



# AGENDA

Tuesday, January 20, 2009



MAYOR AND CITY COUNCIL

**FRED A. WILSON**  
City Administrator

## CITY COUNCIL/REDEVELOPMENT AGENCY

**KEITH BOHR**  
Mayor

**JENNIFER MCGRATH**  
City Attorney

## CITY OF HUNTINGTON BEACH

**4:00 PM - Study Session, Council Chambers**

**CATHY GREEN**  
Mayor Pro Tem

**DEVIN DWYER**  
Councilmember

**JOAN L. FLYNN**  
City Clerk

**6:00 PM - Regular Meeting**

**JOE CARCHIO**  
Councilmember

**DON HANSEN**  
Councilmember

**SHARI L. FREIDENRICH**  
City Treasurer

**Council Chambers - 2000 Main Street  
Huntington Beach, CA 92648**

<http://www.surfcity-hb.org>

**GIL COERPER**  
Councilmember

**JILL HARDY**  
Councilmember

### WEB ACCESS:

Live broadcast and audio and video archives can be accessed at <http://huntingtonbeach.granicus>

### \*\*REMINDER\*\*

As a courtesy to those in attendance, please silence your cell phones and pagers

### MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require special assistance, 48-hour prior notification will enable the city to make reasonable arrangements. To make arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting and/or large print agendas, please contact the City Clerk's Office at (714) 536-5227, or request assistance from the Sergeant-at-Arms at the meeting.

### CITY COUNCIL/REDEVELOPMENT AGENCY

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session on the first and third Monday of each month for the purpose of considering City Council/Redevelopment Agency agenda items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which the Council serves as members. On each agenda these agencies may have items scheduled. When an agenda item requires action by any one of these agencies, it will show in parenthesis preceding the item, for example (City Council/Redevelopment Agency).

### CITY COUNCIL AGENDA

The City Council agenda and supporting documentation is made available for public review during normal business hours in the Office of the City Clerk, 2000 Main Street immediately following distribution of the agenda packet to a majority of the City Council. Packet delivery typically takes place on Wednesday afternoons prior to the regularly scheduled meeting on Monday. The agenda packet is also made available at the Central Library, 7111 Talbert Avenue, library annexes, and is posted on the city's website at <http://www.surfcity-hb.org/agendas>. Questions on agenda items may be directed to the City Clerk's Office at (714) 536-5227.

### AUDIO/VIDEO ACCESS TO CITY COUNCIL MEETINGS

City Council meetings are televised live on cable TV Channel 3, and can be viewed via live or archived web cast at <http://huntingtonbeach.granicus>. DVD recordings of meetings are available for public checkout at the Central Library.

### LATE COMMUNICATION

Staff and members of the public have the opportunity to submit information related to an agenda item following distribution of the agenda packet to the City Council. This information is identified as "Late Communication" and is assembled into a packet by the City Clerk on the day of the City Council meeting. The Brown (Open Meetings) Act requires that copies of Late Communication be made available to the public immediately upon distribution of material to a majority of the City Council. Communication received by any individual at the meeting will be made available to the public in the City Clerk's Office the following morning.

## **AWARDS AND PRESENTATIONS**

Awards, presentations, and proclamations made by the Mayor on behalf of the City of Huntington Beach. The Public Information Office will coordinate the arrangements with the Mayor and submit the list of presentations through the City Administrator's Office.

## **PUBLIC COMMENTS**

This is the time of the meeting for the City Council to receive comments from the public regarding items of interest or agenda items not scheduled for Public Hearing. Pursuant to the Brown (Open Meeting) Act, the City Council may not enter into discussion regarding items not on the City Council agenda. Members of the public who wish to speak to a member of the Council on an item not on the agenda may consider setting up an individual appointment by contacting the Council's Administrative Assistant at 714-536-5553. The City Council strives to treat members of the public with respect. Comments or concerns provided by the public shall be done in a civil and respectful manner.

To participate in Public Comments, **pink Request to Speak** forms are available at the Chambers entrance and are collected by the Sergeant at Arms (the Police Officer located near the speakers' podium). Each speaker is allowed 3 minutes, and time may not be donated to another speaker.

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

This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports and all individuals as appropriate to disclose any conferences, training, seminars, etc. attended at the Agency's expense, per Government Code §53232.3(d).

