicles. (01:49:08)

Gerald Chapman, former director of the Huntington Beach Art Center Foundation, voiced concerns about the City Manager's presumed tour of the Huntington Beach Art Center downtown last week with Dick Metz and Steve Bone. (01:51:15)

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

Councilmember Dwyer discussed recent and upcoming activities at the Huntington Beach Art Center downtown; Councilmember Harper reported attending General Assembly of the

Southern California Association of Governments (SCAG) on May 5 & 6; Mayor Carchio reported attending a League of California Cities meeting and Orange County Business Council in Sacramento on May 9 and 10.

Councilmember Bohr submitted a written report that will be made available in the City Clerk's Office.

CITY MANAGER'S REPORT - None.

CONSENT CALENDAR

1. Approved and adopted minutes.

A motion was made by Bohr, second Hansen to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Regular Meeting of May 2, 2011, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

2. City of Huntington Beach Strategic Objectives Updated.

A motion was made by Bohr, second Hansen to receive and file the updated status of the Six-Month Strategic Objectives. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

3. Adopted Resolution Nos. 2011-33 and 2011-34 requesting authorization by the City and approval from Cal Trans for temporary closure of streets for the annual Distance Derby Run.

A motion was made by Bohr, second Hansen to adopt Resolution No. 2011-33, "A Resolution Of The City Council Of The City Of Huntington Beach Approving The Temporary Closure Of Portions Of Goldenwest Street, Garfield Avenue, Seapoint Avenue, Overlook Drive, Main Street, First Street, Huntington Street And Twin Dolphin Street For The Annual Distance Derby Run;" and, adopt Resolution No. 2011-34, "A Resolution Of The City Council Of The City Of Huntington Beach Requesting Caltrans Approve The Closing Of Pacific Coast Highway And Certain Ingress And Egress Within The City Of Huntington Beach For The Annual Distance Derby Run." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

4. Authorized execution of a Shuttle Services Agreement with CUSA PCSTC, LLC, dba Coach America, to provide shuttle services for the 2011 Surf City Downtown Shuttle Program.

Councilmember Boardman pulled the item to discuss use of propane vehicles, and also voiced concerns about the contract not being attached to the staff report. Economic Development

Director Stanley Smalewitz explained the item needing approval to move forward with marketing activities before the Memorial Day weekend. Councilmember Boardman stated her desire that future reports include all backup materials. Councilmember Shaw concurred with Councilmember Boardman.

Councilmember Dwyer and City Manager Wilson discussed contract management within the City.

A motion was made by Boardman, second Shaw to authorize the City Clerk and City Manager to execute the Shuttle Services Agreement between the City and CUSA PCSTC, LLC, dba Coach America, that has been approved to form by the City Attorney; and, authorize the City Manager, or his designee, to execute other related documents to the Shuttle Services Agreement. The motion carried by the following roll call vote:

AYES: Shaw, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None
ABSTAIN: Harper

5. Approved and authorized execution of an Agreement with the Public Cable Television Authority (PCTA) for reimbursement of video staff costs to produce City Council and Planning Commission meetings.

Councilmember Dwyer pulled the item to question savings associated with the City not televising Planning Commission meetings.

A motion was made by Dwyer, second Bohr to approve and authorize execution of the "Agreement Between the City of Huntington Beach and Public Cable Television Authority for Reimbursement of Programming Costs." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

~~6. PULLED BY STAFF – NO ACTION TAKEN Approved and authorized execution of a Subordination Agreement with Beach Promenade, LLC for the Beach Atlanta Frontage Road project.~~

7. Approved and authorized execution of the First Amendment to the Owner Participation Agreement by and between the Redevelopment Agency of the City of Huntington Beach and Pierside Pavilion, LLC; and, waived the thirty (30) day review requirement.

