

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, December 21, 2009
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

4:30 PM - Council Chambers - Closed Session 6:00 PM - Council Chambers - Regular Business Meeting

The City Clerk recessed the 4:00 PM portion of the meeting to 4:30 PM due to an anticipated lack of quorum.

CALL TO ORDER

Mayor Green called the regular meeting of the City Council/Redevelopment Agency to order at 4:33 PM.

ROLL CALL

Present: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION - None.

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

Ralph Bauer, representing the Council on Aging, encouraged the Council to continue efforts on behalf of the Senior Center in Central Park. He asked if a delegation of the Council on Aging can vet ideas with the City Attorney prior to the issue going to trial again. She replied affirmatively. He also asked if there was legal standing for the Council on Aging to file a Friends of the Court or Amicus Curiae brief. The City Attorney indicated she would have her staff research this request.

RECESS TO CLOSED SESSION

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

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

CLOSED SESSION

1. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuit: The claim received by the City Clerk on November 12, 2009, from the Heirs to Alyssa Squirrell regarding the accidental death of Alyssa Squirrell as a result of a boating accident on July 14, 2009.
2. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Roberts, et al. v. City of Huntington Beach, et al., Orange County Superior Court Case No. 30-2009-00323224. In this case, Plaintiffs allege that City employees conspired with Plaintiff's husband, also a City employee, to cover up husband's physical abuse of Plaintiffs.
3. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuits and potential lawsuits: City of Huntington Beach v. Hayes, et al., Orange County Superior Court Case No. 2008-00073768; City of Huntington Beach, et al. v. Ralph Roseli, et al., Orange County Superior Court Case No. 30-2009-00324291; and sixteen potential lawsuits to enforce the Affordable Housing Covenant at Brisas del Mar, located at 409 E. Utica.
4. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Richard P. McKee v. Huntington Beach Hotel/Motel Business Improvement District; Huntington Beach Conference and Visitors Bureau; Orange County Superior Court Case No. 30-2009-00312450. This action arises out of allegations of violations of the Brown Act and Public Records Act.
5. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund v. The City of Huntington Beach; Orange County Superior Court Case No. 30-2008-00051261-CU-PT-CXC. This action arises out of allegations of violations of the California Environmental Quality Act ("CEQA"), violations of the City General Plan and the Quimby Act.
6. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Brian Linn, et al. v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2009-00119968. This suit concerns a City police vehicle that was involved in an auto accident with Plaintiff and his four passengers.
7. Pursuant to Government Code Section 54957, the City Council recessed into Closed Session to discuss the following personnel matter: Appointment of Fire Chief.
8. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; and Bob Wingenroth, Director of Finance, regarding labor negotiations with MEO, MEA, PMA, HBPOA, HBFA, FMA, MSOA, SCLEA, and Non-Associated.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Green reconvened the City Council/Redevelopment Agency meeting at 6:00 PM.

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported that the City Council has authorized filing of the appeal for the Parks Legal Defense Fund et. al. vs. the City of Huntington Beach, Orange County Superior Court Case No. 30200800051261 by a vote of 5-2 (Green, Hardy-No).

ROLL CALL

Present: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
Absent: None

PLEDGE OF ALLEGIANCE - Led by Tiger Cub Scout Pack 435.

INVOCATION - Led by Father Christian Mondor, Sts. Simon and Jude Catholic Church.

AWARDS AND PRESENTATIONS

Presentation - Mayor Green asked Councilmember Carchio to join her and present a commendation to Billy O'Connell, Executive Director and Founder of Colette's Childrens Home. Mayor Green read from the commendation and Councilmember Carchio recognized Colette's commitment to the community.

Presentation - Mayor Green called on Janet Littlejohn and Dorothy Ralphs of the Sea Isle Garden Club who presented a check in the amount of \$122,000 to Public Works Director Travis Hopkins for the Edinger Landscape Project.

Presentation - Mayor Green was joined by City Administrator Fred Wilson to present a proclamation to Ross Cranmer, Director of Building and Safety, for his more than 25 years of working for the City of Huntington Beach.

Administrator Wilson recognized Mr. Cranmer's plans to retire and discussed his service and involvement in a number of important projects, including the Bella Terra, the Strand, Boeing, The Hyatt, Waterfront Hilton, seismic retrofit of City Hall, and instituting automated services within the Building and Safety Department.

Director Cranmer accepted the proclamation and offered words of appreciation.

Mayor's Award - Mayor Green called on Travis Hopkins, Director of Public Works to present the Mayor's Award to Contract Administrator Duane Wentworth.

Director Hopkins described Mr. Wentworth's history with the city, duties as Construction Administrator, his involvement in street signage and striping, credit for developing an automated striping program, and other projects such as Ruby's Diner, Lifeguard Tower Zero, seismic retrofit of City Hall, Home Depot, Wal-Mart, and several other capital projects. Director Hopkins recognized Mr. Wentworth's plans to retire, and wished him well.