Lists of the conferences, training, seminars, and other activities generally attended by the City Council, City Administrator, City Attorney, City Clerk, and City Treasurer are included as appendices to the City Budget. The budget is available on the city's website at <http://www.surfcity-hb.org/budget>. Exceptions to these lists have been submitted as a report to the City Clerk for inclusion in the record of this meeting.

## **PUBLIC HEARING**

Public Hearings allow citizens the opportunity to speak in favor or against specific items brought to Council by staff. Staff may provide a presentation. The Mayor will open the Public Hearing to receive public comments on that specific item. Upon hearing all public comments, the Mayor will close or continue the Public Hearing. Council may then decide to engage in discussion and/or take action on the item.

To participate in a Public Hearing, **green Request to Speak** forms are available at the Chambers entrance and are collected by the Sergeant at Arms (the Police Officer located near the speakers' podium).

## **ADMINISTRATIVE HEARING**

Administrative Hearings required by Huntington Beach Municipal Code Section 1.18 entitle only affected property owners to speak on a respective item.

To participate in the Administrative Hearing, **blue Request to Speak** forms are available at the Chambers entrance and are collected by the Sergeant at Arms (the Police Officer located near the speakers' podium).

## **CONSENT CALENDAR**

Consent Calendar items are considered routine items that do not normally require separate consideration. The City Council/Redevelopment Agency usually makes one motion for approval of all the items listed under this section. However, Council may remove an item from the motion for discussion purposes.

## **ADMINISTRATIVE ITEMS**

Administrative Items are considered by the Council/Agency separately and require separate motions. These actions are normally of a non-routine nature, and frequently require a staff presentation.

## **ORDINANCES**

Ordinances require two readings before the City Council. They are first introduced, and then adopted at a subsequent meeting. Ordinances typically become law thirty (30) days after adoption. However, an emergency ordinance may be adopted upon introduction, and is effective immediately.

## **COUNCILMEMBER ITEMS**

This portion of the agenda is provided for Items of business presented by individual members of the City Council/Redevelopment Agency.



# AGENDA

Tuesday, January 20, 2009

## MAYOR AND CITY COUNCIL

KEITH BOHR  
Mayor

### CITY COUNCIL/REDEVELOPMENT AGENCY

CATHY GREEN      DEVIN DWYER  
Mayor Pro Tem      Councilmember

### CITY OF HUNTINGTON BEACH

JOE CARCHIO      DON HANSEN  
Councilmember      Councilmember

4:00 PM - Study Session, Council Chambers

6:00 PM - Regular Meeting

Council Chambers - 2000 Main Street  
Huntington Beach, CA 92648

GIL COERPER      JILL HARDY  
Councilmember      Councilmember

<http://www.surfcity-hb.org>



### 4:00 PM - COUNCIL CHAMBERS

#### CALL TO ORDER

#### ROLL CALL

Carchio, Dwyer, Green, Bohr, Coerper, Hardy, Hansen

#### ANNOUNCEMENT OF LATE COMMUNICATION

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

#### STUDY SESSION

1. (City Council) Review and discuss proposed modifications to the Inclusionary/Affordable Housing Program.

#### RECESS TO CLOSED SESSION

#### CLOSED SESSION

2. Pursuant to Government Code Section 54957.6, the City Council shall recess 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.
3. Pursuant to Government Code Section 54956.8, the City Council shall recess to Closed Session to give instructions concerning price and terms of payment to the City's Negotiators, City Administrator Fred Wilson and Deputy City Administrator Bob Hall, regarding negotiations with the

Huntington Beach City School District for the purchase or exchange of up to 10.12 acres of real property located at 20451 Craimer Lane in Huntington Beach and the purchase, sale or exchange of APN 114-150-94 in the City of Huntington Beach.

**6:00 PM – COUNCIL CHAMBERS**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**CLOSED SESSION REPORT BY CITY ATTORNEY**

**ROLL CALL**

Carchio, Dwyer, Green, Bohr, Coerper, Hardy, Hansen

**PLEDGE OF ALLEGIANCE - To be announced by Mayor Bohr.**

**INVOCATION - To be announced by Mayor Bohr.**

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.

