

Minutes  
City Council/Public Financing Authority Regular Meeting  
Successor Agency Special Meeting  
City of Huntington Beach

Monday, September 16, 2013  
5:00 PM – Closed Session  
6:00 PM – Regular Meeting  
Civic Center Council Chambers  
2000 Main Street  
Huntington Beach, California 92648

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/agengas/](http://www.surfcity-hb.org/government/agengas/)

**4:00 PM** – *The City Clerk recessed the 4:00 PM portion of the meeting to 5:00 PM due to an anticipated lack of quorum. Council/Successor Agency Board convened in the Council Chambers at 5:00 PM.*

**5:00 PM – COUNCIL CHAMBERS**

**CALL TO ORDER – 5:02 PM**

**ROLL CALL**

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

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

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

***Mayor Boardman announced: Pursuant to Government Code Section 54957.6.a, the Council takes this opportunity to publicly introduce and identify designated labor negotiators: Fred Wilson City Manager, Michele Warren Director of Human Resources, Lori Ann Farrell Director of Finance, Janeen Laudenback Acting Director of Community Services, Patrick McIntosh Fire Chief, Irma Rodriguez-Moisa AALRR, Ken Small Police Chief, and Peter Brown LCW, who will be participating today in Closed Session discussions regarding labor negotiations with MEA, MEO, MSMA, SCLEA, POA and HBFA.***

**RECESS TO CLOSED SESSION – 5:03 PM**

A motion was made by Councilmember Carchio, second by Councilmember Shaw to recess to Closed Session.

The motion carried with the following roll call vote:

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

**CLOSED SESSION**

- 1. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Rooney v. Ruiz, et al., Orange County Superior Court Case No. 30-2012-00599214, consolidated with Hofheimer v. Ruiz, et al., Orange County Superior Court Case No. 30-2013-00621754. In these cases, Plaintiffs were in custody in a Huntington Beach Police transport van and injured when the van was involved in an auto accident in Fountain Valley.**
- 2. 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]: Jill Randall v. City of Huntington Beach, et al. United States District Court Case No. SACV11-01740 CJC (MLGx). In this case, Plaintiff claims civil rights violations against Orange County and the City in connection with the County's investigation and removal of Plaintiff's 4-year-old son from her custody. The claim against the City concerns assistance provided by City police officers to County Social Services personnel during their removal of Plaintiff's son from her residence.**
- 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]: City of Huntington Beach v. State of California, Department of Parks and Recreation, Premier Media Group and Giving It Back To Kids, Orange County Superior Court Case No. 30-2013-00673716.**
- 4. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Michele Warren, Director of Human Resources, Lori Ann Farrell, Director of Finance, regarding labor negotiations with MEA and MEO.**
- 5. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Michele Warren, Director of Human Resources, Lori Ann Farrell, Director of Finance, Janeen Laudenback, Acting Director of Community Services, Patrick McIntosh, Fire Chief and Irma Rodriguez-Moisa, AALRR regarding labor negotiations with MSMA and SCLEA.**
- 6. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Michele Warren, Director of Human Resources, Lori Ann Farrell, Director of Finance, Ken Small, Police Chief, Patrick McIntosh, Fire Chief and Peter Brown LCW regarding labor negotiations with POA and HBFA.**

**6:00 PM – COUNCIL CHAMBERS**

**RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:04 PM**

**CLOSED SESSION REPORT BY CITY ATTORNEY – None.**

**ROLL CALL**

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

Absent: None

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

**INVOCATION –** The invocation was provided by Pastor Anthony Boger from the United Methodist Church and 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**

**Announcement - Mayor Boardman announced the recognition of "National Hispanic Heritage Month" which began yesterday, September 15th, and continues through October 15th. This year's theme is "Hispanics: Serving and Leading Our Nation with Pride and Honor."**

Mayor Boardman provided a brief history of the observation of National Hispanic Heritage Month.

**Presentation - Mayor Boardman called on the Huntington Beach Sister City Association to introduce the Huntington Beach Exchange Students who traveled to Anjo, Japan.**

Carmen Erber, President of the Huntington Beach Sister City Association introduced the Huntington Beach Exchange Students (2013 Ambassadors of Goodwill) who traveled to Anjo, Japan. Each student provided a short testimony of their experience and thanked Council and the Association for the opportunity to participate in the program.

Mayor Boardman encouraged other high school students to participate in the program.

**Presentation - Mayor Boardman called on Bob Miller from the Huntington Beach Auto Dealers Association to draw the winning name in their second annual charity raffle drawing.**

Mr. Miller provided information regarding the Huntington Beach Auto Dealers Association annual car raffle noting that 5,000 tickets were distributed at a face value of \$10 each, to Huntington Beach non-profit groups. He listed non-profit groups that participated in this year's event and noted that when they sold the tickets, they were able to keep the funds raised. Mr. Miller drew the name of the winner who won the opportunity to pick a \$25,000 car of their choice. The winner was declared to be the Huntington Beach Police Officers' Association.

Mayor Boardman thanked the Huntington Beach Auto Dealers Association for their generosity.

**Mayor's Award - Mayor Boardman called on Planning and Building Director Scott Hess to present the Mayor's award to Associate Planner, Jill Arabe.**

Planning and Building Director Scott Hess introduced and called on Associate Planner Jill Arabe, who was presented with the Mayor's award for her service to the City.

**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 by her office following distribution of the Council agenda packet:

For Consent Item No. 13 (B), City Clerk Flynn noted the replacement of Exhibit A for Resolution 2013-04 (the administrative budget of the Successor Agency).

Various communications received regarding Councilmember Item No. 23 (State-approved Fireworks Ban) by: Mike Williams, Rachel Malone, Margaret Lacher, Linda Wickert, Mary Ann Celnder, Jesus Quesada, Richard & Shannon Smith, Jeri Polizzoto, Donald Gabel, M.D., Frankie Vidales, Jr., Margaret Lacher, Patrick Gillespie, Edward DeMeulle, Christy Brodt, Dave (INSERT LAST NAME), Shipley & Steve Marmion, Sam & Karen Pinterpe, Jacki King, Nancy Donovan, Stan & Elaine Anderson, Jack & Lenore Kiriorn, Chloe Pollock Mieczkowski, Linda Sapiro Moon, The Ross Family, Dennis Bauer, Lori Anderson, Jodi Aden, John Grace, David Yasutake, Al Hendricker, Brent Marchbanks, Cindy Minato, Suzanne Hart, Robert Olszewski, Gloria Alvarez, and Monique Theriault.

Additionally, communications were received regarding Public Hearing Item No. 21 – to be read into the record at the time of the public hearing.

**PUBLIC COMMENTS (3 Minute Time Limit)**

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

Mayor Boardman opened the Public Comments portion of the meeting.

