



AGENDA

Monday, March 16, 2009



FRED A. WILSON
City Administrator

JENNIFER MCGRATH
City Attorney

JOAN L. FLYNN
City Clerk

SHARI L. FREIDENRICH
City Treasurer

CITY COUNCIL/REDEVELOPMENT AGENCY

CITY OF HUNTINGTON BEACH

5:30 PM - Closed Session, Council Chambers

**6:00 PM - Regular Meeting
Council Chambers - 2000 Main Street
Huntington Beach, CA 92648**

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

MAYOR AND CITY COUNCIL

KEITH BOHR
Mayor

CATHY GREEN **DEVIN DWYER**
Mayor Pro Tem Councilmember

JOE CARCHIO **DON HANSEN**
Councilmember Councilmember

GIL COERPER **JILL HARDY**
Councilmember 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

Monday, March 16, 2009

**MAYOR
AND CITY COUNCIL**

KEITH BOHR
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY

CITY OF HUNTINGTON BEACH

CATHY GREEN
Mayor Pro Tem

DEVIN DWYER
Councilmember

JOE CARCHIO
Councilmember

DON HANSEN
Councilmember

GIL COERPER
Councilmember

JILL HARDY
Councilmember

5:30 PM - Closed Session, Council Chambers

6:00 PM - Regular Meeting

Council Chambers - 2000 Main Street

Huntington Beach, CA 92648

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



5:30 PM - COUNCIL CHAMBERS

The 4:00 PM portion of the meeting will be recessed by the City Clerk to 5:30 PM in the Council Chambers due to an anticipated lack of quorum.

CALL TO ORDER

ROLL CALL

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

ANNOUNCEMENT OF LATE COMMUNICATION PERTAINING TO CLOSED SESSION ITEMS

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

RECESS TO CLOSED SESSION

CLOSED SESSION

1. Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Greg Moore v. City of Huntington Beach; WCAB Case Nos. ADJ 3165383 and ADJ 2516821; Claim Nos. COHB-03-0126, 06-0160, 98-0240, 06-0128, 04-0022, and 06-0085.

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 led by the Boy Scout Flag Unit.

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

Special Announcements

Mayor Bohr will announce the week of March 15 – 22, Sunshine Week. The first national Sunshine Week was launched March 13, 2005 to raise awareness about Open Government to the public. The American Society of Newspaper Editors, the American Library Association, the National Freedom of Information Coalition, the League of Women Voters, Common Cause California, California First Amendment Coalition, and other organizations are all sponsors of Sunshine Week. The City thanks the League of Women Voters for participating in Sunshine Week and helping to raise awareness of the importance of Open Government to the public.

Presentation

Mayor Bohr to call on Gayle Butler to present the MADD Awards to Huntington Beach Police Officers.

Presentation

Mayor Bohr to call Margie Bunten to announce the winners of the Centennial Celebration Youth and Education Month Elementary Art Contest and Middle School Essay Contest and their teachers to receive awards from the Centennial Celebration Committee.

Also, as part of the Centennial Celebration Youth and Education Month – Boy and Girl Scouts from all over Huntington Beach participated in Super Service Day on March 7th. The Scout leaders will receive special Centennial Patches for the scouts.

Mayor's Award

Mayor Bohr to call on Library Director Stephanie Beverage to present the Mayor's Award to the Children's Library Senior Librarian Mary Pat Gonzalez.

PUBLIC COMMENTS (3 Minute Time Limit)

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

CITY ADMINISTRATOR'S REPORT

- 2. (City Council) Update on Strategic Plan**

CITY TREASURER'S REPORT

- 3. (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 January 2009.**

Recommended Action:

Review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for January 2009, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

CONSENT CALENDAR

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

Recommended Action:

Approve and adopt the minutes of the City Council/Redevelopment Agency Special meeting of February 3, 2009, as written and on file in the Office of the City Clerk.

- 5. (City Council) Approve a sole source purchase of a digital voice recording and transcription system in the amount of \$170,974.71 from Versatile Information Products, Inc., using funding from the State Law Enforcement Services Fund (SLESF) grant award.**

Recommended Action:

- Waive the formal bidding requirement per Municipal Code Section 3.02.080(b) (4), Sole Source Goods and Services exemption; and,
- Authorize the purchase of a digital voice recording and transcription system from Versatile Information Products, Inc., using funding from the State Law Enforcement Services Fund grant award.

- 6. (City Council) Approve the Environmental Board appointments of Sue Gordon and Bo Glover for a first term to expire June 30, 2013, as recommended by City Council liaisons, Councilmembers Jill Hardy and Devin Dwyer.**

Recommended Action:

Approve the appointments of Sue Gordon and Bo Glover to the Environmental Board for a first term to expire June 30, 2013, as recommended by City Council liaisons Jill Hardy and Devin Dwyer.

