

**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, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms** at the meeting or the **City Clerk (714) 536-5227**.

**AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY OF HUNTINGTON BEACH**

**MONDAY – APRIL 07, 2008**

4:00 P.M. - Room B-8  
6:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**4:00 P.M. – Room B-8**

**Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Hansen, Hardy, Bohr, Cook, Coerper, Green, Carchio

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Study Session and Closed Session Portion of the Agenda**

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

**Public Comments Regarding 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items**

**(City Council/Redevelopment Agency) Study Session – Circulation Element Update Study Session.** The Circulation Element Update will Evaluate the Long-Term Transportation Needs of the City and Present a Comprehensive Plan to Accommodate Those Needs. The Element Consists of the General Location and Extent of Existing and Proposed Major Thoroughfares, Transportation Routes, Terminals, and Other Local Public Utilities and Facilities, All Correlated with the Land Use Element of the Plan.

\*\*PowerPoint presentation entitled *Circulation Element Update* is included in the agenda packet.

### **Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action: Motion to recess to Closed Session on the following items:**

**(City Council) Closed Session** – 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: **Lloyd Edwards v. City of Huntington Beach**; WCAB Case Nos. AHM 0107396, AHM 0107420, and AHM 0107446; Claim Nos. COHB 98-0116 and COHB 00-0155.

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9, the City Council shall recess to Closed Session to confer with the City Attorney regarding the following lawsuit: **Adam Bereki v. Huntington Beach Police Department, et al.**; Orange County Superior Court Case No. 07CC09351. This case concerns sexual harassment and related causes of action alleged by a City employee.

**(City Council) Closed Session** – 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 Negotiator, 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.

**(City Council) Closed Session** – 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 Negotiator, Deputy Director of Economic Development, Kellee Fritzal, **regarding negotiations with the HB Auto I, LLC and C. S. B. Partnership for the purchase of real property located at 7872 Edinger Avenue in Huntington Beach.**

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following 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 Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

**6:00 P.M. – Council Chambers**

**Reconvene City Council/Redevelopment Agency Meeting**

**The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

**Roll Call** Hansen, Hardy, Bohr, Cook, Coerper, Green, Carchio

**Pledge of Allegiance/Flag Salute** – To be led by Cub Scout Pack 227

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.

**Invocation** – To be announced by the Mayor

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

**(1)** The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

**Special Presentation** – The singing group “Three Too Many” will present a special song dedicated to the American Cancer Society Relay for Life event.

**Presentation** – Mayor Debbie Cook to call on Huntington Beach Tree Society member Jean Nagy to accept a proclamation for Arbor Day.

**Presentation** – Mayor Debbie Cook to call on Pam Alagata to introduce the new Miss Huntington Beach Cayce Crowder and her court – Arroya Karian, Lauren Guitrau, Samantha Gallo and Amber Palm. Miss Huntington Beach Outstanding Teen Laura Cunningham will also be introduced.

## **B. PUBLIC COMMENTS**

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendaized.

Complete the attached pink form and give to the Sergeant at Arms (the Police Officer located near the speakers' podium).

**C-1. 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 on pages 321 through 325. The budget is available on the city's website at [www.surfcity-hb.org](http://www.surfcity-hb.org). Exceptions to these lists have been submitted as a report to the City Clerk for inclusion in the record of this meeting.

**C-2. City Administrator's Report**

**C-4. City Attorney's Notice of Cross-Complaint Filed by the City of Huntington Beach for: 1) Express Indemnification; 2) Equitable Indemnification; 3) Apportionment Of Fault; and, 4) Declaratory Relief. Orange County Superior Court Case No. 30-2008-00102352. Nature of Case: Vehicle Accident at the Intersection of Adams and Bushard.**

**E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

**E-1. (City Council/Redevelopment Agency) Approve Minutes** – Motion to: Approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of March 17, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**E-2. (City Council) Approve and Authorize the Mayor and City Clerk to Execute a Transfer Agreement Assigning the Existing Professional Service Contract with EDAW Inc. for Preparation of an Environmental Impact Report (EIR) for an Update of the General Plan Circulation Element to Hogle-Ireland, Inc.** – Motion to: Approve and authorize the Mayor and City Clerk to approve the *Assignment Agreement* which assigns the existing *Professional Service Contract Between the City of Huntington Beach and EDAW, Inc.* in the amount of \$213,700 for preparation of an Environmental Impact Report for the update of the General Plan Circulation Element to Hogle-Ireland, Inc. Submitted by the Director of Planning. Funding Source: The allocation of \$213,700 is budgeted in the Fair Share Traffic Impact Fee Professional Services Account, 20685201.69365.