Mayor Green announced that the Council will move Agenda Item No. 21 forward for action.

ANNOUNCEMENT OF LATE COMMUNICATION

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

Two PowerPoint communications submitted for Agenda Item No. 7 by Stanley Smalewitz, Deputy Executive Director, dated December 21, 2009, and entitled *Five Year Implementation Plan (2010 to 2014) Huntington Beach Redevelopment Project* and *AB1290 Implementation Plan Affordable Housing Strategy*.

PowerPoint communication submitted for Agenda Item No. 8 by the Fire Department, dated December 21, 2009, and entitled *Revision of the City's FireMed Fee Schedule for Emergency Medical Services*.

Communication submitted for Agenda Item No. 9 by the City Clerk, Joan L. Flynn, dated December 21, 2009 notating a typographical error on the resolution number in the agenda packet material. The resolution number identified as 2009-82 should be 2009-81.

PowerPoint communication submitted for Agenda Item No. 9 by the Fire Department, dated December 21, 2009, and entitled *Modification of Development Fee Schedule – Sprinkler System Tenant Improvements*.

PowerPoint communication submitted for Agenda Item No. 28 by the Public Works Department, entitled *City of Huntington Beach Water Efficient Landscape Requirements*.

Communications submitted for Agenda Item No. 30 by Ed Bush and Karen Heidt dated December 18 and 20, 2009 regarding fines for civil violations and the modification of entertainment permits.

Communication submitted for Agenda Item No. 32 by City Clerk, Joan L. Flynn, dated December 21, 2009 notating a typographical error on the Recommended Action. The correct Recommended Action should read "After the City Clerk reads by title, adopt Ordinance No. 3852, 'An Ordinance of the City of Huntington Beach Amending Chapter 9.24 of the Huntington Beach Municipal Code Relating to Gambling Exemption'."

Communications submitted for Agenda Item No. 33 from Lynda Hernandez, Louann Murray, Vic Leipzig and Ursula Ng dated December 18 and 20, 2009 regarding the establishment of a community garden on Southern California Edison property.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number following the speaker's comments reflect the approximate point in the archived video located at <http://www.surfcity-hb.org/government/agendas>).

Annette Parsons, Beach Community Garden Association, thanked Council for their support and addressed Agenda Item No. 33, the Community Garden. Ms. Parsons requested that Mayor Green write a letter of support on behalf of the City. (00:20:01)

Mike Sullivan thanked Councilmember Dwyer for bringing forth the item related to the Community Garden. He spoke about the proposed site at Atlanta Avenue and the Santa Ana River and best practices for gardening. He encouraged Council support for the project through completion. (00:23:20)

Joanne Rasmussen requested Council support for Agenda Item No. 33, the Community Garden. (00:25:30)

Dean MacMurtry requested Council support for Agenda Item No. 33, the Community Garden. He discussed how a community garden previously located on the Goldenwest College campus was replaced by a parking lot. (00:25:55)

Mary Lou Ledgerwood, Master Gardener, noted a free service to Orange County residents and commented on their service to over 20 community gardens in the County. She also described their Master Gardener hotline. (00:26:45)

Mary Urashima, spoke regarding Agenda Item No. 30 (entertainment permits), and noted the need for balance in the Downtown area. She discussed the Police Department's proposed amendment for entertainment permits and fee schedule, and offered statistical data that suggests a correlation between entertainment permits and drunk driving offenses. She thanked Councilmember Dwyer and Police Chief Small for providing information on the item. (00:28:37)

Henry Fok, resident, voiced concerns about his neighbor David Spence Barton being appointed to the Personnel Commission. Mr. Fok alleged physical confrontations he experienced with Mr. Barton that lead him to file a restraining order against him. He questioned if the City initiates background checks on candidates interested in serving on City boards and commissions prior to their appointment, and urged Council remove this individual from the Personnel Commission. (00:31:05)

In response to in an inquiry from Councilmember Coerper on the Personnel Commission matter, City Administrator Fred Wilson noted that staff will follow up on Mr. Fok's claims.

Councilmember Hardy mentioned that she is a liaison to the Personnel Commission and would look into this matter.