Gerald Chapman spoke regarding the process of hiring a new Police Chief. He thanked Chief Small for his work, efforts and responsiveness. He referenced the City's recent problems with large crowds and hoped that one of the criteria for choosing a new Police Chief is someone who has had experience working with large crowds and large events. He expressed concerns that the three candidates chosen may not have that experience. (00:22:02)

Suzanne Hart spoke in opposition to Agenda Item No. 23 – Fireworks, and provided testimony of an event in her neighborhood where illegal fireworks were being detonated. She reported that from November 17, 2012 to date, her neighborhood has been disturbed by illegal and legal fireworks on fifty-two occasions. Ms. Hart reported there is a direct correlation between the sale of legal fireworks and the use of illegal fireworks. (00:24:08)

Laurie and Ben McCulloch spoke in opposition to Agenda Item No. 23 – Fireworks, listing reasons

as the limited resources the City has to enforce the ordinance, the education of the public that uses safe and sane fireworks is lacking and that those who sell them are not aware of the limitations of the ordinance. Laurie urged Council to consider what the City of Pacifica has done in limiting where safe and sane fireworks can be used and on the following day, those responsible for the sale of fireworks must clean up the streets of the left-over fireworks that were expended. (00:27:19)

Tim Geddes spoke in support of Agenda Item No. 23 – Fireworks, adding that focus should be on the concept of rights, but also on the concept of responsibilities so that citizens are protected from the abuse of individual rights. He noted that the fireworks issue is a balance between rights and responsibilities. He urged Council not to reject a right, but to embrace responsibility. (00:29:35)

Ryan Merlo spoke in opposition to Agenda Item No. 23 – Fireworks, noting that the enjoyment of a few affect many. He reported that even though the ordinance limits the time when fireworks can take place, it is not being followed. He addressed the health and safety of pets and reported his need to obtain tranquilizers for his dog because of the effects of loud noises caused by fireworks. He felt that they also pose a health concern for residents of the City relative to Police and Fire response times. He urged Council to act in support of residents' safety and health. (00:31:54)

Tom Hollister, on behalf of the Huntington Beach Lion's Club, spoke in support of Agenda Item No. 23 - Fireworks, commented on the benefits of the sale of sane and safe fireworks in fundraising for non-profit organizations. He listed the beneficiaries of those funds in the community. (00:35:04)

Brian Lochrie, representing Poseidon Water, submitted a project flyer, 629 letters of support, and 73 letters of opposition in the project. He addressed their efforts in keeping the community informed and their rating of the project. (00:37:15)

Alan Gandall, AYSO Region 117 Council and AYSO Area Director, spoke in support of Agenda Item No. 23 – Fireworks, and the benefits of the sale of safe and sane fireworks in fundraising for non-profit organizations and services to the community. (00:38:20)

Clint Orr spoke regarding downtown amenities. He commented on amenities in the City of Santa Barbara and spoke in support of adding amenities for youth in the downtown area. He suggested a surf museum and theater and felt that Electric Company property would be an ideal site for a youth center. (00:41:39)

Rick Mitchell spoke in opposition to Agenda Item No. 23 – Fireworks, commented on a recent article by Mayor Pro Tem Harper supporting the return of safe and sane fireworks. Mr. Mitchell felt that the City does not need additional "controlled chaos". He complained of the debris following the Fourth of July holiday and the effects on residents and pets and suggested banning them altogether and raising funds by establishing fines for violation of the ordinance. He urged Council to bring back the ban on all fireworks in the City. (00:44:55)

Robert Johnson spoke regarding litigation involving Cape Ann affordable housing units. He referenced a formula used in determining the prices and felt that homeowners are not benefiting. (00:47:47)

Brenda Cavillo spoke in opposition to using animals for entertainment during the downtown's

Halloween event. She felt that there is not enough staff available to supervise the wellbeing of animals used in petting zoos and suggested eliminating the petting zoo and using a different educational alternative. (00:51:02)

John Kelly, Vice President of TNT Fireworks, spoke in support of Agenda Item No. 23 - Fireworks. He reported that the use of illegal fireworks is on the rise throughout Southern California and is being addressed on a state-side level. He addressed challenges in recent events, including a shortage of inventory and requested that Council allow providers more time to prepare for the RFP process. He agreed with the need to educate the public about the ordinance and recommended no more than fifteen sites for the sale of safe and sane fireworks. He wondered how many citations were issued this year relative to the use of fireworks and acknowledged individuals and groups who have contributed to the success of the program. (00:53:45)

Mike Van Voorhis, President of the Sunset Beach Community Association, spoke in support of Agenda Item No. 22 (Marine Safety) and encouraged Council to approve Option 2 in the recommended actions including the service level provided in Option 3, as part of next year's budget. Additionally, he expressed opposition to Agenda Item No. 23 – Fireworks, adding that the use of illegal fireworks has increased with the sale of safe and sane fireworks. He urged Council to approve a total ban of fireworks in Sunset Beach. (00:56:52)

Jacki King spoke in opposition to Agenda Item No. 23 – Fireworks, and commented on the negative effects on pets as well as causing fire hazards. (01:00:03)

Jim Moreno spoke in opposition to Agenda Item No. 23 – Fireworks, and urged Council to ban all fireworks in the City. (01:03:12)

Adrina (no last name given), accompanied by James Cayton, spoke regarding rent control and commented on the number of people living in apartments that struggle because of increasing rents. (01:05:51)

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

Councilmember Sullivan reported chairing the September meeting of the Orange County Senior Citizens Advisory Council.

Councilmember Carchio reported representing the City at an event held by Sandy Segerstrom Daniels and the Festival of Children's Foundation. He commented positively on the event and reported that the Foundation raised over one-quarter of a million dollars that evening. Additionally, he thanked the Department of Alcohol and Beverage Control (ABC), which came to the City's aid in relation to the Wet Electric beach event.

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

City Manager Fred Wilson requested a report on the Wet Electric event from Police Chief Small and Fire Chief McIntosh.

Police Chief Small reported that the City became aware of an event in late July which was billed to be a money-maker for State parks. He reported that it cost the Huntington Beach Police

Department \$25,000 to staff extra resources for that event and reported that Officers testified that the presence and sales of drugs was prolific. He reported that four arrests were made and forty-six traffic and thirty-six parking citations were issued. He added that hundreds of complaints were received from City residents as well as Newport Beach residents regarding noise. Complaints were also received regarding improper/inappropriate language emitted from loudspeakers.

Fire Chief McIntosh reported the need to gear up and staff up for the event due to uncertainty of outcome, and commented positively on the denial of an alcohol permit for the event. He reported that costs were approximately \$7,000 and stated that approximately five or six people were transported to hospitals, adding that most medical calls were related to intoxication and/or assault.

On a separate note, City Manager Wilson provided a short video regarding the plastic bag ban, which will go into effect on November 1, 2013. He reported that staff has been working with local stores to educate them regarding the ordinance.

## **CONSENT CALENDAR**

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

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to receive and file the Six-Month Strategic Objectives.

The motion carried with the following roll call vote:

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

### **2. Approved City Position on Certain Legislation: League of California Cities Resolution #1 - Water Bond Funds and Resolution #2 - Public Safety Realignment, AB 1102, SB211, and SB 594 as recommended by the Intergovernmental Relations Committee (IRC)**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to authorize the City's Voting Delegates (Mayor Pro Tem Matthew Harper and Council Member Joe Carchio and Council Member Joe Shaw as alternates 2 and 3, respectively) to vote at the League of California Cities Annual Conference in September in support of the League's Resolution #1 – Water Bond Funds and Resolution #2 – Public Safety Realignment; authorize the Mayor to sign letters of support as necessary on behalf of the City for AB 1102 (Allen and Quirk Silva) – South Coast Air Quality Management District (SCAQMD) – Beach Burning; authorize the Mayor to sign letters of support as necessary on behalf of the City for SB 211 (Price) – Franchise Tax Board and Cities – Disclosure of information; and, authorize the Mayor to sign letters on behalf of the City which support the League of California Cities position on SB 594 (Hill) - Limiting Ballot Advocacy by Local Government Organizations (As amended 9/4/2013).

The motion carried with the following roll call vote:

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

**3. Accepted resignations and approved appointments to the Human Relations Task Force**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to accept the resignations of Matthew Parr and Kesha Sowell and approve the appointments of Angie Dahman and Anna Johnson for terms to expire 12/31/2015, as recommended by Council Liaisons Boardman and Shaw.

