

## **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 – JULY 7, 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  
(Councilmember Coerper has requested permission to be absent pursuant to Resolution No. 2001-54)

#### **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 – The Library Board of Trustees will Present Information, Including an Architect’s Analysis and Preliminary Findings, Regarding the Planning and Building of a New Banning Branch of the Huntington Beach Public Library.**

PowerPoint presentation titled *New Banning Branch Library Project; Huntington Beach Public Library* 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 54956.8, 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 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: ***Gary Meza v. City of Huntington Beach***; WCAB Case No. LBO 0386770; Claim No. COHB-05-0150.

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6, the City Council shall recess to Closed Session to meet with its designated labor negotiators: Paul Emery, Interim City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Human Resources; Dan Villella, Finance Director; and Duane Olson, Fire Chief regarding ***Labor Negotiations with FMA***.

**(City Council) Closed Session** – Pursuant to Government Code Section 54957, the City Council shall recess to Closed Session to discuss the following personnel matter: ***Recruitment of City Administrator***.

**(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: ***Catherine Denise Cranford v. City of Huntington Beach, et al.***; Orange County Superior Court Case No. 30-2008 00106397. Plaintiff, a former supervisor in the City’s jail, has sued the City and another jail supervisor alleging violation of her right to privacy in releasing confidential medical information and alleging sexual harassment based on her sexual orientation.

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(A), the City Council shall recess to Closed Session to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. Number of Potential Cases: Unknown at this time.  
Subject: **Potential Litigation re: Utility User Tax.**

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  
(Councilmember Coerper has requested permission to be absent pursuant to Resolution No. 2001-54)

**Pledge of Allegiance/Flag Salute** – To be announced by Mayor Cook.

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 Mayor Cook.

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.)

**Presentation** – Mayor Cook to invite Robert Mayer from the Robert Mayer Corporation to present a check for the Centennial Celebration in the amount of \$100,000. The Robert Mayer Corporation, which developed the Hilton Waterfront Resort and the Hyatt Regency Resort and Spa will be designated as the title sponsor for the Centennial Celebration.

**Presentation** – Mayor Cook to call on City Clerk Joan Flynn to present a check to the American Cancer Society Relay for Life, from the HB United Team.

**Presentation** – Mayor Cook to call on Junior Lifeguard Program Coordinator Dave Simcox to introduce the Tairua Surf Lifesaving Junior Team from New Zealand.

**Presentation** – Mayor Cook to call on Carmen Erber from the Sister City program to introduce the HB students who represented Huntington Beach in Anjo, Japan and Waitakere, New Zealand and their counterparts who are currently visiting Huntington Beach from our Sister Cities.

**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 agendized.

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-1a. (City Council) Submitted by Mayor Debbie Cook, Mayor Pro Tem Keith Bohr, and Councilmember Gil Coerper, City Council Liaisons to the Centennial Celebration Committee Requesting Support for the Design of the Float to be Featured in the Tournament of Roses® Parade on January 1, 2009**

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

**C-4. City Attorney's Notice of Complaint Filed by the City of Huntington Beach to Enforce the Affordability Covenant at Units B-14, D-33 and D-41 at Brisas del Mar, to Recover Actual Damages for Breach of Covenant, and to Recover Punitive Damages for Fraud.**

***The Mayor will Recess the City Council/Redevelopment Agency Regular Meeting and Convene the Huntington Beach Civic Improvement Corporation Meeting.***

**Regular Meeting of the Huntington Beach Civic Improvement Corporation**

Call the Regular Meeting of the Huntington Beach Civic Improvement Corporation to Order.

**Roll Call**

Hansen, Hardy, Bohr, Cook, Coerper, Green, Carchio

**Election of Officers** – Motion to: Elect Debbie Cook, President of the Civic Improvement Corporation; Keith Bohr, Vice President of the Civic Improvement Corporation and Joan L. Flynn, Secretary of the Civic Improvement Corporation.

**Approve Civic Improvement Corporation Minutes** – Motion to: Approve and adopt the minutes of the July 2, 2007 Regular Meeting of the Civic Improvement Corporation as written and on file in the Office of the Secretary. Submitted by the Secretary.