A motion was made by Bohr, second Hansen to waive the thirty (30) day review requirement pursuant to Resolution No. 214 for review of the Owner Participation Agreements (OPA); and, approve the "First Amendment to the Owner Participation Agreement" (OPA); and, authorize the Chairman and Agency Clerk to execute any other related documents to process this Amendment. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

8. Adopted Ordinance Nos. 3913 and 3914 amending the Huntington Beach Municipal Code to reflect raising the Local Vendor Preference threshold for commodities and professional services from 1% to 5%. Approved for Introduction May 2, 2011

A motion was made by Bohr, second Hansen to adopt Ordinance 3913, "An Ordinance of the City of Huntington Beach Amending Chapter 3.02 of the Huntington Beach Municipal Code Relating to the Purchasing of Goods and Services;" and, adopt Ordinance 3914, "An Ordinance of the City of Huntington Beach Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

9. Authorized Management Review of the City Attorney's Office.

Councilmember Shaw pulled the item to recommend auditing departments with the largest budgets first.

A motion was made by Shaw, second Boardman to authorize the City Manager to enter into an agreement with Management Partners, Incorporated to conduct a management review of City departments, starting with larger budgeted departments first in the audit process.

Discussion ensued. Mayor Pro Hansen described circumstances leading to the request for a performance audit of the City Attorney's Office, suggesting that the process begin with elected departments. City Attorney Jennifer McGrath described goals accomplished through past audits, and Councilmember Boardman spoke of public support for City Attorney autonomy.

Councilmembers Bohr and Dwyer expressed support to audit the City Attorney first.

A substitute motion was made by Hansen, second Bohr to authorize the City Manager to enter into an agreement with Management Partners, Incorporated to conduct a management review of the City Attorney's office. The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, Bohr, and Dwyer
NOES: Boardman, and Shaw

PUBLIC HEARING

10. Approved 2010 Housing Element Status Report and forwarded to the California State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

Associate Planner Jennifer Villasenor presented a PowerPoint entitled *Housing Element Status Report - City Council Meeting May 16, 2011*, with titled slides: Request, 2010 Building Permit Activity, Regional Housing Need - RHNA Progress, Housing Program Status, Additional Housing Projects, and Recommendation.

Mayor Carchio opened the public hearing. With no one present to speak, the public hearing was closed.

A motion was made by Boardman, second Bohr to approve the 'Annual Element Progress Report, Housing Element Implementation' and forward to the California State Department of Housing and Community Development and the Governor's Office of Planning and Research. The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None
OUT OF ROOM: Shaw

11. Adopted Resolution Nos. 389 and 2011-35 authorizing approval of the Fifth Implementation Agreement to the Amended and Restated Disposition and Development Agreement between the City of Huntington Beach Redevelopment Agency and Mayer Financial, L.P.

Kathy Head, Keyser Marston Associates, provided a PowerPoint presentation dated May 16, 2011 and entitled *Waterfront Resort - Fifth Implementation Agreement to the Amended and Restated DDA*, with titled slides: Background, Fifth Amendment Terms, Scope of Development, Ground Lease Modifications, Sample Rent Calculations, Key Developer Responsibilities, and Cost of the Fifth Amendment to the Agency.

Councilmember Boardman, Deputy Economic Development Director Kellee Fritzal, and Consultant Head discussed extension payments as identified on page 236, Section (g), and "Adjustment Factor," identified on page 253.

Councilmember Shaw, Deputy Director Fritzal and Consultant Head discussed participation rent.

Mayor Carchio opened the public hearing. With no one present to speak on the item, the public hearing was closed.

City Clerk Flynn restated receipt of late communication: A PowerPoint communication submitted by Stanley Smalewitz, Director of Economic Development entitled *Waterfront Resort, Fifth Implementation Agreement to the Amended and Restated DDA, May 16, 2011*.

Councilmember Boardman and Economic Development Director Smalewitz discussed reasons to incentivize the third hotel being built as soon as possible.

Councilmember Bohr, Consultant Head, and Councilmember Boardman discussed net, new transient occupancy tax (TOT) and sales tax revenue projections.