The motion carried with the following roll call vote:

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

**4. Appointed the position of Fire Chief as Board Member and the position of Assistant City Manager as Alternate Board Member to the Metro Cities Fire Authority**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to appoint the position of Fire Chief as Board Member and the position of Assistant City Manager as Alternate Board Member to the Metro Cities Fire Authority.

The motion carried with the following roll call vote:

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

**5. Adopted Resolution No. 2013-50 and 2013-51 ordering the Summary Vacation of certain excess public right-of-way Easements generally located East of Main Street and South of Springfield Avenue (Chapman, 1746 Main), and East of Main Street and North of Springfield Avenue (Cullum, 1802 Main).**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to adopt Resolution No. 2013-50, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of that Certain Excess Public Right-of-Way Easement Generally Located East of Main Street and South of Springfield Avenue (Chapman, 1746 Main);" adopt Resolution No. 2013-51, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of that Certain Excess Public Right-of-Way Easement Generally Located East of Main Street and North of Springfield Avenue (Cullum, 1802 Main);" and, direct the City Clerk to record Resolution No. 2013-50 and Resolution No. 2013-51 with the Orange County Recorder.

The motion carried with the following roll call vote:

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

**6. Approved and authorized execution of an Agreement with the Municipal Water District of Orange County (MWDOC) for participation in the Water Smart Home Certification Program**

Mayor Boardman pulled this item for further discussion and consideration and to highlight the opportunities for residents.

Director of Public Works Travis Hopkins presented details of the Water Smart Home Modification Program wherein a free audit is provided on properties as well as information regarding opportunities for grants and low-cost ways to save water and become more water efficient. The program starts October 1, 2013 and those interested in participating may call the Huntington Beach Public Works Division at 714-536-5921 or visit [www.mwdoc.com/services/incentives](http://www.mwdoc.com/services/incentives).

A motion was made by Mayor Boardman, second by Mayor Pro Tem Harper to approve and authorize the Mayor, City Manager and City Clerk to execute the "Agreement for Participation in the Municipal Water District of Orange County's Water Smart Home Certification Program."

The motion carried with the following roll call vote:

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

**7. Agreement with the Municipal Water District of Orange County for Participation in the Turf Removal Program**

Mayor Boardman pulled this item for further discussion and consideration and to highlight the opportunities for residents.

Director of Public Works Travis Hopkins presented details of the report including the opportunity for residents to apply for a grant to receive \$1.00 per square foot for the removal of turf on their property. The program starts October 1, 2013 and those interested in participating may call the Huntington Beach Public Works Division at 714-536-5921 or visit [www.mwdoc.com/services/incentives](http://www.mwdoc.com/services/incentives).

Mayor Boardman reported that last year, over 40 homeowners used the Turf Removal Program to remove grass and plant their yards with California-friendly plants and hoped more homeowners will take advantage of the program this year.

A motion was made by Mayor Boardman, second by Mayor Pro Tem Harper to approve and authorize the Mayor, City Manager and City Clerk to execute the "Agreement for Participation in the Municipal Water District of Orange County's Turf Removal Program."

The motion carried with the following roll call vote:

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

**8. Approved and authorized execution of an Assignment Agreement between California Property Specialist, Inc., Paragon Partners, Ltd, and the City for appraisal, acquisition, and relocation implementation services for the Atlanta Avenue Widening Project**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to approve and authorize the Mayor and City Clerk to execute the "Assignment Agreement" between California Property Specialists, Inc., Paragon Partners, Ltd, and the City of Huntington Beach.

The motion carried with the following roll call vote:

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

**9. Approved and authorized execution of a Reimbursement Agreement with HB Boardwalk, LLC for Fire and Safety Inspection Services for the HB Boardwalk Project and authorize appropriation of funds**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to approve and authorize the Mayor and the City Clerk to execute the "Reimbursement Agreement Between the City of Huntington Beach and HB Boardwalk, LLC for Costs Incurred for Fire and Safety Inspection Services;" and, approve an appropriation of \$99,450 to the Fire Prevention business unit (10065201.69365) for these services.

The motion carried with the following roll call vote:

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

**10. Terminated existing City-School agreements with Fountain Valley, Ocean View, Huntington Beach City School Districts and Coast Community College, which outline City use of selected school facilities to conduct community recreation programs**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to authorize the City Council to terminate the City's Recreation Facility Use Agreements with Fountain Valley, Ocean View, and Huntington Beach City School Districts, as well as the agreement with the Coast Community College District for utilization of school facilities for recreational uses.

The motion carried with the following roll call vote:

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

**11. Approved the City of Huntington Beach and the Huntington Beach Downtown Business Improvement District (HBDBID) Memorandum of Understanding delegating authority to the HBDBID for cleaning and maintenance within the HBDBID boundaries downtown**

Councilmember Carchio pulled this item for separate discussion and consideration. He invited a representative of the downtown BID to the podium to respond to questions.

In response to Councilmember Carchio's inquiry, Susan Welfringer, HBDBID Manager, reported

that maintenance costs are \$154,000 and noted that administrative costs should not exceed 15% and that typically, administrative costs are way below 15% of costs. She reported that the BID contracts its custodial work through Malco and that they pay prevailing wages.

Councilmember Carchio commented on the possibility of expanding to other streets and Ms. Welfringer reported that expansion has already begun. She added that Malco is steam-cleaning on Fifth Street.

Councilmember Carchio reported that the sidewalks in front of the Surf Museum and the Police Station are in poor condition.

Ms. Welfringer reported that the BID monitors the work to ensure that it is being done. In addition, she meets with City staff Danny Baker to review the issue and advises Malco of whatever needs to be done.

Councilmember Carchio commented on the importance of the work and thanked Ms. Lawfler for her efforts.

Councilmember Shaw thanked Ms. Welfringer for the hard work and commented positively on the efforts of the BID.

A motion was made by Councilmember Carchio, second by Councilmember Sullivan to approve and authorize the Mayor and City Clerk to execute the "Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Downtown Business Improvement District."

The motion carried with the following roll call vote:

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

**12. Approved and authorized execution of Amendment No.2 to the Professional Services Contract with Denovo Ventures LLC (formerly AMX International, Inc.), Oracle/JD Edwards Upgrade Consultants, in the amount of \$81,400 for a total contract amount not to exceed \$181,400, for additional application consultant services**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to approve and authorize the Mayor and City Clerk to execute the "Amendment No. 2 to Professional Services Contract Between the City of Huntington Beach and Denovo Ventures, LLC, for Oracle/JD Edwards Upgrade – Application Consulting Services."

The motion carried with the following roll call vote:

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

**13. Adopted Successor Agency Resolution Nos. 2013-03 and 2013-04 approving the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for**

**the Huntington Beach Successor Agency for the period of January 1, 2014, through June 30, 2014, in accordance with Health and Safety Code Section 34177 and related actions.**

A motion was made by Successor Boardmember Sullivan, second by Boardmember Carchio to adopt Resolution No. 2013-03, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Recognized Obligation Payment Schedule for the Period January 1, 2014-June 30, 2014 ("ROPS 13-14B");" and, adopt Resolution No. 2013-04, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Successor Agency Administrative Budget for the Period of January 1, 2014 through June 30, 2014, **as amended by Supplemental Communication to include new Exhibit "A" (unfunded administrative carryover costs). The Recognized Obligation Payment Schedule is also approved as amended accordingly.**

The Successor Agency motion carried with the following roll call vote:

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

**14. Approved the appointment of Kenneth A. Domer to the position of Assistant City Manager; and, authorized execution of an Employment Agreement**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to approve the appointment of Kenneth A. Domer to the position of Assistant City Manager; and, approve and authorize the City Manager to execute the Employment Agreement between the City of Huntington Beach and Kenneth A. Domer for the position of Assistant City Manager.