Dave Sullivan, spoke about the penalties for night club violations and mentioned a discrepancy in an information report in the newspaper. In light of the recent murder of a Police Officer in the state of Washington, Mr. Sullivan publicly thanked public safety officers and expressed gratitude for their work. (00:36:30)

Dan Kalmick spoke in support of Agenda Item No. 30 regarding stricter guidelines on entertainment permits. (00:39:10)

Richard Plummer, downtown resident and member of the HB Neighbors Association, spoke in support of Agenda Item No. 30 (entertainment permits), discussed the need to balance the Downtown area, and addressed the appeal process and number of existing restaurants which are closed. (00:40:35)

Blair Farley, spoke in favor of Agenda Item No. 30 (entertainment permits) and the number of applicants that come in on an individual basis. He mentioned that each business makes an impact and requested uniformity towards enforcement in regard to closing times. He also discussed past Council decisions related to temporary use permits (TUPs) for outdoor sales. (00:43:48)

ITEMS WERE TAKEN OUT OF THEIR ORIGINAL ORDER

21. (City Council) Approved and authorized the City Administrator to execute the Employment Agreement between the City and Patrick McIntosh for the position of Fire Chief.

A motion was made by Hansen, second Bohr to approve the appointment of Patrick McIntosh to the position of Fire Chief; and, approve and authorize the City Administrator to execute the "Employment Agreement Between the City of Huntington Beach and Patrick McIntosh" for the position of Fire Chief. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

Newly appointed Fire Chief Patrick McIntosh spoke of his excitement in assuming his new position in Huntington Beach.

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

1. (City Council) Approved City Council Liaison Assignments List for 2010, **as amended**.

Councilmember Bohr expressed concerns about being removed from the Public Cable Television Association (PCTA) Board, explaining why he feels he should remain active in that position.

Mayor Green explained her rationale for arriving at the assignments.

Councilmember Hardy described the past voting action by Mayor Green and discussed a break in continuity. She mentioned that the PCTA would like Councilmember Bohr to remain as a member of the Board.

A motion was made by Bohr, second Dwyer to approve as submitted the "2010 Council Liaison List" for the coming year, **as amended by having Councilmember Bohr remain active on the PCTA Board**. The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Bohr, Dwyer, and Hansen
NOES: Green
ABSTAIN: Carchio

Councilmember Bohr submitted a list of events he attended for the dates of December 8-21, 2009 that will be made available in the City Clerk's Office.

Mayor Pro Tem Hardy submitted a list of events she attended for the dates of December 8-21, 2009 that will be made available in the City Clerk's Office.

CITY ADMINISTRATOR'S REPORT

2. (City Council) Reviewed and accepted the Finance Update for December 2009.

Bob Wingenroth, Director of Finance, provided an update of the City's current financial status via a PowerPoint presentation. Information provided included: Finance Update FY 2009/2010 Adopted Budget, new information since budget adoption, next steps including budget management and a soft furlough savings of approximately \$500,000, bargaining units will meet to consider ways to save additional funds, and an upcoming study session scheduled for February 1, 2010 to provide a formal report on budget status.

A motion was made by Coerper, second Hardy to accept the monthly Finance Update Report for December 2009. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

3. (City Council) Reviewed and accepted Shari L. Freidenrich, City Treasurer's Investment Summary Report of City Investment Portfolio, Bond Proceeds, Deferred Compensation, Retiree Medical Trust, and Supplemental Pension Trust Activity for October 2009.

A PowerPoint presentation was provided by Treasurer Freidenrich.

A motion was made by Coerper, second Carchio to review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for October 2009, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Green, Dwyer, and Hansen
NOES: None
ABSENT/OUT OF ROOM: Hardy, and Bohr

4. (City Council/Redevelopment Agency) Adopted City Council Resolution No. 2009-82 and Redevelopment Agency Resolution No. 380, approving and adopting the Statement of Investment Policy for Fiscal Year 2009/2010.

A PowerPoint presentation was provided by Treasurer Freidenrich.

A motion was made by Coerper, second Hardy to approve and adopt Resolution No. 2009-82, A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2009/2010; and, approve and adopt Resolution No. 380, A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2009/2010. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

CITY CLERK'S REPORT

5. (City Council) City Clerk Joan Flynn presented an oral report to Council highlighting the progress made this last year in uploading historical photos to the City's website, and introduced the office staff responsible for the success of the project.

RECESS CITY COUNCIL/REDEVELOPMENT AGENCY MEETING - 7:14 PM

CONVENE MEETING OF THE HUNTINGTON BEACH PUBLIC FINANCE AUTHORITY

CALL TO ORDER

Chair Bohr called the meeting to order at 7:15 PM.

ROLL CALL

Present: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
Absent: None

An annual meeting is held in December each year to elect new officers of the Huntington Beach Public Finance Authority.

ELECTION OF OFFICERS

A motion was made by Coerper, second Carchio to elect Cathy Green, Chair of the Huntington Beach Financing Authority; Jill Hardy, Vice-Chair of the Huntington Beach Financing Authority; and, Joan L. Flynn, Secretary of the Huntington Beach Financing Authority. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

ADOPT MINUTES

A motion was made by Coerper, second Carchio to approve and adopt the minutes of the joint meeting of the Huntington Beach Public Financing Authority of December 15, 2008 as written and on file in the Secretary's Office. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

ADJOURN HUNTINGTON BEACH PUBLIC FINANCE AUTHORITY MEETING RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Chair Green adjourned the Huntington Beach Public Finance Authority Meeting and reconvened the City Council/Redevelopment Agency meeting at 7:17 PM.