**E-3. (City Council) Approve and Authorize the Mayor and City Clerk to Execute a Lease Agreement Between the City of Huntington Beach and Michael Mehalick for Continued Use of 780 Square Feet of Space Located on the First Floor of the Main Street Library, 525 Main Street (Library Annex) for the Purpose of a Design/Architect Business** – Motion to: Approve and authorize the Mayor and City Clerk to execute the *Lease Agreement Between the City of Huntington Beach and Michael Mehalick for the Premises at 525 Main Street (Library Annex) in the City of Huntington Beach.* Submitted by the Director of Economic Development and the Director of Library Services. Funding Source: Not applicable.

**E-4. (City Council) Approve and Authorize the Mayor and City Clerk to Execute a License Agreement Between the City of Huntington Beach and See Scopes for Six Coin-Operated Telescopes on the Municipal Pier** – Motion to: Approve the *License Agreement Between the City of Huntington Beach and See Scopes* for coin-operated telescopes on beach and pier, and authorize the Mayor and City Clerk to execute same. Submitted by the Director of Community Services. Funding Source: Not applicable.

Per  
Education  
Code  
§17492  
Must be  
Approved  
by Two  
/Thirds  
Vote or  
Five  
Members  
of  
Council

**E-5. (City Council) Adopt Resolution No. 2008-22 Relating to the Inadequacy of Public Lands in the Vicinity of the LeBard Elementary School Site to Meet Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes (LeBard School is located at 20451 Craimer Lane)** – Motion to: Adopt **Resolution No. 2008-22**, “A Resolution of the City Council of the City of Huntington Beach Relating to the Inadequacy of Public Lands in the Vicinity of LeBard Elementary School Site to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes.” Submitted by the Director of Community Services. Funding Source: Not applicable; only requesting permission to negotiate at this time.

**E-6. (Redevelopment Agency) Approve a Commitment of Redevelopment Agency Housing Set Aside Funds in an Amount Not to Exceed \$2.16 Million Dollars; Authorize the Interim Executive Director to Execute Documents Confirming This Commitment; and, Direct Staff to Move Forward With the Preparation of an Owner Participation Agreement (OPA) That will Delineate the Acquisition and Rehabilitation Assistance for the 185-Unit Wycliffe Garden Senior Apartments Located at 18765 Florida Street** – Motion to: Approve a commitment of Redevelopment Agency funds in an amount not to exceed \$2.16 million, authorize the Interim Executive Director to execute documents confirming this commitment, and direct staff to move forward with the preparation of an Owner Participation Agreement (OPA) that will delineate the acquisition and rehabilitation assistance using Housing Set Aside Funds to be provided for the Wycliffe Garden Senior Apartments. Submitted by the Deputy Executive Director/Director of Economic Development. Funding Source: Funding will be through the Redevelopment Agency Housing Set Aside Funds in an amount not to exceed \$2.16 million. Funding will be used towards the acquisition of Wycliffe Garden Senior Apartments. Once the acquisition is in escrow, staff and the owner will develop a building rehabilitation budget and the creation of an Owner Participation Agreement (the OPA). If the acquisition does not proceed, the Agency will not be required to release any funds.

**E-7. (City Council) Approve Release of the Faithful Performance Bond Provided as Security by William Fox Group, Inc., Developer of Tract 16573, Located on the East Side of Delaware Street, South of Yorktown Avenue; Accept the Public Improvements and the Guarantee and Warranty Bond Furnished as Security for Those Improvements** – **1)** Accept the improvements constructed for public use with Tract No. 16573; and, **2)** Accept Guarantee and Warranty Bond No. 245832, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3)** Release the Faithful Performance Bond No. 245832, Labor and Material Bond No. 245895 and Monument Bond No. 245833 pursuant to California Government Code Section No., 66499.7 (a); and, **4)** Instruct the City Clerk to notify the developer, William Fox Group, Inc., of this action and the City Treasurer to notify the surety, American Contractors Indemnity Company, of this action; and **5)** Instruct the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Director of Public Works. Funding Source: No funds required for this action.