The motion carried with the following roll call vote:

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

Mayor Boardman introduced new Assistant City Manager Ken Domer.

Mr. Domer expressed his appreciation for the opportunity to serve and expressed his commitment to the City. He reported that he will begin working for the City on October 14, 2013, and looks forward to meeting members of the community and working towards economic development.

**15. Adopted Ordinance No. 3988 adding new Huntington Beach Municipal Code Section 1.16.090 relating to violations of Conditions of Approval  
Approved for introduction September 3, 2013 - Vote 6-1 (Harper No)**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to adopt Ordinance No. 3988, "An Ordinance of the City of Huntington Beach Amending Chapter 1.16 of the Huntington Beach Municipal Code Relating to Violations of Conditions of Approval."

The motion carried with the following roll call vote:

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

NOES: Harper

- 16. Adopted Ordinance No. 3989 amending Huntington Beach Municipal Code Chapter 3.03 to allow for the approval of Professional Services contracts beyond a three-year term, on a case-by-case basis, not to exceed four years  
Approved for introduction September 3, 2013 - Vote 6-1 (Boardman No)**

A motion was made by Councilmember Sullivan, second by Councilmember Carchio to adopt Ordinance No. 3989, "An Ordinance of the City of Huntington Beach Amending Section 3.03.120 of the Huntington Beach Municipal Code Relating to Existing Agreements."

The motion carried with the following roll call vote:

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

#### **PUBLIC HEARING**

- 17. Adopted Resolution No. 2013-52 establishing the Brookhurst Underground Utility District, between Garfield Avenue and approximately 900 feet South of Adams Avenue.**

Associate Civil Engineer Todd Broussard presented details of the report addressing background, prior Council direction, findings required to establish a district, milestones, approval by the Planning Commission and authorization of the public hearing by Council. He noted that upon Council approval, next steps include design of the project and stated that because of existing backlog, construction would begin in 2016. He presented recommendations as listed in the report.

Mayor Boardman opened the Public Hearing. With no one present to speak, the Public Hearing was closed.

A motion was made by Mayor Boardman, second by Councilmember Shaw to adopt Resolution No. 2013-52, "A Resolution of the City Council of the City of Huntington Beach Establishing the Underground Utility District on Brookhurst Street Between Garfield Avenue and approximately 900 feet South of Adams Avenue." (Per HBMC 17.64.100 an affirmative vote of at least five (5) members of City Council is required).

The motion carried with the following roll call vote:

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

- 18. Approved for introduction Ordinance No. 3987 adopting a Development Agreement by and between the City of Huntington Beach, Pedigo Gothard, LLC, Pedigo South Edinger, LLC, and George W. Psaros Trust (Development Agreement No. 13-002 – Pedigo Apartments)**

Associate Planner Jill Arabe presented details of the report, addressing approval of the Site Plan

and Tentative Parcel Map by the Planning Commission in conjunction with the Development Agreement, location and details of the project, affordable housing and recommendations.

In reply to Councilmember Hardy's inquiry regarding possible traffic improvements, Ms. Arabe reported that the proposed improvements along Edinger Avenue will be along the median and there will be a left turn into the project for west-bound traffic. In addition, there will be median improvements for traffic heading east-bound for a left-turn into the commercial site to the north. She addressed access to the project as well as parking and that no traffic impacts were identified as a result of the project.

Councilmember Hardy expressed concerns with traffic impacts along Edinger.

In response to Mayor Boardman's inquiry, Ms. Arabe reported there is access to the project off Gothard and there will be a new street improvement along the eastern part of the property.

Planning and Building Director Scott Hess added that one of the requirements within the specific plan is to create a new street south of Edinger. He reported that the parking structure is in the center of the property and there will be access north on Edinger and south to the new street allowing access north and south on Gothard Street. He added that at this time, there is no signal proposed on Gothard but that ultimately, it may be possible, but that it is not predictable that traffic will warrant a new signal at this time.

Mayor Boardman opened the Public Hearing.

Richard Lamprecht, Arch Rock Development, representing the applicant, offered to respond to questions from Council. (01:37:17)

Melvyn Sterling expressed concerns with impacts to traffic noting there has been a dramatic increase in both commercial and residential development in the community. He felt that the proposed development will add to the already-impacted traffic on Edinger and that it will result in degradation to the quality of life for those who live in the area. He urged Council to give that careful consideration and not approve the project. (01:37:42)

With no one else present to speak, the Public Hearing was closed.

Councilmember Hardy reported that she drives in the area nearly every day and stated that Edinger is not wide enough near the proposed development for vehicles to turn right on Gothard. She explained that the corner is also a point of pedestrian traffic, and when the light is green and there are vehicles intending to turn right, it blocks traffic because there are usually pedestrians crossing the street which creates a need for vehicles to wait for the pedestrians to do so. She felt traffic on that lane/corner creates a bad traffic situation. She suggested requiring additional setbacks in order to install a bicycle lane that is wide enough for vehicles to turn right into. Councilmember Hardy also felt that the corner will get worse with added pedestrians using it, and therefore indicated that she cannot support the proposal as presented.

In reply to Mayor Boardman's inquiry, Ms. Arabe stated that the Bella Terra complex is approximately 50% rented, noting that true impacts of surrounding developments approved to this point (to Edinger and Beach) have not yet been observed. Mayor Boardman expressed concerns with additional traffic and pedestrian impacts to the area and proposed installing the same type of

pedestrian lights that exist on Main and Pacific Coast Highway.

Mr. Hess clarified that the proposal before Council only relates to the affordable housing portion of the Development, noting that the project has already been approved and is not before Council for discussion.

In reply to Mayor Boardman's inquiry regarding the projected time of affordability, Mr. Hess reported that it is fifty-five (55) years.

In response to Councilmember Carchio's inquiry, Ms. Arabe affirmed that the number of units for the proposed project is fifty-one (51). Councilmember Carchio reported that forty-three (43) of the units will be for moderate income and the remainder, eight (8) will be for low income and that this project has more affordable housing units than any other project being developed. He indicated that the reason for increased traffic in the area is because it has been under construction for many years. He added that once the project is developed, traffic kinks will be worked out. He felt that it will be a good project for the City.

Councilmember Sullivan commented on the Beach/Edinger project, increased density and severe traffic problems. He felt that the problems will only get worse because of these projects.

Councilmember Shaw agreed with Councilmember Hardy's comments and hoped that staff will take note that these projects need more traffic mitigation.

Councilmember Hardy indicated support of affordable housing but stressed that the traffic problem will not be solved by the completion of the Beach/Edinger corridor or the projects on Edinger. She felt that the problem should be fixed with a new project and that traffic will only continue to back up further and further as time goes on.

A motion was made by Mayor Pro Tem Harper, second by Councilmember Carchio to approve "Development Agreement No. 13-002 with findings for approval which includes Affordable Housing Agreement Restrictions-Rental (Declaration of Conditions, Covenants and Restrictions for Property)" and, approve for introduction Ordinance No. 3987, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach, Pedigo Gothard LLC, Pedigo South Edinger LLC, and George W. Psaros Trust (Development Agreement No. 13-002 – Pedigo Apartments)."