PUBLIC HEARING

(The number following the speaker's comments reflect the approximate point in the archived video located at <http://www.surfcity-hb.org/government/agendas>).

6. (City Council) Public Hearing held to consider Zoning Text Amendment (ZTA) No. 09-009 amending various chapters of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) regarding Supportive Housing, Transitional Housing, Target Population, and Emergency Shelters; and, approve for introduction Ordinance Nos. 3856, 3857, 3858, 3859, 3860 and 3861.

City Administrator Fred Wilson introduced Assistant Planner Hayden Beckman who provided a PowerPoint presentation entitled *Zoning Text Amendment No. 2009-009*. Slide titles included: Request, Background, Proposed Amendments, Analysis, Planning Commission, and Recommendation.

City Clerk Joan Flynn announced that no late communication was received on this item.

Mayor Green opened the public hearing, and noting that there were no individuals who wanted to provide public testimony, she closed the public hearing.

A motion was made by Hardy, second Bohr to approve Zoning Text Amendment No. 09-009 with findings for approval; and, after City Clerk reads by title, approve for introduction Ordinance No. 3856, "An Ordinance of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3857, "An Ordinance of the City of Huntington Beach Amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance Titled Classifications;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3858, "An Ordinance of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled Residential Districts;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3859, "An Ordinance of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance Titled C Commercial Districts;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3860, "An Ordinance of the City of Huntington Beach Amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance Titled I Industrial Districts;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3861, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards." Vote to follow.

In response to Councilmember Carchio, Planning Manager Mary Beth Broeren discussed the types of standards the City is able to regulate, how the state is driving legislation related to emergency shelters, and various types of housing including transitional and supportive housing. Manager Broeren also noted Council could reduce size within reason, and that the City of Brea elected a maximum size of 30 beds.

A substitute motion was made by Carchio to approve Zoning Text Amendment No. 09-009 with findings for approval; and, after City Clerk reads by title, approve for introduction Ordinance No. 3856, "An Ordinance of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3857, "An Ordinance of the City of Huntington Beach Amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance Titled

Classifications;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3858, "An Ordinance of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled Residential Districts;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3859, "An Ordinance of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance Titled C Commercial Districts;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3860, "An Ordinance of the City of Huntington Beach Amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance Titled I Industrial Districts;" and, after City Clerk reads by title, approve for introduction Ordinance No. 3861, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards," **as amended to reduce the number beds from 50 to 25.** Without a second, the motion failed.

Councilmember Dwyer voiced concerns about Bartlett Park and discussed Bolsa Chica and sheep hills bordering Costa Mesa.

Councilmember Hardy discussed limiting the number of beds and potential problem of inviting people in, and then not have enough beds.

Councilmember Carchio noted that patrons can only sleep in shelters at night, and the reduced number of beds will attract less homeless people.

In response to an inquiry from Councilmember Coerper, staff discussed how each jurisdiction regulates bed count, and noted that the Zoning Code allows for facilities in commercial and industrial areas. He also mentioned the State's radius requirements for facility proximity.

Councilmember Dwyer mentioned that the City of Laguna Beach found a location a certain distance from the beach.

Mayor Green discussed helping the homeless population find transitional housing, outreach methods, and various services to assist them to transition to jobs and find emotional support. She voiced support for staff's recommendation.

Manager Broeren stated the Zoning Code does not have a current cap on these types of facilities, and that there have been no requests during the past decade. Typically an outside agency (private or non-profit) would initiate action with the City to pursue the permit of such facility.

The original motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: Carchio

7. (Redevelopment Agency) Public Hearing held to consider approval of the Five-Year Implementation Plan (2010-2014) and the Affordable Housing Component AB 1290 Implementation Plan January 2010 - December 2014 for the Huntington Beach Merged Redevelopment Project Area.

Administrator Wilson introduced Director of Economic Development Stanley Smalewitz and consultants John Yonai with TR West and Kathy Head with Keyser Marston Associates. Mr. Yonai provided a PowerPoint presentation entitled *Redevelopment Agency of the City of*

Huntington Beach - Five Year Implementation Plan (2010 to 2014) Huntington Beach Redevelopment Project that depicted the following title slides: Implementation Plan Requirements and Content, Project Area Background, Agency Goals and Objectives, Agency Projects During the Past Five Years in the Project Area, Current Agency Projects, and Future Agency Projects.