**Adjourn** the Huntington Beach Civic Improvement Corporation Meeting.

***The Mayor Will Adjourn the Huntington Beach Civic Improvement Corporation Meeting and Reconvene the City Council/Redevelopment Agency Regular Meeting.***

**D. PUBLIC HEARING**

Anyone wishing to speak on an OPEN public hearing item is requested to complete the attached pink form and give it to the Sergeant at Arms located near the Speaker's Podium.

**D-1. (City Council) Public Hearing to Adopt Resolution No. 2008-33 Authorizing Staff to Apply for a California Department of Transportation 5310 Program Grant for the Purchase of One New Vehicle and Four Replacement Vehicles for the City of Huntington Beach Senior Transportation Program**

Communication from the Director of Community Services transmitting the following

**Statement of Issue:** NOTICE IS HEREBY GIVEN that on Monday, July 7, 2008, at 6:00 pm in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing to authorize the application to the California Department of Transportation for a Federal Transit Administration Section 5310 program grant to purchase accessible vans and buses to transport elderly and physically challenged persons.

**PURPOSE:** The City of Huntington Beach Community Services Department is conducting a public meeting before the City Council of the City of Huntington Beach to authorize application to the California Department of Transportation for a Federal Transit Administration Section 5310 program grant to purchase accessible vans and busses to transport elderly and physically challenged persons.

A public hearing will be held to consider whether there are any private, nonprofit transportation agencies readily available to carry out the Senior Transportation Program currently being provided by the City.

ALL INTERESTED PERSONS OR PRIVATE, NONPROFIT PROVIDERS willing to express support or opposition on the proposed grant application and the proposed use of said grant will be given an opportunity to do so at the public hearing or may, prior to the time of the hearing, submit written comments to the office of the City Clerk.

- Staff report
- City Council discussion
- Open public hearing
- Following public input, close public hearing

**Funding Source:** No funding is needed at this time. If the City of Huntington Beach is awarded the grant, the Senior Services Donation Account will be used to provide the local 11.47 percent match requirement, totaling approximately \$36,245. The total value of the grant is \$316,000 (\$279,755 grant plus \$36,245 match).

**Recommended Action:** Motion to:

Adopt **Resolution No. 2008-33**, "A Resolution of the City Council of the City of Huntington Beach Authorizing Staff to Apply to the California Department of Transportation for a Federal Transit Administration Section 5310 Program Grant" to purchase accessible vans and buses and related equipment to transport elderly and persons with physical challenges.

## **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 June 16, 2008 and the City Council/Redevelopment Agency Special Meeting of June 20, 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 Execution and Recordation of Three Special Utility Easement Agreements Granting the City Legal Access to Maintain and Repair Public Water Facilities Constructed on Ocean View School District (OVSD) Property Located at 8175 Warner Avenue** – Motion to: **1)** Approve and authorize the Mayor and City Clerk to execute the *Special Utility Easement Agreement* Backflow Easement Parcel 1 Agreement; **2)** Approve and authorize the Mayor and City Clerk to execute the *Special Utility Easement Agreement* Backflow Easement Parcel 2 Agreement; **3)** Approve and authorize the Mayor and City Clerk to execute the *Special Utility Easement Agreement* Water Meter Easement; and, **4)** Authorize the City Clerk to record the Special Utility Easement Agreements with the Orange County Recorder. Submitted by the Director of Public Works. Funding Source: Not applicable.