**ANNOUNCEMENT OF LATE COMMUNICATION**

**AWARDS AND PRESENTATIONS**

4. **PRESENTATION - Mayor Bohr to present a commendation to coach Jim Harris in congratulations of his 600th win for Ocean View High School Basketball.**
5. **PRESENTATION - Mayor Bohr to call on Carolyn Emery to present a short presentation about the Local Agency Formation Commission.**
6. **PRESENTATION - Mayor Bohr to present a commendation to the Academy for the Performing Arts students and leaders who performed in the New Year's Day Parade with the City's winning Rose Parade Float.**
7. **PRESENTATION - Mayor Bohr to call on the Chair of the Centennial Ball, Mary Lou Shattuck, to talk about the Centennial Ball to be held on January 31, 2009.**
8. **MAYOR'S AWARD - Mayor Bohr to call on Public Works Director, Travis Hopkins to present the Mayor's Award to Traffic Markings Leadworker, Terry Tintle.**

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

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

## **CITY ADMINISTRATOR'S REPORT**

## **CITY TREASURER'S REPORT**

9. **(City Council) Review and accept Shari L. Freidenrich, City Treasurer's Investment Summary Report of City Investment Portfolio, Bond Proceeds, Deferred Compensation, and Retiree Medical Trust Activity for November 2008.**

### **Recommended Action:**

Review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for November 2008, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

## **CITY CLERK'S REPORT**

10. **(City Council) Annual Report from the Office of the City Clerk – A Year in Review. The City Clerk will present an oral report to Council that highlights her department's internal and external activity in 2008 in the areas of campaign and conflict of interest filing, City Council meeting preparation, codification, community event attendance, continuing education and accreditation, document imaging, passport acceptance and records management.**

## **CITY ATTORNEY'S REPORT**

11. **City Attorney's Notice of Filed Complaint by the City of Huntington Beach. City of Huntington Beach v. Joanne Cospers Bond, Orange County Superior Court Case No. 30-2009-00234768.**

**Nature of Case:** As the administrator of her parents' estate, Joanne Cospers Bond was partly responsible for maintenance of the property located at 1118 Huntington Street, Huntington Beach. The City seeks to collect unpaid fines, re-inspection fees, late penalties and interest, levied on Ms. Bond through the issuance of civil citations.

## **CONSENT CALENDAR**

12. **(City Council/Redevelopment Agency) Approve and adopt minutes.**

### **Recommended Action:**

Approve and adopt the minutes of the City Council/Redevelopment Agency Regular meeting of November 17, 2008, the City Council/Redevelopment Agency Regular meeting of December 15, 2008, and the City Council/Redevelopment Agency Regular meeting of January 5, 2009 as written and on file in the Office of the City Clerk.

13. **(City Council) Receive and File City Clerk's Annual Passport Acceptance Facility Report for January 1, 2008 through December 31, 2008.**

**Recommended Action:**

Receive and file the Annual Passport Acceptance Facility Report for 2008, as prepared and submitted by the Office of the City Clerk.

14. **(City Council) Adopt Resolution No. 2009-01 establishing the position of City Historian and appointing Jerry Person for a four-year term commencing August 20, 2007 to August 20, 2011; and, establishing the position of City Archivist and appointing Joel Watkins for a four-year term commencing August 20, 2007 to August 20, 2011.**

**Recommended Action:**

Adopt Resolution No. 2009-01, "A Resolution of the City Council of the City of Huntington Beach Establishing and Appointing a City Historian and City Archivist."

15. **(City Council) Approve project plans and specifications and award construction contract in the amount of \$2,162,249.73 to R. J. Noble Company for the Asphalt Overlay of 109 Various Residential Street Segments, MSC-454; and, authorize the Mayor and City Clerk to execute contract in a form approved by the City Attorney.**

**Recommended Action:**

- a) Approve the plans and specifications; and,
- b) Accept the lowest responsive and responsible bid submitted by R. J. Noble Company in the amount of \$2,162,249.73 for MSC 454; and,
- c) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

16. **(City Council) Approve and authorize the Mayor and City Clerk to execute a one-year Lease (with 3 options to extend one year) Agreement between the City of Huntington Beach and the Public Cable Television Authority (PCTA) for the use of the HBTv-3 studio on the lower level of City Hall for \$410 per month.**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute the "Lease Agreement Between the City of Huntington Beach and Public Cable Television Authority" for the use of the HBTv-3 studio on the lower level of City Hall.

