

## **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 21, 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 Hardy 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 #1 – Proposed Water Management Program and Update of Water Supply**

**(City Council/Redevelopment Agency) Study Session #2 – City of Huntington Beach Transit Needs Assessment Study Update: Review of Project Concept Submittals Developed in Cooperation with Stanton, Fountain Valley and Westminster under the OCTA Go Local Program**

**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 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, Director of 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.***

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 Hardy 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 Ron Shenkman from Rainbow Disposal to present a check for the Centennial Celebration.

**Presentation** – Mayor Cook to invite Amy Tomchak from the Surf City USA Marathon to present a check for the Centennial Celebration.

**Presentation** – Mayor Cook to call on Fire Chief Duane Olson to present a Tsunami Ready Proclamation that was received from the Orange County Board of Supervisors.

**Presentation** – Mayor Cook to call on Police Chief Ken Small to present commendations to Police Officers Rick McNaughton and R.J. Garwood for their heroic efforts in saving a one-year-old boy from choking to death.

**Mayor's Award** – Mayor Cook to call on Permit and Plan Check Manager Gerald Caraig to present the Mayor's Award to Permit and Plan Check Supervisor Michele Diaz.

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

### **C-3. City Treasurer's Report**

#### **C-3a. (City Council) Review and Accept Shari L. Freidenrich, City Treasurer's May 2008 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation, and Retiree Medical Trust Activity for May 2008***

Communication from City Treasurer Shari L. Freidenrich transmitting the Monthly Investment Report and Summary of Investments for May 2008.

**Recommended Action:** Motion to: Review and accept the Monthly Investment Report. Following review of the report, by motion of Council, accept the Monthly Investment Report

entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation, and Retiree Medical Trust Activity for May 2008*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

PowerPoint presentation titled *May's Treasurer Report* is included in the agenda packet.

**C-4. City Attorney's Notice of Cross-Complaint Filed by the City of Huntington Beach for Indemnification, Apportionment of Fault and Declaratory Relief. Nature of Case: On December 11, 2006, Denboer Engineering and Construction, Inc. Excavated Land for the City of Huntington Beach at or Near Coral Cay, With Back Hoe Equipment and Damaged Underground Electrical Facilities Owned and Operated by Southern California Edison Company**

#### **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 Consider Approval of Introduction of Ordinance No. 3808 Amending Huntington Beach Municipal Code (HBMC) Chapter 17.56 Regarding Fire Sprinkler and Construction Requirements**

Communication from the Acting Fire Chief transmitting the following

**Statement of Issue:**

NOTICE IS HEREBY GIVEN that on Monday, July 21, 2008 at 6:00 PM in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing upon said proposed ordinance:

AMENDMENT OF THE HUNTINGTON BEACH MUNICIPAL CODE – an Ordinance of the City Council of the City of Huntington Beach Amending Section 903.2; 903.6.2; and 14.13.1, and adding new Sections 903.2.19; and 1414.1.1 of Chapter 17.56 of the Huntington Beach Municipal Code relating to sprinkler and construction requirements.

NOTICE IS FURTHER given that at least one copy of the Huntington Beach Municipal Code, Chapter 17.56, is on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public. A copy of the proposed Ordinance is on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the proposed ordinance. If there are any further questions, please call the Fire Department at 714/536-5411 and refer to the above item. Direct your written communications to the City Clerk.

- Staff report
- City Council discussion
- Open public hearing

- Following public input, close public hearing

**Funding Source:** Not applicable

**Recommended Action:** Motion to:

Approve for Introduction **Ordinance No. 3808**, *“An Ordinance of the City of Huntington Beach Amending Chapter 17.56 of the Huntington Beach Municipal Code Relating to the Fire Code,”* amending Sections 903.2, 903.6.2 and 1413.1, and adding new Sections 903.2.19 and 1414.1.1 of Chapter 17.56 of the Huntington Beach Municipal Code relating to sprinkler and construction requirements.

#### **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 July 7, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**E-2. (City Council) Adopt Resolution No. 2008-39 Adopting Capital Improvement Programs (CIP) for the Years 2008/2009 Through 2014/2015 For Compliance with Measure M and Proposition 111 Requirements** – Motion to: Adopt **Resolution No. 2008-39**, *“A Resolution of the City Council of the City of Huntington Beach Adopting Capital Improvement Programs for the Years 2008/2009 Through 2014/2015 for Compliance With Measure M and Proposition 111 Requirements.”* Submitted by the Director of Public Works. Funding Source: No funding is required for the resolution. Annual Measure M Turnback allocation is approximately \$2.4 million.

**E-3. (City Council) Adopt Resolution No. 2008-40 Confirming Reports of Cost for Weed Abatement on Private Property Within the City 2008 Season and Certify All Charges Listed to the Orange County 2008-2009 Property Tax Roll – 1) Adopt Resolution No. 2008-40**, *“A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property Within the City 2008 Season”*; and, **2) Direct** that all charges listed thereon be certified to the Orange County 2008-2009 Property Tax Roll. Submitted by the Director of Public Works. Funding Source: A special assessment totaling \$21,238.44 will be charged to the Orange County property tax roll and reimbursed to the City’s General Fund by the County of Orange as part of the ordinary collection process.