Ms. Head provided a PowerPoint presentation entitled *AB 1290 Affordable Housing Strategy*, with slide topics: Affordable Housing Accomplishments, Basic Affordable Housing Requirements, Available Funding Sources, State Education Revenue Augmentation Fund (S/ERAF), Proposed Affordable Housing Activities, Fulfillment of Requirements, Replacement Housing Requirements, Inclusionary Housing Projections, Proportionality Tests January 2002 - December 2014, Excess Surplus Calculations, Summary - Implementation Plan Requirements 2009/10 - 2014/15.

Councilmember Dwyer expressed concerns with state orders on housing and penalties for not meeting goals. Ms. Head responded by discussing excess surplus, inclusionary housing penalties, and proportionality.

City Clerk Joan Flynn announced the late communications received on this item (detailed at the start of this meeting).

Mayor Green opened the public hearing. Noting that there were no individuals to provide public testimony, Mayor Green closed the public hearing.

A motion was made by Coerper, second Carchio to approve the "Five Year Implementation Plan (2010-2014) Huntington Beach Redevelopment Project" and, Approve the "Affordable Housing Component AB 1290 Implementation Plan January 2010 - December 2014." The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, and Green
NOES: Dwyer

8. (City Council) Public Hearing held to consider adopting Resolution No. 2009-80 for revision to the City's FireMed fee schedule for emergency medical services, effective January 01, 2010.

Administrator Fred Wilson introduced Acting Fire Chief Eric Engberg who provided a PowerPoint presentation entitled *Revision of the City's FireMed Fee Schedule for Emergency Medical Services* that depicted the following title slides: Overview, Current Funding, Staff Recommendations, Summary, and Recommendation.

City Clerk announced late communications received on this item (detailed at the start of the meeting).

Mayor Green opened the public hearing. Noting there were no individuals to provide public testimony, Mayor Green closed the public hearing.

In response to an inquiry from Councilmember Coerper, Administrator Wilson noted that previous Council action moved FireMed funds into the General Fund. City Attorney McGrath explained the legality behind using discretionary funds and their appropriate use.

A motion was made by Carchio, second Coerper to adopt Resolution No. 2009-80, "A Resolution of the City Council of the City of Huntington Beach Setting Advanced Life Support, Basic Life Support, Emergency Ambulance Transportation, Medications and Specialized Supply Fees to be Charged by the Fire Department of the City of Huntington Beach," amending Resolution No. 2009-23, by a revision of the City's FireMed Fee Schedule for Emergency Medical Services. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

9. (City Council) Public Hearing held to consider adopting Resolution No. 2009-82 revising the Citywide Development Fee Schedule regarding fire sprinkler tenant improvement projects.

City Administrator Fred Wilson introduced Acting Fire Chief Eric Engberg who provided a PowerPoint presentation entitled *Modification of Development Fee Scheduled - Fire Department Sprinkler System Tenant Improvement*, with slides depicting the following titles: Background, Need for Modification, Recommendation and Summary.

City Clerk Joan Flynn announced late communications (detailed at the start of the meeting).

Mayor Green opened the public hearing. Noting that there were no individuals appearing to provide public testimony, Mayor Green closed the public hearing.

A motion was made by Coerper, second Hardy to adopt Resolution No. 2009-82, "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2009-32 entitled 'A Resolution of the City Council of the City of Huntington Beach Establishing a City Wide Development Fee Schedule and Repealing Resolution No. 2007-59 and All Supplemental Resolutions Thereto' (Supplemental Fee Resolution No. 3)." The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None
ABSENT/OUT OF ROOM: Carchio

CONSENT CALENDAR

Councilmember Carchio requested to pull Consent Item No. 20 for discussion.

10. (City Council/Redevelopment Agency) Approved and adopted minutes.

A motion was made by Hansen, second Coerper to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of December 7, 2009, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

11. (City Council) Approved fiscal year 2009/2010 Capital Improvement Program (CIP) and Gas Tax Exchange Program appropriation addendum.

A motion was made by Hansen, second Coerper to approve additional appropriations to fiscal year 2009/2010 as detailed in the "City of Huntington Beach Capital Improvement Program New Appropriations Fiscal Year 2009/10 Budget Addendum." The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

12. (City Council) Accepted a resignation and approved the appointments to the Human Relations Task Force as recommended by City Council liaisons, Mayor Cathy Green and Councilmember Gil Coerper.

A motion was made by Hansen, second Coerper to accept the resignation of Amanda Bloom and approve the appointment of Sheila Gee with a term to expire December 31, 2011, as recommended by City Council liaisons Gil Coerper and Cathy Green; and, approve the appointments of Christina Ryan Rodriguez, William Nees, Joseph Dagley, and Don Garrick with terms to expire December 31, 2013, to fill the term expirations of Fred Provencher, Mary Urashima, Gwen Black, and Marlene Breverman, as recommended by City Council liaisons Gil Coerper and Cathy Green. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

13. (City Council/Redevelopment Agency) Received and filed the City Clerk's quarterly report listing of Professional Service Contracts filed in the City Clerk's Office between July 1, 2009 and September 30, 2009.