17. **(City Council) Receive and file the 2007/08 Consolidated Annual Performance and Evaluation Report (CAPER) submitted to the Department of Housing and Urban Development (HUD) reporting the progress made in the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and American Dream Downpayment Initiative (ADDI) Programs between October 1, 2007 to September 30, 2008.**

**Recommended Action:**

Approve to receive and file the 2007/08 Consolidated Annual Performance and Evaluation Report.

18. **(Redevelopment Agency) Authorize the appropriation of \$68,500 to acquire an Environmental Insurance Policy with a term of five years for property located at 7872 Edinger (Big O Tire) to indemnify the Agency against unknown contamination that may be found when the building is eventually demolished.**

**Redevelopment Agency Recommended Action:**

Appropriate \$68,500 from the Merged Redevelopment Agency Capital Projects Fund Balance into account 30580101.69300.

19. **(City Council) Approve and authorize the Mayor and City Clerk to execute two ten-year site license agreements with Omnipoint Communications, a subsidiary of T-Mobile USA, Inc., for wireless facilities at Harbour View Park (16600 Saybrook Lane), and Bolsa View Park (5741 Brighton Drive).**

**Recommended Action:**

- a) Authorize the Mayor and City Clerk to approve and execute the "Site License Agreement Between the City of Huntington Beach and Omnipoint Communications, Inc., a Subsidiary of T-Mobile, USA, Inc., A Delaware Corporation at Harbour View Park;" and,
- b) Authorize the Mayor and City Clerk to approve and execute the "Site License Agreement Between the City of Huntington Beach and Omnipoint Communications, Inc., a Subsidiary of T-Mobile, USA, Inc., A Delaware Corporation at Bolsa View Park."
20. **(City Council//Redevelopment Agency) Approve and authorize the City Administrator/Executive Director to execute any and all loan documents with CIM Huntington, LLC, developer of The Strand, located on Fifth Street and Pacific Coast Highway.**

**City Council Recommended Action:**

- a) Approve the "Construction Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing;" and,
- b) Approve the "Agreement of Parties Re: Disposition and Development Agreement;" and,
- c) Authorize the City Administrator to execute any and all agreements in furtherance of the request.

**Redevelopment Agency Recommended Action:**

- a) Approve the "Construction Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing;" and,

- b) Approve the "Agreement of Parties Re: Disposition and Development Agreement;" and,
- c) Authorize the Executive Director to execute any and all agreements in furtherance of the request.

## **ADMINISTRATIVE ITEMS**

- 21. (City Council) Approve projects to receive the highest level of focus for funding efforts by the City's Federal Lobbyists during the 2009 legislative session; and, approve support for Mayor Newsom's Advancement of Renewal Ocean Power as recommended by the City Council Intergovernmental Relations Committee (IRC) Members: Councilmember Jill Hardy, Chair, Mayor Keith Bohr, and Councilmember Don Hansen.**

### **Recommended Action:**

- a) Approve as submitted the 2010 Federal Funding Agenda; and,
  - b) Approve signing a letter in support of Mayor Newsom's efforts to advance renewable ocean power.
- 22. (City Council) Approve the conceptual design plans for the three permanent visitor-serving buildings on the Municipal Pier; review third building function; and, direct staff to negotiate lease with the current pier concessionaires, Surf City Store, Kite Connection, and Let's Go Fishing.**

### **Recommended Action:**

- a) Approve the conceptual designs for the three new permanent visitor-serving buildings on the Municipal Pier with Option A with the slanted Tower Zero-type windows designated for the two buildings on the first platform, and Option B with the columns and arches similar to the adjacent restroom designated for the building on the third platform; and,
- b) Direct staff to negotiate a market rate lease with the current pier concessionaires, Surf City Store, Kite Connection, and Let's Go Fishing, using the City's standard concessionaire's agreement.

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

## **ADJOURNMENT**

**Council/Agency adjournment to a Special Meeting on Friday, January 30, 2009 at 8:00 AM at the Huntington Beach Central Library, Room C and D, 7111 Talbert Avenue, Huntington Beach, California 92648, for a Strategic Planning Retreat.**

**The next regularly scheduled meeting will be Monday, February 2, 2009 at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.**

**INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT**

**<http://www.surfcity-hb.org>**