Mayor Pro Tem Hansen discussed the importance of properly managing investments and partnership between a lessee and lessor. He also voiced support for the Agency creating a mechanism that rewards potential tenants for expeditiously delivering product.

A motion was made by Hansen, second Bohr to waive the thirty (30) day review requirement pursuant to Resolution No. 214 for review of the Fifth Implementation Agreement, distributed April 21, 2011; approve Resolution No. 2011-35, "A Resolution of the City Council of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant To Health and Safety Code Section 33433 for a Proposed Fifth Implementation Agreement to Amended and Restated Disposition and Development Agreement by and among the Redevelopment Agency of the City of Huntington Beach, the City of Huntington Beach, and Mayer Financial, L.P.

including an attached Form Of Lease by and between the Redevelopment Agency of the City of Huntington Beach and the Waterfront Hotel, LLC"; Approve Resolution No. 389, "A Resolution of the Redevelopment Agency of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant to Health and Safety Code Section 33433 for a Proposed Fifth Implementation Agreement to Amended and Restated Disposition and Development Agreement by and among the Redevelopment Agency of the City of Huntington Beach, the City of Huntington Beach, and Mayer Financial, L.P. including an attached Form of Lease by and between the Redevelopment Agency of the City of Huntington Beach and the Waterfront Hotel, LLC" and authorize the Mayor/Chairman and City Clerk/Agency Secretary to sign the Agreement and all related documents. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Dwyer
NOES: Boardman

12. CONTINUED TO JUNE 6, 2011 Mitigated Negative Declaration No. 10-07 and Coastal Development Permit No. 10-11 (Appeal of Planning Commission's Approval - Magnolia Oil Storage Tanks Demolition and Transfer Pipeline Removal).
Continued from April 18, 2011 and May 2, 2011

A motion was made by Boardman, second Hansen to continue with public hearing open to June 6, 2011. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

COUNCILMEMBER ITEMS

13. Submitted by Mayor Joe Carchio - Established a Huntington Beach Hometown Heroes Banner Program.

A motion was made by Carchio, second Hansen to direct staff to develop a policy and implement the Huntington Beach Hometown Heroes Banner Program. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

14. Submitted by Mayor Carchio and Councilmember Harper - Directed the City Attorney to draft an ordinance prohibiting registered sex offenders from entering City parks and beaches.

Councilmember Boardman and Police Chief Small discussed the number of sexual assaults and prosecutions in 2010, and how the Police Department currently responds to calls for suspicious activity in parks and at the beach. Discussion ensued on enforcement of the proposed ordinance, and how other cities have adopted ordinances similar in scope but provide greater focus on loitering. Concerns were expressed about violating constitutional rights for rehabilitated offenders who would be prevented from employment opportunities, parental obligations such as attending sporting events, etc. if the ordinance was adopted with the guidelines recommended by the County. Chief Small recommended more study be considered.

City Attorney McGrath was asked to describe costs associated with defending a violation of constitutional right.

Discussion ensued, with Mayor Carchio, Mayor Pro Tem Hansen and Councilmember Harper supporting an ordinance that closely mirrored the County ordinance, and Councilmembers Boardman, Bohr and Shaw supporting greater study to ensure that the ordinance makes sense for the City of Huntington Beach.

A motion was made by Harper, second Carchio to direct the City Attorney to draft an ordinance prohibiting registered sex offenders from entering City parks and beaches similar to that adopted by the Orange County Board of Supervisors. The motion carried by the following roll call vote:

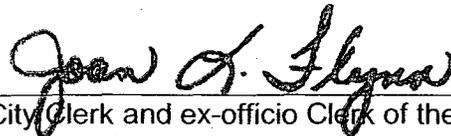
AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

COUNCILMEMBER COMMENTS (Not Agendized)

Comments made by Mayor Pro Tem Hansen, Councilmembers Shaw, Harper, Dwyer, Bohr and Boardman, and Mayor Carchio.

ADJOURNMENT

Adjournment at 9:19 PM to Monday, June 6, 2011, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:


City Clerk-Clerk
Mayor-Chair