A motion was made by Hansen, second Coerper to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and submitted to the Office of the City Clerk during the period of July 1, 2009 through September 30, 2009." The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

14. (City Council) Received and filed City of Huntington Beach Strategic Plan Objectives Update.

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

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

15. (City Council) Approved the Maddy Act Local Appointments List (terms on city boards, committees, and commissions which expire in 2010) informing the public of openings and vacancies based on expirations of current members' terms.

A motion was made by Hansen, second Coerper to approve the Maddy Act Local Appointments List showing vacancies which will occur on city boards and commissions in the year 2010 and direct the City Clerk to post the list at the official posting locations (Civic Center, Huntington Central Library, Main Street Library). Copies of the Maddy Act will also be posted at all branch Libraries, and on the City's website. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

16. (City Council) Approved the appointment of Karen Pedersen as Chair and Jon Ross as Vice Chair of the 2010 Fourth of July Board as recommended by City Council liaisons, Councilmembers Keith Bohr and Don Hansen.

A motion was made by Hansen, second Coerper to approve the appointment of Karen Pedersen as Chair and Jon Ross as Vice Chair of the 2010 Fourth of July Board as recommended by City Council liaisons, Councilmembers Keith Bohr and Don Hansen. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

17. (City Council) Approved project plans and specifications and awarded construction contract in the amount of \$1,110,616.00 to All American Asphalt, Inc. for the Slater Avenue Rehabilitation Project, CC-1359.

A motion was made by Hansen, second Coerper to approve the plans and specifications for the Slater Avenue Rehabilitation Project, CC-1359; and accept the lowest responsive and responsible base bid submitted by All American Asphalt, Inc. in the amount of \$1,110,616.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

18. (City Council) Approved project plans and specifications and awarded construction contract in the amount of \$88,403.00 to Lincoln Pacific Builders, Inc. for the Traffic Signal Installation Project at the intersection of Newland Street and Hamilton Avenue, CC-1213.

A motion was made by Hansen, second Coerper to approve the project plans and specifications for the Traffic Signal Installation Project at the intersection of Newland Street and Hamilton Avenue (CC-1213); and, accept the lowest responsive and responsible bid submitted by Lincoln Pacific Builders, Inc. in the amount of \$88,403.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize the Director of Public Works to execute change orders not to exceed a total of fifteen (15) percent of the contract construction costs. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

19. (City Council) Approved project plans and specifications and awarded construction contract in the amount of \$48,986.00 to Christopher R. Morales, Inc. for the Traffic Signal Controller Changeouts at Atlanta Ave. at Magnolia St; Garfield Ave. at Magnolia St; and, Yorktown Ave. at Lake St., CC-1199 and CC-1200.

A motion was made by Hansen, second Coerper to approve the project plans and specifications for the Traffic Signal Controller Changeouts at three locations (CC-1199 and CC-1200); and, accept the lowest responsive and responsible bid submitted by Christopher R. Morales, Inc. in the amount of \$48,986.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

20. (City Council) Approved and authorized the Mayor and City Clerk to execute a Reimbursement - Planning Agreement with Angus Petroleum Corporation for an oil production site safety review for two parcels located at 1901 California Street and 1801 Delaware Street.

In response to inquiries from Councilmember Carchio, Acting Fire Chief Engberg described a meeting with AQMD reps regarding site odors and the cause of the fumes. Discussion ensued regarding the noxious odor emissions in residential areas.

In response to an inquiry from Councilmember Coerper, Acting Chief Engberg confirmed that the AQMD had performed an investigation regarding the residents' concerns.

A motion was made by Carchio, second Coerper to approve a "Reimbursement - Planning - Agreement Between the City of Huntington Beach and Angus Petroleum Corporation" for an oil production site safety review; and, authorize the Mayor and City Clerk to execute. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

21. ITEM CONSIDERED EARLIER IN THE MEETING (see page 6).

22. (City Council) Adopted Resolution Nos. 2009-83 and 2009-84 adopting Side Letter Agreements with the Police Management Association (PMA) and the Fire Management Association (FMA) modifying each respective Memorandum of Understanding (MOU) regarding use of City-owned vehicles.

