

Minutes
Regular Meeting - 4/20/2009
City Council/Redevelopment Agency
City of Huntington Beach

Monday, April 20, 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/**

4:00 PM - ROOM B-8

CALL TO ORDER

Mayor Bohr called the Study Session portion of the Regular meeting to order at 4:06 PM.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen (arrived at 4:10 PM)
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION

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

PowerPoint communication dated April 20, 2009 entitled *San Diego Freeway (Interstate 405) Improvement Project*.

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

(The numbers following speakers' comments reflect the approximate point in time in the archived audio file the speaker appears at <http://www.surfcity-hb.org/government/agendas/>)

Mark Bixby spoke in support of charter reform and a charter revision commission. He recognized the City Attorney's issues identified in her report, in addition to others not included. He voiced strong opposition to increasing campaign finance caps, and allowing changes to retroactively affect past election cycles. He urged Council to only consider changes on a go-forward basis, and be free of self interest. (00:04:23)

Larry Gallup spoke in support of charter reform, and quoted Anaheim Mayor Kurt Pringle who said, "candidates are not elected to maintain status quo." He voiced support for citizen

involvement and recognized open government events such as Sunshine Week, and asked Council to carefully consider how changes to Section 2.07 - Campaign Reform affect standards and guidelines behind AB 1234. (00:05:58)

STUDY SESSION - Items 1 and 2 were presented out of order.

STUDY SESSION #1 - Representatives from the Orange County Transportation Authority (OCTA) provided an update on the I-405 Freeway Improvement Project. The project proposes adding new lanes to the freeway between the San Gabriel River Freeway (I-605) and the Costa Mesa Freeway (SR-55), along with other capacity and interchange improvements.

Travis Hopkins, Huntington Beach Director of Public Works introduced OCTA Project Manager Rose Casey, OCTA Community Relations Officer Christina Byrne, and OCTA Project Manager Niles Barrett. Ms. Casey introduced Parsons Transportation Group representatives Neil Deno and Macey Cleary, and provided a PowerPoint presentation entitled *San Diego Freeway (Interstate 405) Improvement Project*. The presentation identified project study areas between Costa Mesa and West County Connectors, current and projected traffic between the SR-55 and I-605, Interstate 405 project status from 2005-2009, project alternatives 1-4, environmental phase schedule, scoping meeting purpose and locations, and community outreach.

Ms. Casey responded to Councilmember Carchio's inquiries regarding 405 closure, avoiding sequential closures of city arterials and on and off ramps, public acceptance of a high occupancy toll lane, toll lane fund generation, free carpool lanes, CalTrans or private company management of toll road/carpool lanes, and toll roads offsetting license and vehicle registration fees.

Ms. Casey responded to Mayor Pro Tem Green's comments regarding the benefits of Fast Track, Measure M funds, HOV and HOT lanes, and Southern California Association of Governments (SCAG) and Air Quality Management District (AQMD) involvement.

Ms. Casey responded to Councilmember Coerper's questions regarding support alternatives, bringing back a Council recommendation in August, study results provided by a policy working group and project team meetings, a public kick-off event scheduled for May 12, and presenting information through the Orange County Board of Supervisors.

Ms. Casey responded to Councilmember Hardy's questions regarding HOT lane technology.

Ms. Casey responded to Mayor Bohr's comments on Alternative 3 - Toll Lane Options/ Requirements.

Discussion ensued on pending legislation regarding design build, making toll road/carpool lane options affordable, and carpool lanes integrating with HOT lane systems.

Councilmember Dwyer stated his opinion that toll road implementation should be approved by ballot measure only.

STUDY SESSION #2 - Reviewed potential charter revisions.

City Administrator Fred Wilson introduced City Attorney Jennifer McGrath. Attorney McGrath provided a PowerPoint that offered topics including a brief history of the Charter and amendments, the amendment process, Charter Review Commission, technical amendments, substantive amendments for consideration, Section 612 - Measure C, Public Works contracts and funding, Finance, and additional amendments for consideration.

Councilmember Carchio voiced support for a Commission.

Councilmember Dwyer and Attorney McGrath discussed the Charter Commission process.

Mayor Pro Tem Green discussed using a Council subcommittee.

Mayor Bohr stated support for a Council subcommittee with comprehensive thought put into how to form it.

Councilmember Coerper voiced support for a Council subcommittee, and questioned why term limits were included in the Attorney's report.

City Clerk Flynn explained associated costs between holding special versus regular elections, and the issues involved with scheduling elections in June or November.