The motion carried with the following roll call vote:

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

**19. Adopted Resolution No. 2013-53 approving General Plan Amendment No. 12-001 for the 2013-2021 Housing Element Update**

Senior Planner Jennifer Villasenor presented details of the report including a description of the request, updates to the Housing Element, the update process, public participation, review by the Planning Commission, State requirements, Housing Element goals, Regional Housing Needs Assessment (RHNA), Housing resources, unit development potential and Housing Programs.

Mayor Boardman opened the Public Hearing. With no one present to speak, the Public Hearing was closed.

A motion was made by Councilmember Shaw, second by Mayor Pro Tem Harper to adopt Resolution No. 2013-53, "A Resolution of the City Council of the City of Huntington Beach approving General Plan Amendment No. 12-001 Housing Element Update."

The motion carried with the following roll call vote:

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

**20. Approved Entitlement Plan Amendment No. 13-001/ Special Permit No. 13-001/ Variance No. 13-008 (Amendment to TTM 16338/ CUP 02-20/ SP 02-04/ CDP 02-12 - Pacific City Commercial) - Appeal**

Mayor Boardman reported that she appealed this project due to the lack of restrictions on the hours of the restaurants' food-serving facilities and bars. She added there is a proposed 59,000 square feet of restaurant and bar facility on the site and, as passed by the Planning Commission, it would've been possible for the facility to be open twenty-four (24) hours and all could've served alcohol to 2:00 AM. She reported meeting with the applicant, who is negotiating with a variety of tenants to become part of the Pacific City project and he would like some flexibility with 27,000 square feet in terms of closing hours. She added that DJM has a track record in the town including the Bella Terra development. She reported that this is not the only chance for the City to regulate bars, live music or other entertainment and noted that individual establishments that would like to provide entertainment will need to apply for permits and separate Conditional Use Permits and that operating hours could be considered then. She expressed concern regarding offering enough diversity so that customers will stay in the area and not drive to other establishments, outside the center.

Mayor Boardman proposed prohibiting twenty-four (24) hour operations and that 32,000 square feet close at midnight and 27,000 square feet be allowed to stay open until 2:00 PM.

Mr. Hess reported that because this project has been appealed, the entire project is before Council at this time. He noted there are approximately eight components of the request including shared parking, special permits and variances.

Mayor Boardman opened the Public Hearing.

Lindsay Parton, Applicant, DJM Capital, was present to answer questions and agreed with staff's and Mayor Boardman's recommendations. (02:04:07)

J. D. Shafer, Manager of the Waterfront Hilton Beach Resort, spoke in support of the item and urged Council to approve it. He commented on the upscale project and the benefits of it serving hotel guests. He noted that the project will have a parking structure and there will be no need for patrons to leave to visit other establishments and will have better lighting as well as its own security. He felt that placing limitations on hours that a tenant can serve alcohol will make it inequitable for tenants. He urged Council to not let the bar scene, downtown, ruin the experience

for guests of the project. (02:04:42)

Jerry Wheeler, CEO and President of the Huntington Beach Chamber of Commerce, urged Council to approve the project. He commented positively on DJM Capital and felt that this development will drive economic development for years to come and will provide new jobs as well as revenue for the City. He added that the longer the delays, the more costs it will mean for the developer and less benefits to the City. He addressed problems in the downtown area and the developer's vision for the project. He noted that restrictions are not needed but rather accountability and a clear way to achieve same. (02:06:49)

Dianne Thompson, Chairman of the Board of the Huntington Beach Chamber of Commerce, agreed with Mr. Wheeler's comments and commented on the need to "complete the postcard" in that area of the City to create the kind of atmosphere desired for the City. She believed that the project will elevate the level of entertainment, restaurants and drinking establishments and noted that as the project will compete with downtown establishments, downtown property owners may need to "up their game" and that the Pacific City project will set an example to other businesses in the City. (02:09:55)

With no one else present to speak, the Public Hearing was closed.

Mayor Pro Tem Harper wondered regarding the Planning Commission's vote and decision and Mr. Hess reported that it was unanimous, with one Planning Councilmember, abstaining. Mayor Pro Tem Harper felt that this is an outstanding way to "complete the postcard" and likened the project to well-planned shopping areas in Waikiki. He stated that the project offers the potential for an international draw because of its proximity to high-end hotels. He noted he does not agree with placing additional restrictions and agreed with the Planning Commission's recommendations.

Councilmember Shaw expressed excitement with the plans for Pacific City but agreed with Mayor Boardman regarding scaling down the Conditional Use Permits and indicated support of the Mayor's proposed amendment. He felt that it will send a message regarding Council's intent to change what is going on downtown.

A motion was made by Councilmember Shaw, second by Mayor Boardman to approve Entitlement Plan Amendment No. 13-001/ Special Permit No. 13-001/ Variance No. 13-008 with findings and suggested conditions of approval, **as amended to allow 27,000 sq. ft. of restaurant/alcohol services to stay open to 2:00 AM, and restrict the remaining square footage of restaurant/alcohol services to close at midnight.**

Councilmember Carchio noted that the developer has agreed to Mayor Boardman's amendment. Councilmember Carchio commented positively on the success of Bella Terra and felt that Pacific City will be a great project.

Councilmember Katapodis commented positively on the project and thanked the developer for agreeing to the amendment.

Councilmember Hardy thanked the developer for reaching a compromise on the project.

Mayor Pro Tem Harper indicated support for the overall project, but not for the proposed amendment. A substitute motion was made by Mayor Pro Tem Harper to remove the time

restrictions proposed by Mayor Boardman. The substitute motion failed for lack of a second.

Mayor Boardman referenced variances requested as part of the project and wondered why the angled street parking is being removed from Pacific Avenue and how that will be replaced.

Principal Planner Jill Arabe reported that the site for the commercial portion is expanding slightly, and includes a seventy-five (75) space parking lot. As a result of removing the existing angled parking, the developer feels that providing on-site parking would be more customer-friendly and serviceable for the tenants on site.

Mayor Boardman commented on the parking analysis and wondered regarding the original requirement of 1,400 spaces.

Ms. Arabe reported that is based on Code-required parking and that it was demonstrated that shared parking reduces the amount of required parking and addressed how the deficiencies will be eliminated.

Mayor Boardman reported that no free parking will be allowed and said she had planned to make a suggestion that the developer pay for a residential parking permit program. However, upon review of the Coastal Zone requirements, the City cannot enact residential permit parking within the Coastal Zone.

Mayor Boardman called on the applicant to provide a short presentation of the project.

Lindsay Parton, Applicant, DJM Capital, provided a brief overview of the project addressing the design and the proposed tenant mix.

Councilmember Shaw's original motion, seconded by Mayor Boardman to approve Entitlement Plan Amendment No. 13-001/ Special Permit No. 13-001/ Variance No. 13-008 with findings and suggested conditions of approval, **as amended to allow 27,000 sq. ft. of restaurant/alcohol services to stay open to 2:00 AM, and restrict the remaining square footage of restaurant/alcohol services to close at midnight** was approved by the following roll call vote:

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

**21. Adopted Ordinance No. 3990, an Interim Urgency Ordinance Extending the Moratorium on the Conversion of Senior Mobile Home Parks (established by Ordinance No. 3986 on August 5, 2013) until April 30, 2014**

City Attorney Jennifer McGrath presented background of the item including previous consideration by Council and a requirement by the State for a public hearing to extend the existing moratorium.

Mayor Boardman opened the Public Hearing.