7. **(City Council) Adopt Resolution No. 2009-11 approving the Supplemental Employee Retirement Plan and Trust; authorize the Mayor and City Clerk to execute the Plan and Trust Establishing the City Treasurer, Director of Finance and the City Administrator (or his/her designee) as the members of the Retirement Board; and, authorize the City Administrator to execute an agreement between the City and US Bank for investment and trust related services in a form approved by the City Attorney.**

Recommended Action:

- a) Adopt Resolution No. 2009-11, "A Resolution of the City Council of the City of Huntington Beach Approving the Supplemental Employee Retirement Plan and Trust and Establishing the Retirement Board;" and, authorize the Mayor to execute the Plan and Trust establishing the Retirement Board; and,
 - b) Authorize the City Administrator to execute the agreement between the City and US Bank for investment and trust related services in a form approved by the City Attorney.
8. **(City Council) Adopt Resolution Nos. 2009-12, 2009-13, 2009-14, 2009-15, 2009-16, 2009-17, 2009-18, and 2009-19 adopting Side Letter Agreements with all employee bargaining units modifying each respective Memorandum of Understanding (MOU) regarding supplemental retirement benefit options.**

Recommended Action:

- a) Adopt Resolution No. 2009-12, "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 Officers' Association (HBPOA), by Adopting the Side Letter of Agreement;" and,
- b) Adopt Resolution No. 2009-13, "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 a Side Letter of Agreement Regarding Supplemental Retirement Benefit Options;" and,
- c) Adopt Resolution No. 2009-14, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Marine Safety Officers Association, by Adopting a Side Letter of Agreement Regarding Supplemental Retirement Benefit Options;" and,
- d) Adopt Resolution No. 2009-15, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Firefighters' Association, by Adopting a Side Letter of Agreement Regarding Supplemental Retirement Benefit Options;" and,

- e) Adopt Resolution No. 2009-16, "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 a Side Letter of Agreement Regarding Supplemental Retirement Benefit Options;" and,
 - f) Adopt Resolution No. 2009-17, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Management Employees Organization, by Adopting a Side Letter of Agreement Regarding Supplemental Retirement Benefit Options;" and,
 - g) Adopt Resolution No. 2009-18, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Municipal Employees' Association, by Adopting a Side Letter of Agreement Regarding Supplemental Retirement Benefit Options;" and,
 - h) Adopt Resolution No. 2009-19, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Non-Associated Employees Regarding Supplemental Retirement Benefit Options."
9. **(City Council/Redevelopment Agency) Approve and authorize the Mayor and City Clerk to execute an affordable housing agreement with Dave Bishop, Pathways to Independence, for one unit of a four-unit apartment building located at 5111-5115 Dunbar Avenue (Tract 14448), Unit One.**

Recommended Action:

Approve the "Declaration of Conditions, Covenants and Restrictions for Property (Affordable Housing Restrictions-Rental)" by and between Dave Bishop, Pathways to Independence, the City of Huntington Beach, and the Redevelopment Agency of the City of Huntington Beach; and, authorize the Mayor, City Clerk and Deputy Executive Director to sign and execute.

10. **(City Council) Approve and authorize the Fire Chief to execute the Public Safety Interoperable Communications (PSIC) Grant Agreement in the amount of \$241,837 with the City of Santa Ana for purchase of 700MHZ portable radios; and, appropriate \$302,296 into a new fund and authorize offsetting revenue of \$241,837 in new grant revenues, and \$60,459 in a matching requirement.**

Recommended Action:

Approve and authorize the Fire Chief to accept the PSIC Grant, appropriate \$302,296 into a new fund and authorize offsetting revenue of \$241,837 in new grant revenues, and \$60,459 in a matching requirement.

ADMINISTRATIVE ITEMS

11. **(City Council) Approve a City Council position on legislation pending before the Federal, State, or Regional Governments 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) SUPPORT S 292 - Eliminating a federal withholding tax on certain payments made to vendors by government entities; and
- b) AUTHORIZE the Mayor to send a letter to the Governor requesting the formation of a Local Government Advisory Group consisting of emergency management stakeholders to work with the California Offices of Emergency Services and Homeland Security in the formation of the new cabinet-level California Emergency Management Agency as prescribed under AB 38 (Nava); and,
- c) RECEIVE AND FILE a letter sent to Cheryl Falvey, General Counsel to the Consumer Product Safety Commission regarding a recent ruling requiring testing for toxic material in books.

ORDINANCES FOR INTRODUCTION

12. **(City Council) Approve for Introduction Ordinance No. 3828 amending Chapter 1.18 of the Huntington Beach Municipal Code (HBMC) relating to administrative citations.**

Recommended Action:

After City Clerk reads by title, Approve for introduction Ordinance No. 3828, "An Ordinance of the City of Huntington Beach Amending Chapter 1.18 of the City of Huntington Beach Municipal Code Relating to Administrative Citations."

ORDINANCES FOR ADOPTION

13. **(City Council) Adopt Ordinance No. 3827 temporarily superseding certain City municipal and zoning code provisions relating to the required time of payment of specific development impact fees.
Approved for Introduction March 2, 2009.**

Recommended Action:

After City Clerk reads by title, Adopt Ordinance No. 3827, "An Ordinance of the City of Huntington Beach Temporarily Superseding Certain City Municipal and Zoning Code Provisions Relating to the Required Time of Payment of Specific Development Impact Fees."

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

Council/Agency adjournment to **Monday, April 06, 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>