**E-4. (City Council) Approve Project Plans and Specifications and Award Construction Contract in the Amount of \$1,288,675 to Ken Thompson, Inc. for the Water Main Replacement Project at Various Locations Along Beach Boulevard, CC-1331; Authorize the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney; and Authorize the Director of Public Works to Approve up to Fifteen Percent (15%) in Construction Change Orders – 1)** Approve the project plans and specifications for Water Main Replacement Project, Various Locations Along Beach Boulevard, CC-1331; **2)** Accept the lowest responsive and responsible bid submitted by Ken Thompson, Inc., in the amount of \$1,288,675.00; **3)** Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and **4)** Authorize the Director of Public Works to approve up to fifteen percent (15%) in construction change orders. Submitted by the Director of Public Works. Funding Source: Funds are available in the Water Master Plan, Water Main Replacements, Water Improvements, Account No. 50791006.82100. The engineer's estimate for this project was \$2 million.

**E-5. (City Council) Adopt Resolution No. 2008-41 Adopting a Policy Relating to Temporary Use Permits (TUP) for Outdoor Retail Sales on Private Property Within the Downtown Specific Plan Area as Recommended by the Downtown Ad-Hoc Committee –** Motion to: Adopt **Resolution No. 2008-41**, *“A Resolution of the City Council of the City of Huntington Beach Adopting a Policy Relating to Temporary Outdoor Retail Sales on Private Property Within the Downtown Specific Plan Area.”* Submitted by the Director of Economic Development and the Director of Planning. Funding Source: Not applicable.

**E-6. (City Council) Authorize a \$310,000 Increase (25%) in the Construction Change Order Limit for the Downtown Water Main Replacement Project, CC-1283 for Emergency Repair Services Made by Williams Pipeline Contractor, Inc. on an Unrelated Water Main Project, CC-1238 Located on the Alley Bounded by Frankford Avenue, Geneva Avenue, Hartford Avenue, and Indianapolis Avenue which was Started and Not Completed by Accord Engineering, Inc. –** Motion to: Authorize an increase in construction change order limit for CC-1283 to 25%. Submitted by the Director of Public Works. Funding Source: Funds in the amount of \$310,000 are budgeted in the Water Master Plan, Water Main Replacement, Water Improvements, Account No. 50791006.82100.

**E-7. (City Council) Adopt Resolution No. 2008-42 Informing the Orange County Transportation Authority (OCTA) that the Circulation Element for the City of Huntington Beach is in Conformance with the Master Plan of Arterial Highways (MPAH), Allowing the City to Qualify for Participation in the Combined Transportation Funding Programs (CTFP) –** Adopt **Resolution No. 2008-42**, *“A Resolution of the City Council of the City of Huntington Beach Designating the Circulation Element for The City of Huntington Beach.”* Submitted by the Director of Public Works. Funding Source: No funding is required. CTFP funds of approximately three (\$3) million dollars have been authorized over the next three years.

**E-8. (City Council) Approve the Revised Employment Agreement for Ambulance Operator Personnel Which Includes Language Revisions Related to Wages, Benefits and Work Scheduling** – Approve the revised *Employment Agreement* for Ambulance Operator personnel in the Huntington Beach Fire Department. Submitted by the Fire Chief. Funding Source: Adequate operating account savings in the Ambulance Program business unit (50265403) exist to fund this change.

## **G. Ordinances**

### **G-1. Ordinance for Adoption**

**G-1a. (City Council) Adopt Ordinance No. 3807 Amending Title 2 of the Huntington Beach Municipal Code (HBMC) Relating to Administration and Personnel**

Approved for Introduction July 7, 2008

**Recommended Action:** After City Clerk reads by title, Adopt **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.

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

**G-2a. (City Council) Approve for Introduction Ordinance No. 3809 Amending the Huntington Beach Municipal Code (HBMC) Chapter 10.12 Relating to Speed Limits by Increasing the Speed Limit by Five Miles Per Hour on Four Street Segments and Decreasing the Speed Limit by Five Miles Per Hour on Eight Street Segments**

Communication submitted by the Director of Public Works transmitting the following

**Statement of Issue:** The California Vehicle Code requires periodic review and updating of posted speed limits on various streets within the City to enable the Police Department to continue to use speed-measuring devices for enforcement. The recommended action includes reaffirming current speed limits on 44 of the 66 surveyed street segments, increasing the limit by five miles per hour on four segments, and decreasing the speed limit by five miles per hour on eight segments. The Police Department concurs with the update and recommended changes.

**Recommended Action:** After City Clerk reads by title, Approve Introduction of **Ordinance No. 3809**, "*An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits*" 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, August 4, 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***  
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