City Clerk Flynn announced supplemental communications regarding adoption of Urgency Ordinance No. 3990 received by her office following distribution of the City Council agenda packet were received by:

Mary Jo Baretich, State President, Golden State Manufactured-home Owners League, Vickie Talley, Executive Director, Manufactured Housing Education Trust (2), Gregory C. Hexburg, President, Del Mar Mobile Estates, Inc., John R. Saunders, Manager, Huntington Shorecliffs, LP, Sandra H. Darling, Martin Van Genderen, Janice Genelle, Sam R. Parisi, Lisa C. McNeil, Peter & Jodie Wollman, and Bill & Karen Reitz.

Gary Thiessen spoke in support of the item and addressed the need for parking at Rancho Huntington Mobile Home Park. He noted that if the park converts into a family park, parking problems will increase. He urged Council to allow time for further consideration of the issue. Additionally, he addressed limited access to the park on Brookhurst and reported there is no place in the park for children to play safely and asked that Council approve the item. (02:30:35)

Betsy Crimi, President of the Rancho Huntington Homeowners Association, spoke in support of the item and asked that Council approve it. She commented positively on Council's representation of residents and urged that Council protect residents of Rancho Huntington Mobile Home Park. She reported challenges in understanding the proposed lease and requested that Council vote to maintain the lifestyle the residents have chosen and protect them from park owners wanting to raise their space rents. (02:33:43)

Don Neely spoke in support of the item and commented on the term and complexity of the proposed lease and the possibility of increased space rents. He added that seniors are a vital part of the community and urged that Council keep the senior park for seniors. (02:37:16)

Thomas Jahn spoke in support of the item and indicated that he supports families. However, he indicated that as a senior, he wants to live in an area that is quiet, clean and where social affairs are simple. He invited Council to visit the park, addressed the affordability of living in a mobile home park and asked that Council support the matter. (02:40:23)

Wayne Howarth spoke in support of the item and asked that Council ratify extending the moratorium and does its best to develop an ordinance to prevent mobile park owners from converting senior parks into family parks. (02:43:13)

Patricia Taylor, Treasurer of the Rancho Huntington Homeowners Association, spoke in support of the item and reported that the majority of residents are against converting the park into an all-age park. She asked that Council allow additional time for a study to be completed. (02:45:28)

Sylvia Cole, Brookfield Manor, spoke in support of the item and urged that Council continue the moratorium. (02:47:42)

Bill McCann spoke in support of the item referenced the complex lease distributed by the park owners and indicated supporting Council in its support of residents. He urged that Council approve the item and continue to protect it seniors. (02:49:37)

Maura Van Strien spoke in support of the item and in opposition to converting the senior park into a family park. She reported that young people with gang-style clothing have been using the facilities at Rancho Huntington even though rules state that no guests can use the facilities without a resident present. She noted the owner's disregard to the homeowners' property rights and complained that the pool area is not maintained and that landscaping suffers from lack of water. She noted that seniors are voters and intend to vote for those who support their rights, as

seniors. (02:52:30)

Ron Grundy, Del Mar HOA President, spoke in support of the item and noted that Del Mar is not currently under the threat of conversion. However, he spoke in support of property owners who are facing the threat of conversion in Rancho Huntington and thanked Council for their actions, so far, in protecting the City's seniors and commented on the actions of nearby cities. He asked that Council continue in its support of seniors. (02:55:20)

Tim Geddes spoke in support of the item and commented on Council's consideration of property rights as well as responsibilities that come with those rights. He noted that park owners have enormous resources to help them protect their rights as property owners but that park residents only have Council to protect their rights. He urged Council to support the moratorium extension. He stressed that profits should not be priority over people and asked that Council support the moratorium until a permanent ordinance can be developed. (02:58:30)

Sharon Dana, Huntington Shorecliffs resident, spoke in support of the item and provided testimony regarding conversion of the park in which she lives to a family park noting that since she moved there, the rents have almost tripled, that calls to Police have increased as well as other negative results of the conversion. She urged Council to support the matter and prevent seniors from losing their homes. (03:01:23)

Fran Crandlemire, Huntington Shorecliffs resident, spoke in support of the item and submitted photographs of a new young neighbor/resident being arrested near her mobile home for possession of cocaine. She urged Council to support the matter and allow seniors a place in which to live. (03:04:42)

Sally Chiapone spoke in support of the item. She stated that residents have attempted to work with park owners to resolve the issue, without success. She urged Council to help protect seniors living in the park. (03:08:10)

Karen Reitz spoke in support of the item and asked Council to protect seniors and vote in support of extending the moratorium. (03:11:17)

Julie Paule, Western Manufactured Housing Community Association, stated that she never claimed to represent management at Rancho Huntington and indicated opposition to the moratorium. She felt that by approving an overlay zone, Council is stripping millions of dollars from the appraised values of parks. She asked Council to consider those park owners who want to continue to operate as senior parks. She observed that the matter will lead to litigation and commented on other municipalities where similar litigation ensued and park owners were victorious. She wondered what the City's plans would be if it is decided to convert the park for all ages and whether Council would be willing to remove the overlay zone from other existing parks. (03:13:05)

Vickie Talley, Executive Director, Manufactured Housing Education Trust (MHET), referenced a letter submitted to Council and stated that they have been advised by legal counsel that the City of Huntington Beach is in violation of the California Government Code and referenced same. She added that the owners of a senior mobile home park can establish conversion by simply changing park rules which is what Rancho Huntington has done and alleged that Council is overstepping its bounds. (03:16:42)

With no one else present to speak, Mayor Boardman closed the Public Hearing.

Councilmember Hardy noted that she is on Council to represent the residents of the City and expressed her appreciation for their past support.

A motion was made by Councilmember Hardy, second by Councilmember Katapodis to adopt Ordinance No. 3990, "An Interim Urgency Ordinance Of The City Council Of The City Of Huntington Beach, California, Extending For Ten Months And Fifteen Days The Moratorium On The Conversion Of Any Mobilehome Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobilehome Park Allowing Residents Of All Ages, To Take Effect Immediately."

Mayor Pro Tem Harper felt that all of the issues raised by residents are negotiable points with park owners. He commented on other properties in the City that have age restrictions involving private agreements with private entities. What the City is currently being asked to do is to impose age restrictions upon a property owner and felt that equates to a "taking". He stated that as Americans, we have rights to property, endowed by the Creator and it is up to Council to protect those rights and noted that he will vote against the item, once again.

Councilmember Katapodis noted that when residents purchase their homes, the park was a senior park and that all that Council is being asked to do is require that it stays as a senior park. He added that the issue is not about protecting property rights but rather protecting the City's seniors and indicated that he will support the item.

Councilmember Sullivan agreed with Councilmember Katapodis's comments and felt that the park owners deceived the homeowners and declared his support of the item.

Mayor Pro Tem Harper expressed concerns that actions taken tonight move towards rent control.

Councilmember Carchio commented on a similar lawsuit lost by the City of American Canyon and wondered regarding the possibility of litigation.

City Attorney McGrath stated that the City has been sued for a number of different issues, some in which it has prevailed and some in which it has not. She reported that the American Canyon case is not applicable to Huntington Beach's situation and explained why.

Councilmember Carchio referenced the letter from MHET and wondered regarding the potential for litigation.

Ms. McGrath reported that the City disagrees with the allegations stated in the letter. She added that she would not be presenting the matter to Council if she didn't think it is a defensible document. She felt that the City has the facts to support the position it is taking.

Councilmember Carchio invited Betsy Crimi, President of the Rancho Huntington Homeowners Association, and Patricia Taylor, Treasurer of the Rancho Huntington Homeowners Association to the podium.