Councilmember Hardy voiced concerns with appointing a Charter Review Commission that would bring forth ballot items in June 2010, and how a Commission may deny Council involvement. She also voiced support for combining appointed and interviewed members.

Councilmember Hansen voiced support for a Council subcommittee, and questioned recommendations being split into different elections. Mayor Pro Tem Green voiced concerns with recommendations interfering with adopted term limits and elected versus appointed seats.

Discussion ensued on interviewing Committee candidates, and Council reached a consensus that all seven members would participate in interviews, recommending June as a starting point for go forward activity.

A motion was made by Green, second Coerper to a) Direct staff to prepare ballot language for the Technical Amendments; and, b) Create Council sub-committee to review the Substantive Amendments and determine if a Charter Review Commission should be established. The motion carried by the following roll call vote:

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

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Barbara L. Agee, et al. v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 06CC00125. This suit concerns the affordability covenant for the Cape Ann subdivision located near the intersection of Main Street and Promenade.

Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: MCP Industries Inc. v. Vadnais Corporation, City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2008 00113320. This suit concerns the Warner Avenue Gravity Sewer Line.

Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Paul Emery, Deputy City Administrator; Michele Carr, Director of Human Resources; Jim Engle, Director of Community Services; and Kyle Lindo, Marine Safety Division Chief, regarding labor negotiations with SCLEA.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the regular meeting of the City Council/Redevelopment Agency at 6:02 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Cub Scout Weeblos Pack 1226 presented the colors and led the Flag Salute.

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

CLOSED SESSION REPORT BY CITY ATTORNEY

The City Attorney reported the following information regarding MCP Industries Inc. vs. Vadnais Corporation, City of Huntington Beach, et. al.; Orange County Superior Court Case No. 30-2008-00113320 (Warner Avenue Gravity Sewer Line):

The City Council voted (7-0) to authorize the Mayor to sign, and the Clerk to executive a Tolling Agreement, and a Mediation and Tolling Agreement in connection with MCP vs. Vadnais, City of Huntington Beach and Arch Insurance, with the final forms of the agreements to be submitted by the City Attorney.

Mayor Bohr reported the following information regarding Barbara L. Agee, et. al. vs. City of Huntington Beach, et. al.; Orange County Superior Court Case No. 06CC00125 (Affordability Covenant - Cape Ann):

The City Council unanimously voted the following:

- 1) The Council intends to adopt new Affordable Housing Regulations that the Council approved by "straw vote" at the March 2, 2009, Council meeting, but only after the Agee lawsuit is dismissed with prejudice.
- 2) The new regulations shall provide that the interest rate used for determining the Affordable Sales Price shall be set monthly, using the lowest interest rate for the previous three months.
- 3) The Regulations shall provide that the hardship rental exemption is limited to one year. The owner may not apply for a further extension.
- 4) There will be no buying back of units that cannot be sold for the full Affordable Sales Price.
- 5) The City Council has authorized the City Attorney to present the following settlement agreement to Plaintiffs: a. Plaintiffs dismiss the lawsuit with prejudice; b. The City pays no attorneys' fees; c. Each Plaintiff records a Notice of Affordability Covenant on his or her unit stating that: (a) the unit is subject to the Affordable Housing Regulations, as they are now and may be amended, and (b) the Affordability Covenant expires on March 19, 2029 for Cape Ann, and March 25, 2029 for Promenade; and d. The City will waive recovery of the City's court costs of \$23,000.

AWARDS AND PRESENTATIONS

PRESENTATION - Mayor Bohr invited Robert Miller from the Tournament of Roses Parade to come forward to present the Official Photo of the Award Winning Float to the City. Mayor Bohr also invited Robert Mayer from The Robert Mayer Corporation to accept the special gifts for the Title Sponsor of the Centennial Celebration. Centennial Celebration Co-Chairs Ron Shenkman and Steve Bone were also recognized along with members of the Centennial Celebration Committee.

PRESENTATION - Mayor Bohr invited Eagle Scout member Ruben Hipolito, from Huntington Beach Troop 1134, to receive a special commendation for representing the City of Huntington Beach on a recent trip to Washington D.C. to meet with President Obama. Scout Hipolito made a brief presentation on his trip.

PRESENTATION - Mayor Bohr presented a proclamation to Judith Sotel in honor of Donate Life Month.

PRESENTATION - Mayor Bohr welcomed Lt. Col. Miguel D. Howe from United States Army who made a presentation to Mayor Bohr and Councilmember Devin Dwyer to commemorate their parachuting experience with the Army Golden Knights.