**E-3. (City Council) Approve and Authorize the Mayor and City Clerk to Execute a Multi-Year Memorandum of Understanding (MOU) Between the City of Huntington Beach and the City of Anaheim (Serving as Host Agency) to Participate in a Countywide Driving Under the Influence (DUI) Campaign Known as “Avoid The 28,” Funded by a Grant from the State of California Office of Traffic Safety (OTS); and, Establish a Separate Fund** – Motion to: **1)** Approval to enter into a multi-year agreement by accepting the *Memorandum of Understanding Relating to Avoid the 28–Driving Under the Influence Campaign Project for Orange County* for the City of Anaheim as it pertains to OTS Grant Agreement #AL0848 from October 1, 2007 until January 31, 2011. Authorize the Mayor and City Clerk to execute the Agreement; and, **2)** Establish a separate fund for this funding. Submitted by the Chief of Police. Funding Source: This is a multi-year grant, which is funded by the California Office of Traffic Safety for the period of October 1, 2007 to January 31, 2011. Based on the OTS agreement with the City of Anaheim, OTS has funded \$542,000 for allied agencies involved. This will be funded from estimated revenue for a new grant not anticipated during the budget adoption process.

**E-4. (City Council) Approve the Second Term Reappointments of David Hubbard, Susie Jones, John Myers and Dan Moss to the Community Services Commission With a Term to Expire June 30, 2012; and, the First Term Appointments of Albert Gasparian and Alan Pogrund to the Community Services Commission With a Term to Expire June 30, 2012 as Recommended by Council Liaisons, City Councilmembers Joe Carchio, Cathy Green, and Don Hansen** – Motion to: **1)** Reappoint David Hubbard as a school board representative for Westminster School District for a second term. The term will be from July 1, 2008 through June 30, 2012; **2)** Reappoint Susie Jones as a school board representative for Fountain Valley School District for a second term. The term will be from July 1, 2008 through June 30, 2012; **3)** Reappoint John Myers as a school board representative for Huntington Beach Union High School for a second term. The term will be from July 1, 2008 through June 30, 2012; **4)** Appoint Albert Gasparian as a school board representative for Coast Community College District for a first term. The term will be from July 1, 2008 through June 30, 2012; **5)** Appoint Alan Pogrund as a school board representative for Ocean View School District for a first term. The term will be from July 1, 2008 through June 30, 2012; and, **6)** Reappoint Dan Moss as a member-at-large for a second term. The term will be from July 1, 2008 through June 30, 2012. Submitted by City Councilmembers Joe Carchio, Cathy Green, and Don Hansen, Liaisons to the Community Services Commission. Funding Source: Not applicable.

**E-5. (City Council) Accept Public Improvements and Approve the Release of Securities for Parcel Map No. 2001-226 to Boeing Reality Corporation, the Developer for McDonnell Centre Specific Plan No. 11, Phase II, Located East of Bolsa Chica Street and South of Rancho Road** – Motion to: **1)** Accept the improvements constructed for public use with Parcel Map No. 2001-226; **2)** Release the following pursuant to California Government Code Section No. 66499.7(a):

- a. Faithful Performance Bond No. 8183 64 88,
- b. Labor and Material Bond No. 8183 64 88, and
- c. Monument Bond No. 8183 64 89

**3)** Instruct the City Clerk to notify the developer, Boeing Realty Corporation, of this action and the City Treasurer to notify the surety, Federal Insurance Company of this action; and, **4)** 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-6. (City Council) Adopt Resolution No. 2008-34 Approving a Side Letter to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Management Association (PMA) Regarding the Medical Retirement Trust Fund Program** – Motion to: Adopt **Resolution No. 2008-34**, *“A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Police Management Association, by Adopting the Side Letter of Agreement (Regarding Medical Retirement Trust Fund Program).”* Submitted by the Director of Human Resources. Funding Source: The cost to implement the Medical Retirement Trust Fund Program will be borne by the Police Management Association members.

**E-7. (City Council) Adopt Resolution No. 2008-35 Approving a Side Letter to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Officers' Association (POA) Regarding the Medical Retirement Trust Fund Program** – Motion to: Adopt **Resolution No. 2008-35**, *“A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Police Officers' Association, by Adopting the Side Letter of Agreement (Regarding Medical Retirement Trust Fund Program).”* Submitted by the Director of Human Resources. Funding Source: The cost to implement the Medical Retirement Trust Fund Program will be borne by the Police Officers' Association members.