Councilmember Carchio reported meeting with Investment Property Group (IPG) who indicated

that they were working diligently with Rancho Huntington homeowners to resolve the issues of concern. Ms. Crimi reported that it has taken eight (8) months without success and noted the reasons it has been delayed. She stated that their attorney has indicated that 3-4% is a fair rate increase to be asking and that they have been presented with 6-8% over fifteen(15), twenty (20) and twenty-five (25) year leases. She added that the last proposal was presented to the park owners three weeks ago and they have not received a response.

Mayor Boardman stated that the issue at this time is extension of the moratorium, not leases. She redirected the discussion to the item on the agenda.

City Attorney McGrath stated that it sounds like Council is heading in a direction that would take it off-topic.

Councilmember Carchio indicated he is trying to find out if the parties are in serious negotiations and Ms. Crimi confirmed that they are. Councilmember Carchio inquired whether the park owners are willing to enter into an MOU pending the study and Ms. Crimi reported that the problem is that they do not know what the park owners are planning to do.

Ms. Crimi stated that many home owners have needed to sell their property because of the uncertainty and that many of the seniors have been ill, worried and anxious about the possible outcome of the issue.

Councilmember Carchio felt that the study will move forward whether Council extends the moratorium or not.

Mr. Hess confirmed that the process has begun and that it will take approximately eight (8) or nine (9) months before the public hearing.

Councilmember Carchio felt that it could be completed sooner.

Mr. Hess reported that Council could have a hearing in March, but it would take forty-five days for the ordinance to go into effect.

Councilmember Carchio asked Vickie Talley, Executive Director, Manufactured Housing Education Trust (MHET), to the podium.

In response to an inquiry from Councilmember Carchio regarding the possibility of the park owner entering into an MOU to maintain the senior park pending the results of the study, she stated that she does not know but that she believes that other senior parks in the City have no interest in converting to family parks at this time but do not want government to tell them what they can or cannot do with their businesses forever. She added that Rancho Huntington has already notified residents that the park is changing. She added that Rancho Huntington asked residents to sign long-term leases and if they would do so, they would make a commitment to maintain the park for seniors for the next ten (10) years and negotiations fell apart.

Mayor Boardman noted this is on the agenda tonight for action at this time and that there is no additional time for park owners to sign an MOU.

City Attorney McGrath reported that if the item is not passed tonight, the moratorium will expire

and passing the ordinance next year would become irrelevant if the parks convert between now and then.

Councilmember Shaw noted that the danger being faced is that all of the parks will convert from senior parks to family parks. He indicated that the issue represents the values that he holds noting that we are supposed to look after "the least of these". He felt that care should be taken for those people who are most vulnerable in the City and urged Council to vote in support of extending the moratorium.

Councilmember Sullivan stated that if Council wants to protect the City's seniors, it will vote to extend the moratorium.

Councilmember Katapodis noted that if the moratorium is extended, the City will work with the park owners and have them provide input on the ordinance. The moratorium is merely to keep them from moving forward with the conversion in order to protect seniors in the senior park.

Councilmember Carchio commented on the need to protect those who are most vulnerable and hoped that park owners would work with residents.

City Attorney McGrath explained why this matter needs to be determined at this time noting that if the moratorium is not extended tonight, it will expire by its terms.

Councilmember Carchio stated he would support extending the moratorium, but not for ten months.

Councilmember Hardy explained that forty-five (45) days would be needed after consideration by Council for the ordinance to become effective.

City Attorney McGrath added that if Council allows six months and staff is not finished within the period, it could be extended up to another year.

Mr. Hess noted that this is a high-priority project.

City Attorney McGrath felt that the timeline is acceptable and that if needed staff will include a subsequent extension of forty-five (45) days.

A substitute motion was made by Councilmember Carchio, second by Councilmember Shaw to after the City Clerk reads by title, adopt amended Ordinance No. 3990, "An Interim Urgency Ordinance Of The City Council Of The City Of Huntington Beach, California, Extending until **April 30, 2014**, The Moratorium On The Conversion Of Any Mobilehome Park Currently Existing In The City From A Park Occupied Primarily Or Exclusively By Residents Over The Age Of 55 Years (Senior Residents) To A Mobilehome Park Allowing Residents Of All Ages, To Take Effect Immediately."

The substitute motion carried with the following roll call vote:

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

## ADMINISTRATIVE ITEMS

### 22. **Approval of Huntington Beach Marine Safety Division Providing Sunset Beach Lifeguard Services, Effective October 1, 2013, and Establishment of Levels of Service**

Fire Chief McIntosh provided details of the report noting that the City is moving forward with the transition of the Marine Safety Division into the Fire Department effective October 1, 2013. He reported that transition issues have been addressed as part of a multi-department process and noted that one of the critical items identified was the need to address providing lifeguard services to Sunset Beach. He provided background including terms of the annexation agreement to maintain the contract with OC Lifeguards for lifeguard services at Sunset Beach, funded by the County and added that the obligation ends at the end of September. He addressed services provided by OC Lifeguards and presented details of alternatives and options considered by staff. Chief McIntosh reported meeting with OC Lifeguards and that although they are not interested in servicing Sunset Beach, they agreed to extend the contract for one year, in the amount of \$395,000. Additionally, he reported that staff considered the possibility of having the City's Marine Safety Division provide the services and reviewed a number of criteria in assessing the matter.

He explained the various options for consideration and presented recommendations as stated in the report.

Mayor Boardman referenced commented by Mike Van Voorhis, President of the Sunset Beach Community Association, noting that he was looking for a time certain as to when the level of service received by the City of Huntington Beach would be increased at Sunset Beach. She felt that will depend on issues that are yet unknown.

Mayor Pro Tem Harper commented on Sunset Beach residents not wanting to have changes, on the nature of Sunset Beach and differences between it and the City, and the appropriateness of having the same level of staffing as in Huntington Beach.

Chief McIntosh felt that the key is not the level of staffing but rather the amount of coverage and proximity of the towers to each other.

Marine Safety Lieutenant Mike Baumgartner expressed excitement for the opportunity to provide the same level of service provided for Huntington Beach City Beach at Sunset Beach. He addressed differences in the areas between the two beaches and noted that the service level at Sunset Beach is different than at Huntington Beach. He felt that Option 2 adequately addresses the staffing needs of Sunset Beach with the existing infrastructure. He noted the need for an increased amount of training and felt that the Marine Safety Division will provide better service.

Motion by Mayor Boardman, seconded by Councilmember Sullivan, to approve City of Huntington Beach Marine Safety Division providing services to Sunset Beach beginning October 1, 2013; and, adopt Marine Safety Division Alternative, Option 2 as the service level provided at this time based upon current fiscal constraints, with a future goal of the service level identified in Option 3.

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

OUT OF ROOM: Carchio

### **COUNCILMEMBER ITEMS**

#### **23. Submitted by Mayor Pro Tem Harper - State-approved Fireworks Ban: Repeal or Public Vote**

Mayor Pro Tem Harper introduced the item noting the need for conclusion relative to the expiration of the two-year trial period and provided background on the matter. He commented on increased safety of safe and sane fireworks and stated that the arguments expressed this evening were not related to State-approved fireworks. He stated that banning State-approved fireworks does not eliminate the use of illegal fireworks and that the City's topography does not lend itself to wildfires and listed cities that have recently repealed their bans of safe and sane fireworks. Additionally, he stated that the ban on fireworks was not a decision made by a vote of the people, but was a decision by Council under a different set of facts than exist today.

Mayor Boardman called for a short report from the Police and Fire Chiefs regarding their experiences with fireworks during the two year trial period.