MAYOR'S AWARD - Mayor Bohr invited City Clerk Joan Flynn to present the Mayor's Award to Assistant City Clerk Robin Lugar. City Clerk Flynn outlined Ms. Lugar's accomplishments, especially in the area of expanding the Department's e-government initiatives.

ANNOUNCEMENT - Mayor Bohr announced that Dr. David Carlsberg, Professor at Long Beach State will introduce his publication, *From Prehistoric to the Present Day in the Bolsa Chica* on April 30, 2009 at 7:00 PM at the Huntington Central Library.

Councilmember Coerper thanked the Military Personnel who attended tonight's meeting and committed to participating in the paratrooper "jump" at the next opportunity.

ANNOUNCEMENT OF LATE COMMUNICATION

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

Communication for Consent Item No. 5 submitted by Stanley Smalewitz, Director of Economic Development, dated April 20, 2009 revising Exhibit A to the Fee Resolution clarifying seasonal daily fees and valet rates.

COMMUNICATION SUBMITTED DURING THE MEETING

Brochure submitted by Judity Sotel, undated and entitled, *You Have the Power to Donate Life*.

A DVD recording submitted by Councilmember Coerper that demonstrates skydiving activity by Mayor Bohr and Councilmember Dwyer on February 20, 2009 in Yuma, Arizona with the U.S. Army Golden Nights Premier Parachuting Team.

PUBLIC COMMENTS (3 Minute Time Limit)

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

Matthew "Clint" Orr noted his appreciation for the military personnel who attended tonight's meeting and discussed issues related to his perceived need for a theater in the Downtown. (00:37:34)

Wayne Lavigne of "Whata Lotta Pizza," representing the Huntington Beach Restaurant Association, informed Council and the community about the upcoming "Taste of Huntington Beach" event on Sunday, April 26. (00:41:33)

Christopher Radle, The Lazy Dog Cafe, invited the community to the "Taste of Huntington Beach" event. (00:43:06)

Edwin Villalobos, Market Broiler, invited the community to the "Taste of Huntington Beach" event. (00:43:32)

Erika Reardon, Erika's Catering Company and member of the event committee, invited the community to the "Taste of Huntington Beach" event. (00:44:44)

Tara Kirby, Fred's Mexican Cafe, invited the community to the "Taste of Huntington Beach" event and announced that Fred's will hold a drawing on Thursday, April 23 at 7:30 pm for one person to receive 100 free dinners in celebration of the Centennial. (00:45:42)

In response to an inquiry from Councilmember Carchio, Ms. Reardon announced the Taste of Huntington Beach event would take place from 12noon to 4pm, Sunday, April 26th and that tickets are available on the website (www.tastehb.com), at various restaurants in the community, and at the library.

Juan Barojas, Daphne's Greek Cafe, invited the community to the "Taste of Huntington Beach" event. (00:48:21)

Robin Baroway, Girl Scouts Huntington Beach Service Unit 2, expressed her concern regarding the Girl Scout's inability to participate in the Fourth of July parade event due to the required fees. (00:49:17)

Councilmember Hansen noted that the "pre-parade" portion has been eliminated from this year's Fourth of July event and that clarification would be needed regarding the fees for participation.

Steve Stafford expressed concerns regarding an ongoing neighborhood dispute and requested the City's involvement in the matter. (00:53:23)

Jean Nagy, Huntington Beach Tree Society, thanked all who participated in the Centennial/ Arbor Day Tree Planting event on Saturday, April 18. (00:56:00)

Robert Johnson expressed concerns with the affordable housing program at "Cape Ann." (00:57:50)

Connie Ngo expressed concerns with the affordable housing program at "Cape Ann." (01:00:40)

COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234
DISCLOSURE REPORTING - None.

CITY ADMINISTRATOR'S REPORT - None.

CITY TREASURER'S REPORT

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

The City Treasurer made a brief PowerPoint presentation regarding the status of the City's various investment and trust activities.

A motion was made by Hansen, second Coerper to review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment

Report for February 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, Dwyer, Green, Bohr, Coerper, and Hansen
NOES: None
ABSENT/OUT OF ROOM: Hardy

Councilmember Hardy was out of the room at the time of the vote.

PUBLIC HEARING

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

2. (City Council) Public Hearing was held to approve Zoning Text Amendment (ZTA) 08-005 amending the affordable housing provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO); approved for introduction Ordinance No. 3829 amending Chapter 230 of the Huntington Beach Zoning and Subdivision code by amending Section 230.26 relating to affordable housing.

