

Minutes
City Council/Public Financing Authority
City of Huntington Beach

Monday, October 1, 2012
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 4:30 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

The City Clerk recessed to 4:30 PM due to a lack of quorum.

CALL TO ORDER - 4:30 PM

ROLL CALL

Present: Shaw (arrived at 4:32 PM), Dwyer, Harper, Hansen, Carchio,
Bohr, and Boardman
Absent: None

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

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

STUDY SESSION - Michele Warren, Director of Human Resources, presented an overview of the Public Employee Pension Reform Act (PEPRA) AB 340

Michele Warren, Human Resources Director, provided a PowerPoint presentation entitled *Public Employee Pension Reform Act (PEPRA) AB 340*, with titled slides: AB 340 Pension Reform Highlights, (Additional Provisions, Creates Reduced Benefit Formulas for NEW Employees, Cost Sharing Provisions, Other Ancillary Provisions, and Questions).

Mayor Hansen and Finance Director Lori Ann Farrell discussed cost sharing provisions and smoothing the normal cost of employer rate and unfunded liability. Discussion ensued on the definition of "normal" rate, and how the rate can change annually.

Mayor Pro Tem Dwyer and Director Farrell discussed the PERS formula to determine employer and employee costs, and PERS investment assumptions.

Mayor Pro Tem Dwyer questioned the term "gapping" in union bargaining, and Director Warren stated that she wasn't familiar with the term, and explained the City's obligation to meet minimal

requirements under the law.

Mayor Pro Tem Dwyer questioned using leave bank funds to supplement PERS costs. Directors Farrell and Warren agreed that nothing in AB 340 recognizes use of leave balances to supplement pension costs. Mayor Pro Tem requested that further study be done.

RECESS TO CLOSED SESSION - 4:57 PM

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

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

CLOSED SESSION

1. Pursuant to Government Code § 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 Warren, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with MEO.
2. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: Pacific Mobile Home Park, LLC v. City of Huntington Beach (Atlanta Widening Project), Orange County Superior Court Case No. 30-2011-00449749, Court of Appeal Case No. G047327, challenging the City's adoption of a mitigated negative declaration under CEQA for the Atlanta Avenue Widening Project.
3. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, Court of Appeal Case No. G047060, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for-rent mobile home park of 252 units for ownership purposes.
4. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: Rosendo v. City of Huntington Beach, Orange County Superior Court Case No. 30-2012-00545903. In this case, Plaintiffs were involved in automobile accident with a City vehicle at the intersection of Gothard and Garfield.
5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Ocean View School District v. City of Huntington Beach, Orange County Superior Court Case No. 30-2012-00539563. This case involves CEQA challenge to the City's final EIR No. 10-003 on the project on the southwest corner of Beach Boulevard/Warner Avenue.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:09 PM

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported that in the case of Pacific Mobile Home Park LLC vs. the City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, the City Council has authorized the filing of an appeal by a vote of 6-1 (Dwyer-No).

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Mayor Pro Tem Dwyer

INVOCATION - Given by Maria Conti, Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Presentation - Mayor Hansen called on Fire Chief Patrick McIntosh to introduce Candace Bartsch and Sophia Breena from Huntington Beach Hospital and recognize them for their generous donation to the Huntington Beach Fire Department in support of fire prevention educational materials. Ms. Breena presented a \$1,700.00 check to Fire Chief McIntosh in support of public education for fire prevention.

Presentation - Mayor Hansen asked Fire Chief Patrick McIntosh to announce details related to National Fire Prevention Week, October 7-13, and then presented to him a Council proclamation honoring the event.

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

PUBLIC COMMENTS (3 Minute Time Limit)

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

Deborah Reisdorph, Executive Director of Bully Awareness Resistance Education, Inc. (BARE), encouraged Council to sign a proclamation making October bullying prevention month. (00:09:10)

Tom Livengood, spoke in opposition to Measure Z and provided a PowerPoint slide that included Tax, Market Value and Year Purchased financial figures to demonstrate what Measure Z means in dollars and cents. He described citizen support for the tax adopted by a ballot measure in 1966, and expressed concerns about loss of public safety services if the Measure passes. (00:10:40)

Grace Winchell spoke in opposition to Measure Z, and provided her opinion of what City services will be lost if the Measure passes. She discussed how the tax was recently capped at \$.15 per \$100 of assessed property value by the City Council, and urged voters to oppose the measure in November. (00:13:05)

Savannah Clark discussed the *Red for Tyler* campaign - people wearing red to in memory of Tyler Macleod who recently died from a drug overdose. She requested that Council get involved in educating the public about illegal drug use and its negative affects on young people in Huntington Beach. (00:14:53)

Councilmember Carchio asked that the speaker to fill out a blue card for follow-up.