Fire Chief McIntosh reported that the biggest challenge with safe and sane fireworks is that it allows illegal fireworks to hide amongst the revelry and is almost impossible to enforce. He reported that when fireworks were not allowed, the Department confiscated 44 pounds of illegal fireworks. In each of the last two years, when they were allowed, the Department confiscated in excess of 140 pounds of illegal fireworks. He indicated that confiscations have increased and that the Department still issues many citations.

Police Chief Small reported that the Police Department looks at the issue comprehensively and referenced a recent Grand Jury determination that fireworks are not good for neighborhoods. He added that the use of illegal fireworks has skyrocketed since safe and sane fireworks were allowed in the City. He commented on the fireworks show at the beach and stated that it makes it impossible for the Department to respond to the use of illegal fireworks in the City and noted that resources are committed downtown. He asked that Council consider not individual issues, but the entire issue with respect to the Fourth of July holiday. He suggested finding a different location for a City fireworks show and stop fireworks on the beach if the inclination is to approve State-approved fireworks.

Councilmember Hardy stated she does not support the sale of fireworks in Huntington Beach. She provided testimony regarding a family member who had his garage burn down because of a neighbor's careless use of fireworks. She added that there is no amount of money raised by the various non-profit groups that could replace the memories lost in that fire.

Councilmember Sullivan reported that the fireworks show used to be at the Huntington Beach High School field and felt that would be a good place to return to. He commented on efforts by the City for the Huntington Beach High School District and felt that the City is entitled to use of the field for a certain amount of events.

Staff reported that the challenge with that field is that it has synthetic turf instead of natural grass.

Councilmember Sullivan commented on decreased opportunities for people without means and

addressed fundraising opportunities through the sale of fireworks.

Councilmember Katapodis agreed that the sale of sane and safe fireworks has a direct correlation with the use of illegal fireworks. He expressed concerns with existing drought conditions and felt that there is still the potential for danger.

Mayor Pro Tem Harper noted existing issues with using high school fields for fireworks, stated understanding the challenges being faced by the Police Department and felt that venues should be considered after the issue of sane and safe fireworks has been resolved. He indicated support for State-approved fireworks and the ability of people making choices. He referenced a lawsuit by the ACLU and related decreased in funding sources for high school students throughout the State and felt that the sale of fireworks is a reliable way to raise funds.

Councilmember Carchio agreed regarding abuses occurring with the use of fireworks. He felt that banning all fireworks will not stop the use of illegal fireworks. He suggested using volunteers as "spotters" and increasing fees for the use of illegal fireworks. He commented on identifying approved areas for setting off fireworks and felt that it is an important resource for organizations to raise funds. He felt that at least, it should be put to a vote of the people.

Councilmember Shaw noted that the ban on fireworks is the status quo. In order to bring them back, it would need to be voted on. He commented that opportunities for fund raising is not the issue, but rather the public's safety. He stated that it is clear to him, considering recent events, that there is a public safety problem and that adding fireworks has led to more complaints, safety calls that cannot be answered and hundreds of emails from residents. He expressed concerns of the lack of funding for youth programs and noted other ways to raise funds. Councilmember Shaw stated that he will bring forth an item to address the need for funding youth programs in the City.

Councilmember Hardy reported that high schools are not allowed to sell candy bars and that bingo games decreased when smoking was banned.

Councilmember Carchio noted that fireworks manufacturers (TNT) donated \$40,000 for the City display at the pier and that \$58,000 went toward public safety. He added that \$400,000 were raised by non-profits and noted that the City's youth and non-profits need the money. He added that those opposed to fireworks support the fireworks show at the pier. He felt that the people should make the decision.

Mayor Boardman felt that the trial was unsuccessful and that people did not follow the rules in the ordinance. She understands the attraction of raising large amounts of funds in a few days, but with the advent of allowing safe and sane fireworks, incidences of illegal fireworks use increased. She stated receiving many emails in opposition to the sale of safe and sane fireworks and none in support and read some of them into the record. She felt that if the item doesn't pass, fireworks companies will gather enough signatures to place the matter on the ballot.

Councilmember Katapodis expressed sympathy for organizations and groups who sell fireworks to raise funds. He referenced the firework stand lottery system and noted that only a select group has the opportunity to participate while the majority does not. He felt there are other ways to raise funds.

Motion by Mayor Pro Tem Harper, seconded by Councilmember Carchio, to Place on the 2014 General Election ballot a measure to permit the sale and discharge of state-approved fireworks so that the voters of Huntington Beach shall be allowed to directly decide the issue; and direct the City Attorney to draft an ordinance to amend Section 5.90.200 of the Huntington Beach Municipal Code to continue the trial period allowing for the sale and discharge of state-approved fireworks, which started in 2012, to be extended through the 2014 Independence Day holiday.

The motion failed as follows:

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

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

Councilmember Shaw reported on a trip to Sacramento with the City's Finance Director and City Manager attempting to reduce the City's financial obligations. He reported that the meeting may have succeeded in reducing the City's debt by \$2 million with a potential for more. He commented positively on the City's staff in preparing for the meeting.

Mayor Pro Tem Harper addressed the plastic bag ordinance and asked regarding the imposition of a fee related to paper bags.

City Manager Wilson reported that stores have the option of charging ten cents for paper bags in lieu of people bringing their own. The matter is part of the ordinance adopted by Council.

Mayor Pro Tem Harper commented on the cost of the related EIR and wondered if another EIR is required if the item is reversed.

City Attorney McGrath stated that the matter would need to be analyzed for environmental review to see if an EIR is necessary.

Councilmember Katapodis expressed his appreciation for those who sent condolences on his mother's recent passing. He reported attending the Green Expo and commented positively on the event.

Councilmember Carchio reported attending the Huntington Beach Council on Aging and commented positively on the event. Additionally, he attended the blessing of the waves and the family BBQ and the Patriot's Day ceremony. He reported implementation of green recycling bins throughout the downtown area and commented positively on the cooperation of Rainbow. He reported visiting Vector Control, commented on the amount of typhus cases in Orange County and addressed ways of avoiding its spread. He reported that additional information will be provided on the City's cable network. Finally, he thanked the Department of Alcohol Beverage Control (ABC) for denying the alcohol permit for the recent Wet Electric event and thanked City staff for working so hard in keeping the City safe.

Councilmember Hardy reported attending an event at Norma Gibb's Butterfly Park, and commented positively on the experience. She encouraged residents to visit the venue.

Mayor Boardman commented positively on the Butterfly Festival and reported attending the

Sunset Beach Community Association meeting and thanked them for inviting her to speak. Additionally, she attended the Senior Saturday Festival and Councilmember Katapodis' Mother's memorial service. She congratulated Riley Koehler who recently earned his Eagle Scout rank as well as mentioned attending the blessing of the waves, Patriot Day ceremony and the family BBQ.

**ADJOURNMENT**

Mayor Boardman honored the City's long-time Librarian; Valerie Schmidt, read her obituary and noted adjournment of the present meeting in her memory.

There being no further business to come before Council, Mayor Boardman adjourned the meeting at 11:03 PM in memory of Valerie Schmidt.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, October 07, 2013, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



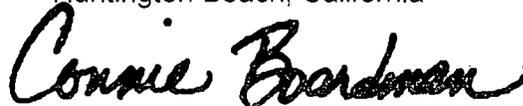
City Clerk and ex-officio Clerk of the City Council/Successor Agency of the City of Huntington Beach, Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:



---

City Clerk, Secretary



---

Mayor-Chair