Staff made a brief PowerPoint presentation outlining the proposed amendments and the Council's historical policy action in regard to affordable housing. Staff also noted the work of the ad hoc committee and input received from community stakeholders, including the Chamber of Commerce.

Staff responded to an inquiry from Councilmember Hardy in regard to "in lieu fees" and the purchase price for an affordable housing unit.

Mayor Bohr opened the public hearing and called for public comments.

Mike Adams, Huntington Beach Chamber of Commerce, expressed support for the majority of staff's recommended changes to the Ordinance. He noted that the Chamber has supported the City's efforts related to affordable housing, although the Chamber's position is that affordable housing should be provided through developments that provide rental units. (01:19:39)

Robert Johnson expressed concerns regarding the City's affordable housing program. (01:22:53)

Dick Harlow, representing the Chamber of Commerce, expressed support for the majority of the proposed Ordinance with revisions basing the fee on rental housing rather than "for sale" housing. (01:25:49)

Karen Jackle, President of Huntington Beach Tomorrow, noted that she was not aware of an ad hoc affordable housing committee. She expressed support for affordable housing for developments of twenty (20) units or more and made other recommendations for the scope of the program. (01:29:21)

The Mayor closed the public hearing.

In response to inquiries from Councilmember Green, staff noted the various reasons why the private market and private developers are in the best position, both from an acquisition and improvement standpoint, to provide affordable housing projects that benefit the City overall. Staff also provided information regarding "in-lieu fees," the various rates for affordable housing projects, the status of the City's "very low" affordable housing programs, utilizing non-profit organizations to meet the City's requirements, and fees associated with market for-sale or rental properties.

Councilmember Green asked Dick Harlow to respond to the information provided. Mr. Harlow expressed concerns regarding the application of the "affordability" fee based upon rental versus "for-sale" housing.

Councilmember Hardy expressed support for both rental and "for sale" affordable units. She made a motion for staff's recommendation with the inclusion of keeping the "cap" at nine (9) units. This motion did not receive a second.

Councilmember Coerper thanked the City Administrator and staff for the excellent presentation of this matter, and made a motion to move forward with staff's original recommended action. The motion was seconded by Mayor Bohr.

In response to an inquiry from Councilmember Carchio, Mr. Harlow made a brief explanation regarding his view on the benefit of why affordable housing should be satisfied through rental units.

Councilmember Carchio made a substitute motion to approve staff's recommendation with the exception that all projects should pay "in-lieu" fees for rental units only. This motion did not receive a second.

Councilmember Dwyer noted that he does not support the original motion and did not completely understand the amended motion. He suggested that the Council defer action on this item and continue the matter until staff could receive additional information on the City of Anaheim's affordable housing program.

Discussion ensued on the differences between shared and full appreciation.

Councilmember Hansen did not support the continuation of the item and discussed policy direction and the gained and limited benefits involved in affordable ownership. He noted for the record that he supports gradually adjusting the policy for rental units, and made a substitute motion that makes the in-lieu fee cap for up to thirty units. This motion did not receive a second.

Staff noted that the Council would not be acting on any fees tonight and that all proposed fees would return for consideration once the Ordinance is brought back for adoption.

Mayor Bohr noted his support for in-lieu fees, as they create efficiencies for the developer in affordable housing projects.

In response to an inquiry from Mayor Pro Tem Green, Keyser Marston staff walked through the

process of establishing "present value" in the affordable housing market.

Mayor Bohr asked Councilmember Coerper to consider amending his substitute motion to accept staff's recommendation, based upon the findings, and to change page 2-15 with amended language "located" rather than "dispersed."

Councilmember Carchio noted that he does not support "caps" in regard to affordable housing projects.

A motion was made by Coerper, second Bohr to approve Zoning Text Amendment No. 08-005 subject to the findings for approval and approve for introduction Ordinance No. 3829, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Code by Amending Section 230.26 Relating to Affordable Housing" as amended to replace the word "dispersed" with "located" in Section E.5 of Ordinance No. 3829. The motion carried by the following roll call vote:

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

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 08-005:

1. Zoning Text Amendment No. 08-005 amends Chapter 230 (Site Standards), Section 230.26 (Affordable Housing) to increase the size of projects that would be allowed to pay in-lieu fees; allow fractional unit requirements to be satisfied by payment of an in-lieu fee; increase the required income levels for affordable housing; decrease the required affordability term of new inclusionary units and to make other minor changes to existing provisions in a manner consistent with the goals, policies and programs specified in the General Plan, particularly the Housing Element. The proposed changes are consistent with Programs 14 and 18 of the Housing Element requiring that the City pursue the Ad Hoc Committee recommendations and adoption of a reduced fee schedule for projects with affordable units, and they are consistent with the goals and policies of the Housing Element to facilitate the development of affordable housing.