A motion was made by Hansen, second Coerper to adopt Resolution No. 2009-83, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Management Association, by Adopting the Side Letter of Agreement (Regarding Use of City Vehicles);" and, adopt Resolution No. 2009-84, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Fire Management Association, by Adopting the Side Letter of Agreement (Regarding Use of City Vehicles)." The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

23. (City Council) Adopted Resolution No. 2009-85 requesting that Governor Schwarzenegger immediately cancel plans to sell the Orange County Fairgrounds located in Costa Mesa, California, as recommended by the City Council Intergovernmental Relations Committee (IRC) members, Mayor Pro Tem Jill Hardy, Councilmember Keith Bohr, and Councilmember Don Hansen.

A motion was made by Hansen, second Coerper to adopt Resolution No. 2009-85, "A Resolution of the City Council of the City of Huntington Beach Requesting Cancellation of the Sale of the Orange County Fairgrounds." The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

24. (City Council) Approved and authorized the Mayor and City Clerk to execute the Revocable License between the City and Southern California Gas Company (SoCalGas) allowing for continued SoCalGas use of public property while the terms of a new franchise are resolved.

A motion was made by Hansen, second Coerper to approve and authorize the Mayor and City Clerk to execute the "Revocable License Between the Southern California Gas Company and the City of Huntington Beach." The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

25. (City Council) Adopted Resolution Nos. 2009-87 and 2009-88 establishing the Voluntary Employees' Beneficiary Association (VEBA) Plan Document and Restated Master Trust Benefits for Non-Represented employees.

A motion was made by Hansen, second Coerper to adopt Resolution No. 2009-87, "A Resolution of the City of Huntington Beach Adopting the Voluntary Employees Beneficiary Association Plan Document for Non-Represented Employees;" and, adopt Resolution No. 2009-88, "A Resolution of the City Council of the City of Huntington Beach Adopting the Voluntary Employees Beneficiary Association Restated Master Trust Benefits for Non-Represented Employees;" and, authorize the City Administrator to execute all related documents in furtherance thereof. The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

26. (City Council) Adopted Resolution No. 2009-89 modifying salary and benefits for Non-Represented employees.

A motion was made by Hansen, second Coerper to adopt Resolution No. 2009-89, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees." The motion carried by the following roll call vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, and Hansen
NOES: None

ORDINANCES FOR INTRODUCTION

27. (City Council) Approved for introduction Ordinance No. 3853 amending Chapter 3.03 of the Huntington Beach Municipal Code (HBMC) relating to Professional Services Contracts.

A motion was made by Hardy, second Coerper to after the City Clerk reads by title, approve for introduction Ordinance No. 3853, "An Ordinance of the City of Huntington Beach Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services Contracts." The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

28. (City Council) Approved for introduction Ordinance No. 3854 amending Chapter 14.52 of the Huntington Beach Municipal Code (HBMC) relating to Water Efficient Landscape Requirements to comply with state law.

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, approve for introduction Ordinance No. 3854, "An Ordinance of the City of Huntington Beach Amending Chapter 14.52 of the Huntington Beach Municipal Code Relating to Water Efficient Landscape Requirements." The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

29. (City Council) Approved for introduction Ordinance No. 3855 amending Chapter 2.33 of the Huntington Beach Municipal Code (HBMC) by eliminating the Building and Safety Department and combining those functions with the Planning Department, creating a new Planning and Building Department; approved and authorized the City Administrator to execute Amendment No. 1 to the Employment Agreement with Scott Hess; and, approved the Class Specification for the position of Director of Planning and Building.

A motion was made by Hardy, second Coerper to after the City Clerk reads by title, approve for introduction Ordinance No. 3855, "An Ordinance of the City of Huntington Beach Deleting Chapter 2.32 of the Huntington Beach Municipal Code and Amending Chapter 2.33 of the Huntington Beach Municipal Code Relating to the Building and Planning Departments;" and, approve and authorize the City Administrator to execute "Amendment No. 1 to Employment Agreement Between the City of Huntington Beach and Scott Hess;" and, Approve the "Class Specification" for the position of Director of Planning and Building. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

30. (City Council) Approved for introduction Ordinance No. 3862 amending Chapter 5.44 of the Huntington Beach Municipal Code (HBMC) relating to entertainment permits; and, adopt Resolution No. 2009-86 setting fines for civil violations of Chapter 5.44 of the HBMC.

Councilmember Hansen highlighted the item as part of a recommendation of the downtown ad hoc committee and noted that the Downtown businesses are challenged in many ways and that all parties must move in a new direction for a long-term solution.

Councilmember Coerper questioned continuing the downtown ad hoc committee and noted that he will bring forward another item to continue dialogue between the City and Downtown businesses.

Councilmember Dwyer expressed appreciation and support for the efforts in regard to this matter.

Councilmember Carchio expressed support for the Downtown and thanked the Downtown ad hoc committee and Councilmember Hansen.

Councilmember Hansen stated reformulation of the ad hoc committee is not necessary, but enforcement of their recommendations is and expressed support for carrying out their direction. He noted that support of entertainment permit enforcement puts a "stronghold" on businesses to follow ad hoc committee's direction.