Mayor Pro Tem Dwyer recognized Tyler Macleod as a Huntington Beach youth who unexpectedly passed due to drug use, and expressed sympathy to his family.

Kelly Cason, representing *Red for Tyler*, spoke regarding public education against drug abuse, and the perceived rise of illegal drug activity in town, requesting that Police increase their presence in areas known for drug trafficking. (00:19:45)

Councilmember Carchio requested that the speaker fill out a blue card for follow-up.

Warren Boyd recognized the passing of Tyler Macleod and spoke regarding his experience in drug prevention, educating young people, and speaking out publicly in schools. (00:24:11)

Gina Gleason spoke regarding the passing of Tyler Macleod and of organizing a community action team with that would include City endorsement. She requested that the City Council be part of the solution to drug prevention. (00:26:27)

Ellis Young expressed his feelings about the passing of Tyler Macleod, and described a timeline of activities in support of the *Red for Tyler* program. (00:29:03)

Gregory Hall expressed concerns about a blighted property located at the northwest corner of Ronald Street and Beach Boulevard, requesting assistance from Council to improve its appearance. (00:31:24)

Mayor Pro Tem Dwyer and Planning and Building Director Scott Hess discussed recent communications with the property owner who is working on getting updated permits to start construction on the property.

Councilmember Carchio and Director Hess discuss the City's property maintenance ordinance, code enforcement citations issued on the property, and declaration of bankruptcy by the previous owner that has slowed actions to upgrade the property.

Mayor Hansen discussed the power of communication and assembly. (00:34:21)

Mayor Pro Tem Dwyer discussed a notification received from the Superintendent of the Huntington Beach High School District who was unable to attend tonight's meeting but who is willing to participate in a drug awareness campaign.

Councilmember Harper sympathized with members of the audience supporting the *Red for Tyler* movement, and provided support for public education for drug awareness.

Chris Brecher spoke regarding leadership and how it can be used to provide positive action in response to the loss of a young person from a heroin addiction. He discussed his knowledge of Councilmembers' work for young people through associated groups and foundations, and encouraged them to get involved to stop young people from getting involved with illegal drugs. (00:41:18)

Joseph Dagley, Chair of the Human Relations Task Force (HRTF) and HB Reads One Book member, spoke regarding the HRTF's mission to stop bullying, and announced the HB Reads highlighted book entitled *Thirteen Reasons Why*. He invited Council and the public to a book kick-off event on October 10, 2012 at 6:30 PM at the Central Library. (00:44:21)

Jamie Pavlat described her involvement with the Wetlands and Wildlife Care Facility and Amigos de Bolsa Chica, and spoke regarding wildlife behavior in relation to coyote abatement. She explained that the best way to prevent coyote over-population is to not allow them access to food sources such as pet food and small domestic animals. (00:47:02)

Corwin Reno expressed concerns about a white curb at 1867 Florida Street that is being used as a bus stop in front of a senior facility. He described being ticketed for parking there to drop off his elderly parent, and questioned the amount of time allowed to park near a white curb. (00:50:05)

Council requested that he fill out a blue card for follow-up.

Robert Corona expressed his feelings about the loss of his godson Tyler Macleod to a drug overdose, and urged Council to take action by supporting implementation of stronger penalties, increase police presence in drug-infested areas, and through legislation. (00:51:07)

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

Councilmember Carchio reported representing the City and PCTA at the National Telecommunications Officers and Advisors (NATOA) Conference in New Orleans, and congratulated the City Clerk's Office for winning second place in a category titled *Profile of a City/County Department* for their "We Are - City Clerk's Department" video spot. He also stated that a new video on the West Nile Virus has been provided to the City and will be played on HBTv-3.

Councilmember Boardman announced that Anjo, Japan representatives will provide a free Taiko Drummer Performance concert at the Central Library on Friday, October 5 at 7:00 PM. She also highlighted the Cylinder, Sphere and Cone show currently on display at the Downtown Art Center.

Councilmember Shaw announced that the HRTF will be bringing forth an anti-bullying proclamation at the next City Council meeting, and that HB Reads will introduce its new book related to bullying on Wednesday, October 10 at 6:30 PM at the Central Library.

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 authorized execution of a Professional Services Contract between the City and CBC, Inc. to conduct a forensic audit and rate plan optimization of City cellular phone bills

A motion was made by Carchio, second Boardman to approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and CBC, Inc. For Wireless Telecom Service Audit Services" to conduct a forensic audit and rate plan optimization of City cellular phone bills. The motion carried by the following roll call vote:

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

2. Adopted Resolution Nos. 2012-67 and 2012-68 authorizing the 2012 Holiday Closure for the period of December 24, 26, 27, 28 and 31 for Non-Represented Employees, and cancellation of the City Council/Public Financing Authority meeting of January 7, 2013