2. In the case of the general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for in the zoning district for which it is proposed. The amendments to Chapter 230, Section 230.96 affect the inclusionary housing requirements that new residential development projects, not subject to other requirements of redevelopment project areas and/or Specific Plan areas, would be subject to. The changes do not affect zoning of any property by altering density or development standards. Therefore, the changes do not affect the compatibility of uses allowed and established by the General Plan and Zoning designations.

3. A community need is demonstrated for the proposed zoning text amendment to facilitate development of smaller residential projects, in particular, by allowing projects with up to 30 units to pay an in-lieu fee, and of all residential projects by increasing the affordability levels and reducing the affordability term. These changes improve the financial viability of residential projects, which will ultimately improve the supply of new housing units, both market rate and affordable, in the city.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the amendment to Chapter 230, Section 230.26 will encourage and facilitate residential development and provides consistency between the City's affordable housing requirements and state law.

CONSENT CALENDAR (Items #3 through #10)

3. ITEM REMOVED FROM AGENDA PRIOR TO DISTRIBUTION

4. (City Council) Received and filed the Mobile Home Advisory Board (MHAB) Annual Summary Reports for the year 2008.

A motion was made by Green, second Hansen to receive and file the Mobile Home Advisory Board (MHAB) Annual Summary Reports for the year 2008. The motion carried by the following roll call vote:

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

5. (City Council) Adopted Resolution No. 2009-21 amending the Comprehensive Fee Schedule by establishing overnight and valet parking fees for use at the Strand Parking Structure, as amended by the late communication.

This item was passed, as amended, pursuant to the late communication.

A motion was made by Green, second Hansen to adopt Resolution No. 2009-21, "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2007-60 Entitled 'A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Schedule for Charges for Facility Rentals and Recreation Services and Repealing Resolution 2005-76 and all Supplemental Resolutions Thereto,' and repealing Resolution No. 2008-71. (Supplemental Fee Resolution No. 4), as amended by the late communication. The motion carried by the following roll call vote:

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

6. (City Council) Received and filed the City Attorney's Office 2008 Annual Report.

A motion was made by Green, second Hansen to receive and file the City Attorney's Office 2008 Annual Report. The motion carried by the following roll call vote:

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

7. (City Council) Received and filed the City Administrator's update of the six-month strategic objectives.

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

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

8. (Redevelopment Agency) Received and filed the Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2007/2008 for Submission to the State Controller.

A motion was made by Green, second Hansen to receive and file the 2007-2008 State Controllers' Report. The motion carried by the following roll call vote:

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

9. (City Council) Received and filed the 230 Park Impact Fee Annual Report for Fiscal Year 2007-08 to comply with State of California reporting requirements on the construction of new floor area for all commercial and industrial development, and all residential development not covered by Quimby fees.

A motion was made by Green, second Hansen to receive and file the 230 Park Impact Fee annual report for fiscal year 2007-2008. The motion carried by the following roll call vote:

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

10. (Redevelopment Agency) Approved and authorized the Chairperson and Agency Clerk to execute Amendment No. 1 to the Professional Services Contract with Leibold, McClendon and Mann for legal services in the amount of \$100,000, for a total contract amount not to exceed \$150,000.

A motion was made by Green, second Hansen to approve "Amendment No. 1 to Professional Contract Between the Redevelopment Agency of the City of Huntington Beach and Leibold, McClendon and Mann for Legal Services;" and, authorize the Chairperson and Agency Clerk to execute the contract. The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

11. (City Council) Approved changes to the project scope of work on the Phase 1 Energy Efficient Lighting Project; approved and authorized the acceptance of the incentive funding from Southern California Edison (SCE) and Southern California Gas (SCG) and subsequent reimbursement; and, approved and authorized the Mayor and City Clerk to execute the professional services contract in the amount of \$149,136 with Digital Energy, Inc. for Retro-Commissioning Services.

Energy Project Manager Aaron Klemm provided a brief staff report, reviewed the enhancements available through incentive funding by the utility company, and described the various benefits of revising the original scope of work.

In response to an inquiry from Councilmember Green, staff noted that various solar and AB 32 projects will be introduced to the Council as part of the 2009-2010 Capital Improvement Program budget process.