**E-8. (City Council) Approve and Authorize the Mayor and City Clerk to Execute the Consent to Sublease Agreement Between the City of Huntington Beach and American Golf Corporation, CNL Income EAGL Meadowlark, LLC as Subtenant, and Evergreen Alliance Golf Limited, LP, Which Will Operate Meadowlark Golf Course Located at 16782 Graham Street** – Motion to: **1)** Approve the *Consent to Sublease Agreement* by and between the City of Huntington Beach and American Golf Corporation, a California corporation, as the lessee, and CNL Income EAGL Meadowlark, LLC, a Delaware limited liability company, as the subtenant of the lessee, and Evergreen Alliance Golf Limited, L. P., a Delaware limited partnership, which will operate the premises; and, **2)** Authorize the Mayor and City Clerk to sign and execute the *Consent to Sublease Agreement*; and **3)** Authorize the Director of Community Services and Director of Economic Development or designee to take any action and execute any and all documents and agreements necessary to implement this agreement. Submitted by the Director of Community Services and the Director of Economic Development. Funding Source: Not applicable.

**F. Administrative Items**

**F-1. (City Council/Redevelopment Agency) Receive and File the Main Street Trial Closure Report Providing a Summary and Data From the Pilot Program on Tuesday Evenings Known as “Surf City Nights”**

Communication from the Director of Economic Development/Deputy Executive Director transmitting the following

**Statement of Issue:** On June 5, 2006, City Council directed Economic Development staff to form an Ad Hoc Committee to study a potential pedestrian mall pilot project. As a result, on November 20, 2006, the City of Huntington Beach/Redevelopment Agency approved a three-month trial closure proposal on Tuesday evenings known as “Surf City Nights” and themed weekend closures. This report provides a summary and data from the pilot program.

**Funding Source:** Not applicable.

**Recommended Action:** Motion to:

Receive and File the Main Street Trial Closure Report.

\*\*PowerPoint presentation entitled *Main Street Trial Closure* is included in the agenda packet.

**G. Ordinances**

**G-1a. (City Council) Adopt Ordinance No. 3800 Amending Chapter 7.08 of the Huntington Beach Municipal Code (HBMC) Relating to Licensing Provisions for Dogs and Cats**

Approved for Introduction March 17, 2008

**Recommended Action:** After the City Clerk reads by title, Adopt **Ordinance No. 3800**, “*An Ordinance of the City of Huntington Beach Amending Chapter 7.08 of the Huntington Beach Municipal Code Relating to Licensing Provisions for Dogs and Cats*” by roll call vote.

## H. City Council/Redevelopment Agency Items

### H-1a. (City Council) Submitted By Councilmembers Cathy Green and Joe Carchio – Approve in Concept a Display of the National Motto “In God We Trust” in the City Council Chambers; and, Appoint an Ad Hoc City Council Committee to Return With Recommendations on the Appearance and Location of the Display

Communication from Councilmembers Cathy Green and Joe Carchio transmitting the following

**Statement of Issue:** Since 2002 the Bakersfield City Council has displayed the national motto that appears on all United States currency, “In God We Trust,” in their City Council Chambers.

Recently we received a request from Bakersfield City Councilmember Jacquie Sullivan encouraging Huntington Beach along with other cities to join the 30 California cities that now proudly display this national motto in their chambers. To that end, we would like to recommend the following:

**Recommended Action:** Motion to:

1. Approve in concept a display of the motto, “In God We Trust,” in the City Council Chambers.
2. Appoint an Ad Hoc Council Committee to return with recommendations on the appearance and location of the display.

Attached (in the agenda packet) is information from Bakersfield Councilmember Sullivan. It includes a list of the cities and photos of some of the displays as well as some legal background on such displays.

### Council Comments – (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

**Council/Agency Adjournment** to an Adjourned Regular Meeting **Thursday, April 17, 2008 at 5:00 p.m., at Central Library, Rooms C and D, 7111 Talbert Ave.,** Huntington Beach, California.

The next regularly scheduled meeting will be **Monday, April 21, 2008 at 4:00 p.m.** in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge. Videos of City Council Meetings from December 19, 2005 to present are available to view at no cost on the City's Website:  
<http://www.surfcity-hb.org/government/agendas&minutes>

**JOAN L. FLYNN, CITY CLERK  
City of Huntington Beach  
2000 Main Street - Second Floor  
Huntington Beach, California 92648**

***COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL  
MEETINGS  
<http://www.surfcity-hb.org>***