**E-8. (City Council/Redevelopment Agency) Adopt City Council Resolution No. 2008-36 Approving an Affordable Housing Agreement with Pacific Court Apartments, L.P., Approving a Relocation Plan, a Loan of HOME Investment Partnerships Program Funds, and Making Certain Findings Regarding the Acquisition and Rehabilitation of a 48-Unit Apartment Complex Located at 2200 Delaware Street; Adopt Redevelopment Agency Resolution No. 372 Approving an Affordable Housing Agreement with Pacific Court Apartments, L.P., Approving a Relocation Plan, a Loan of Housing Set Aside Funds, and Making Certain Findings; Approve the Appropriation of \$8,784,224; and, Authorize the Interim City Administrator/Executive Director and the Mayor/Agency Chairman to Execute Any and All Documents Necessary to Implement the Affordable Housing Agreement**

**City Council Recommended Action:** Motion to: **1) Adopt Resolution No. 2008-36**, *“Resolution of the City Council of the City of Huntington Beach Approving An Affordable Housing Agreement With Pacific Court Apartments, L.P., Approving a Relocation Plan, Approving a Loan of HOME Funds and Making Certain Findings;”* **2) Authorize the Interim City Administrator (or designee) and the Mayor to take any action and execute any and all documents and agreements necessary to implement the Affordable Housing Agreement.**

**Redevelopment Agency Recommended Action:** Motion to: **1) Adopt Resolution No. 372**, *“Resolution of the Redevelopment Agency of the City of Huntington Beach Approving An Affordable Housing Agreement With Pacific Court Apartments, L. P., Approving a Relocation Plan, Approving a Loan of Housing Set Aside Funds and Making Certain Findings;”* **2) Appropriate \$8,784,224 from the unappropriated, undesignated Fund Balance of the Low Income Housing Set Aside Funds into account 30680301.89250; and, 3) Authorize the Interim Executive Director (or designee) and the Agency Chairperson to take any action and execute any and all documents and agreements necessary to implement the Affordable Housing Agreement. Submitted by the Director of Economic Development/Deputy Executive Director Funding Source: Federal HOME Investment Partnership Funds of \$500,000 (account 84780401.89250) and Redevelopment Housing Set Aside funds (account 30680301.89250) in an amount of \$8,784,224, which will be used for the acquisition of the property.**

**E-9. (City Council) Adopt Resolution No. 2008-37 Calling and Giving Notice of a General Municipal Election on November 4, 2008 for the Election of Officers; and, Adopt Resolution No. 2008-38 Requesting the County of Orange to Consolidate the City's General Municipal Election with the Statewide General Election on November 4, 2008**  
**1) Adopt Resolution No. 2008-37**, *"A Resolution of the City Council of the City of Huntington Beach, California, Calling and Giving Notice of a General Municipal Election to be Held on Tuesday, November 4, 2008, for the Election of Certain Officers as Required by the Provisions of the Charter"*; and **2) Adopt Resolution No. 2008-38**, *"A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 4, 2008 with the Statewide General Election to be Held on that Date Pursuant to §10403 of the Elections Code."* Submitted by the City Clerk. Funding Source: Funds estimated at \$173,759 and \$208,511 by the Registrar of Voters will be budgeted in fiscal year 2008/2009, Election Account #10010101.69300.

## **G. Ordinances**

### **G-2. Ordinances for Introduction**

#### **G-2a. (City Council) Approve for Introduction Ordinance No. 3807 Amending Title 2 of the Huntington Beach Municipal Code (HBMC) Relating to Administration and Personnel**

Communication submitted by the City Attorney transmitting the following

##### **Statement of Issue:**

From time to time, minor changes and modifications are suggested for various Municipal Code Sections to address issues which have arisen. Minor changes are proposed to Title 2 to add consistency in the manner in which Directors of different departments are mentioned. The change to Section 2.15.030 is from Finance Director to Director of Finance to make it consistent with the designation of Directors in other charters. Section 2.24 and 2.52 change the designation of Chief of Police to Police Chief.

**Recommended Action:** After City Clerk reads by title, Approve Introduction of **Ordinance No. 3807**, *"An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code Relating to Administration and Personnel"* by roll call vote.

**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 **Monday, July 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  
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