A motion was made by Green, second Hardy to approve the revised project scope of work; and, approve and authorize the acceptance of the incentive funding from Southern California Edison (SCE) and Southern California Gas (SCG); and, approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and Digital Energy, Inc. for Retro-Commissioning Services." The motion carried by the following roll call vote:

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

NOES: None

ORDINANCES FOR INTRODUCTION

12. (City Council) Approved for introduction Ordinance No. 3830 amending Chapter 2.07 of the Huntington Beach Municipal Code (HBMC) relating to term-limited campaign committees and donations received after the end of the election cycle for term-limited Council members.

Mayor Bohr noted that he was not in support of this Ordinance as all candidates are aware of the rules prior to running for election and that he discourages excess funding for campaigns in principle.

Mayor Pro Tem Green noted that although she does not benefit from tonight's Council action, she does agree that due to the timing of the existing deadlines, it is very difficult to fundraise during the holiday season and that the proposed Ordinance would provide an opportunity after the election for a candidate to fundraise to repay any outstanding debts.

Councilmember Coerper echoed Mayor Pro Tem Green's comments and noted his support for the item.

Councilmember Hardy suggested that she would be inclined to favor the proposed Ordinance if the time limit were not to extend past one (1) year after the election in question.

Mayor Bohr suggested a substitute motion that included the one (1) year time limit referenced by Councilmember Hardy.

Councilmember Carchio noted that he was not in favor of any time limits on this matter.

Councilmember Coerper noted his support for the original motion by Councilmember Hansen.

A motion was made by Hardy, second Bohr to approve for introduction Ordinance No. 3830, "An Ordinance of the City of Huntington Beach Amending Chapter 2.07 of the Huntington Beach

Municipal Code Relating to Election Cycles" subject to post-election one (1) calendar year time limit. The motion failed by the following roll call vote:

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

A motion was made by Hansen, second Coerper to approve for introduction Ordinance No. 3830, "An Ordinance of the City of Huntington Beach Amending Chapter 2.07 of the Huntington Beach Municipal Code Relating to Election Cycles" after City Clerk reads by title. The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carchio extended a thank you to Rainbow Disposal and the committee for their excellent work on the Centennial Earth Day Celebration.

Councilmember Dwyer admonished Huntington Beach Tomorrow for their conflicting opinions being opposed to high density projects and requests for low and moderate income units. He also noted his attendance at the Spring Festival at the Preserve and thanked and congratulated Mayor's Award recipient Assistant City Clerk Robin Lugar for her excellent work.

Mayor Pro Tem Green reported on her attendance at the Dedication Ceremony for the Steve Anderson Lift Station and acknowledged how much the dedication would have meant to Mr. Anderson. She also reported on her attendance and the success of the CERT First Aid Training and encouraged all to attend the upcoming Taste of Huntington Beach.

Councilmember Coerper mentioned that Lieutenant Colonel Howe would be the presenter at the upcoming Memorial Day event on May 25th, and noted his attendance at the Eagle Court of Honor for Kevin Vucinic. He reported the success of the shredding activity conducted at Rainbow Disposal. At Councilmember Coerper's request, City Clerk Joan Flynn made a brief report on the event, noting that it was a collaborative effort between the Police Department and City Clerk's Office. She also thanked the First Battalion 558 Infantry Explorer Post BSA, and the Huntington Beach Search and Rescue Explorers Post who assisted with the shredding project.

Councilmember Hardy thanked all the participants in Youth in Government Day and noted the various mock Council topics and votes discussed by the students. She also noted her attendance at the Gold Award Ceremony for Missy Hackam and reported that Miss Hackam supported and planned the entire event on her own.

Councilmember Hansen noted the success of the City's Earth Day celebrations.

Councilmember Coerper complimented Councilmember Hardy and all the student speakers for their excellent work on Youth in Government Day.

Mayor Bohr attended the Huntington Beach Earth Day Celebration at Rainbow Disposal and

noted the various community activities that were scheduled for the Environmental Month of the City's Centennial. He also attended the Troop 319 Eagle Court of Honor for Keaton Celinder, Michael Daus, and David Underhill, as well as the Marina High School Car Show.

Councilmember Dwyer reported that he attended several presentations at the Wildlife Reserve in celebration of Earth Day.

ADJOURNMENT - Council/Agency adjourned at 9:19 p.m. to the next regularly scheduled meeting on Monday, May 04, 2009, at 4:00 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:


City Clerk-Clerk
Mayor-Chair