A motion was made by Carchio, second Boardman to adopt Resolution No. 2012-67, "A Resolution of the City Council of the City of Huntington Beach Establishing Holiday Closure for Non-Represented Employees," including Exhibit A: Holiday Closure Agreement; closing all non-essential City services to the public for the period December 24, 26, 27, 28, and 31, 2012 in addition to the City recognized holidays of December 25, 2012 (Christmas) and January 1, 2013 (New Year's Day); and, adopt Resolution No. 2012-68, "A Resolution of the City Council of the City of Huntington Beach Declaring the Cancellation of the Regular City Council Meeting and Public Finance Authority Meeting of January 7, 2013; and Directing the City Clerk to Provide Notice of Such Cancellation." The motion carried by the following roll call vote:

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

3. Approved and authorized execution of the Consent of the City of Huntington Beach for the Collateral Assignment of the Development Agreement for the Boardwalk Project

A motion was made by Carchio, second Boardman to approve and authorize the Mayor and City Clerk to execute the "Consent of the City of Huntington Beach" for the Collateral Assignment of the Development Agreement for the Boardwalk Project. The motion carried by the following roll call vote:

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

4. Approved and authorized execution of Professional Services Contract Amendment No. 1 to Agreement between the City and Biggs Cardosa Associates, Inc. for Bridge Design Services

Mayor Pro Tem Dwyer pulled the item for clarification on the contractor.

A motion was made by Dwyer, second Boardman to Approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Biggs Cardosa Associates, Inc. for Bridge Design Services." The motion carried by the following roll call vote:

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

5. Adopted Ordinance No. 3958 amending Chapter 2.101 of the Huntington Beach Municipal Code relating to the Allied Arts Board service limitations Approved for introduction September 17, 2012

A motion was made by Carchio, second Boardman to adopt Ordinance No. 3958, and "An Ordinance of the City of Huntington Beach Amending Chapter 2.101 of the Huntington Beach Municipal Code Relating to the Allied Arts Board Service Limitations" by eliminating Chapter 2.101.100. The motion carried by the following roll call vote:

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

6. Adopted Ordinance No. 3959 amending Chapter 2.76 of the Huntington Beach Municipal Code (HBMC) to add Chief Assistant City Attorney Approved for introduction September 24, 2012

A motion was made by Carchio, second Boardman to adopt Ordinance No. 3959, and "An Ordinance of the City of Huntington Beach Amending Chapter 2.76 of the Huntington Beach Municipal Code Relating to Competitive Service Regulations." The motion carried by the following roll call vote:

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

PUBLIC HEARING

7. Approved Zoning Text Amendment No. 12-002 (Park In Lieu Fee) amending Chapter 254 (Dedications and Reservations) and deleting Section 230.20 (Payment of Park Fee) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) by approving for introduction Ordinance Nos. 3960 and 3961 and adopt Resolution No. 2012-66 establishing park land dedication fees and other related information

Principal Planner Ricky Ramos provided a PowerPoint presentation entitled *Zoning Text Amendment No. 12-002 – Park In Lieu Fee*, with titled slides: Request, Fees, Background, and Recommendation.

Mayor Hansen opened the public hearing. City Clerk Joan Flynn stated that she received no supplemental communications on the item, and that no one had signed up to speak in reference to the item. Mayor Hansen closed the public hearing.

A motion was made by Carchio, second Dwyer to approve Zoning Text Amendment No. 12-002 with findings for approval; and, approve for introduction Ordinance No. 3960, "An Ordinance of the City of Huntington Beach Amending Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Parkland Dedication;" and, approve for introduction Ordinance No. 3961, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Payment of Park Fee;" and, adopt Resolution No. 2012-66, "A Resolution of the City Council of the City of Huntington Beach Establishing Park Land Dedication Fees (Quimby Fees) Pursuant to Ordinance No. 3960 and the Subdivision Map Act."

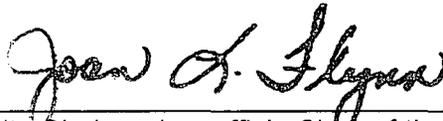
The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

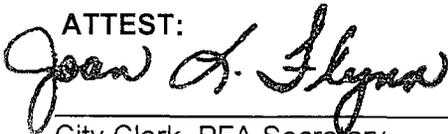
Comments were made by Councilmembers Dwyer, Harper, Bohr, Boardman, Shaw, and Hansen.

ADJOURNMENT - Adjourned at 7:18 PM to the next regularly scheduled meeting of Monday, October 15, 2012, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

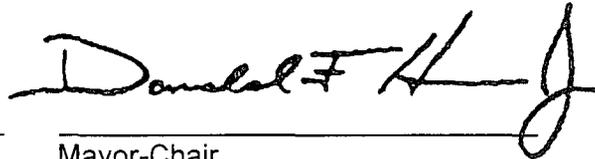


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:



City Clerk, PFA Secretary



Mayor-Chair