Councilmember Dwyer read the recommended implemented fines for the record.

Councilmember Coerper thanked Chief Small and discussed moving forward with the recommended action.

A motion was made by Hansen, second Carchio to adopt Resolution No. 2009-86, "A Resolution of the City Council of the City of Huntington Beach Setting Fines for Civil Violations of Chapter 5.44 of the Huntington Beach Municipal Code;" and, after the City Clerk reads by title, approve for introduction Ordinance No. 3862, "An Ordinance of the City of Huntington Beach Amending Chapter 5.44 of the Huntington Beach Municipal Code Relating to Entertainment Permits." The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

ORDINANCES FOR ADOPTION

31. (City Council) Adopted Ordinance No. 3851 amending Chapters 2.102, 2.107, and 2.111 of the Huntington Beach Municipal Code (HBMC) relating to the duties and powers of the Environmental Board, the Historic Resources Board, and the Public Works Commission. Approved for introduction December 7, 2009.

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, adopt Ordinance No. 3851, "An Ordinance of the City of Huntington Beach Amending Chapters 2.102, 2.107, and 2.111 of the Huntington Beach Municipal Code Relating to Duties and Powers of the Environmental Board, The Historic Resources Board, and the Public Works Commission Respectively." The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

32. (City Council) Adopted Ordinance No. 3852 amending Chapter 9.24 of the Huntington Beach Municipal Code (HBMC) to provide an exemption to properly State-permitted non-profit organizations to conduct "gambling" type fund raisers. Approved for introduction December 7, 2009.

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, adopt Ordinance No. 3852, "An Ordinance of the City of Huntington Beach Amending Chapter 9.24 of the Huntington Beach Municipal Code Relating to Gambling Exemption, as amended. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

COUNCILMEMBER ITEMS

33. (City Council) Submitted by Councilmember Devin Dwyer - Review the issue of the City working with the Beach Community Garden Association (BCGA) to create a 2.5-acre community garden on Southern California Edison (SCE) property on Atlanta at the Santa Ana River.

Councilmember Dwyer discussed his support for bringing the item related to a Community Garden forward for Council consideration. Community Services Director Jim Engle discussed park, agricultural, and SCE fees related to such a project.

Council Coerper inquired about the impact on water resources and discussed alternate locations including the Shipley Nature Center and Irby Park.

A motion was made by Dwyer, second Hansen to approve the concept of a community garden on SCE property at Atlanta and the Santa Ana River. Direct the Mayor to send a letter on behalf of the City Council in support of a community garden to SCE. Direct staff to negotiate a license agreement with SCE and a Memorandum of Understanding with the Beach Community Gardens Association, then, return to City Council with the agreement, MOU, and any outstanding issues for Council consideration and direction. The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer
NOES: None

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carchio thanked Fire Chief Olson for his years of City service and reported attending the Holiday Boat Parade on December 12, the California Opportunity Online Broadband Summit in Sacramento on December 14 and 15, the Project Self-Sufficiency (PSS) Holiday Party on December 15, giving thanks to Jim Engle and Janeen Laudenbach for their support of PSS, the Rainbow Disposal Holiday Lunch on December 17, thanking Rainbow representatives Ron Shenkman, Bruce Shuman and Jerry Moffett, and the All-American Boys Chorus presentation of "Joy to the World" on December 20, 2009. He concluded by wishing all a happy holiday.

Councilmember Coerper discussed the gift certificate program for soldiers, giving special thanks to Councilmembers Dwyer and Carchio for their involvement. He discussed his son's Christmas

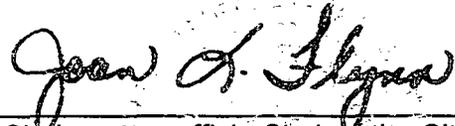
in Afghanistan, and expressed his wishes for a Merry Christmas and Happy New Year.

Councilmember Bohr expressed happy holidays to all.

Councilmember Dwyer thanked representatives from the Community Garden and asked that the City Council meeting be adjourned in the memory of former Mayor Wes Bannister who recently passed.

Mayor Green sent condolences to Mike Fuentes and his family for the passing of Mike's wife Heidi. She also reminded the public that City offices will be closed between Christmas and New Years through the voluntary furlough of paid leave by City employees.

ADJOURNMENT - The meeting adjourned at p.m. to the next regularly scheduled meeting of Monday, Huntington Beach Civic Center.

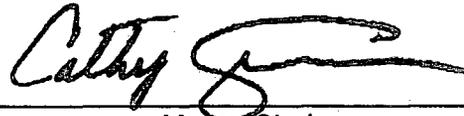


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:



City Clerk-Clerk



Mayor-Chair