



AGENDA

Monday, October 20, 2008



FRED A. WILSON
City Administrator

CITY COUNCIL/REDEVELOPMENT AGENCY

MAYOR AND CITY COUNCIL

JENNIFER MCGRATH
City Attorney

CITY OF HUNTINGTON BEACH

DEBBIE COOK
Mayor

JOAN L. FLYNN
City Clerk

4:00 PM - Study Session, Council Chambers

6:00 PM - Regular Meeting

Council Chambers - 2000 Main Street

Huntington Beach, CA 92648

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

SHARI L. FREIDENRICH
City Treasurer

KEITH BOHR
Mayor Pro Tem

CATHY GREEN
Councilmember

JOE CARCHIO
Councilmember

DON HANSEN
Councilmember

GIL COERPER
Councilmember

JILL HARDY
Councilmember

WEB ACCESS:

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

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.com>. 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 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, October 20, 2008

**MAYOR
AND CITY COUNCIL**

CITY COUNCIL/REDEVELOPMENT AGENCY

DEBBIE COOK
Mayor

CITY OF HUNTINGTON BEACH

KEITH BOHR
Mayor Pro Tem

CATHY GREEN
Councilmember

4:00 PM - Study Session, Council Chambers
6:00 PM - Regular Meeting
Council Chambers - 2000 Main Street
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JOE CARCHIO
Councilmember

DON HANSEN
Councilmember

GIL COERPER
Councilmember

JILL HARDY
Councilmember



4:00 PM - COUNCIL CHAMBERS

CALL TO ORDER

ROLL CALL

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

ANNOUNCEMENT OF LATE COMMUNICATION

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

JOINT STUDY SESSION - CITY COUNCIL/PLANNING COMMISSION

- 1. Beach and Edinger Corridor Specific Plan: A Presentation will be given by Freedman, Tung, and Bottomley (FTB) to Introduce the Beach and Edinger Corridors Specific Plan Document.**

Roll Call - Planning Commission - Tom Livengood, Chair; Elizabeth Shier-Burnett, Vice Chair; Blair Farley, Commissioner; Joe Shaw, Commissioner; Devin Dwyer, Commissioner; Fred Speaker, Commissioner; John Scandura, Commissioner.

RECESS TO CLOSED SESSION

CLOSED SESSION

2. Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following potential lawsuit: Whether the City Attorney should be directed to file a lawsuit.
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 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.
4. Pursuant to Government Code Section 54957.6, the City Council shall recess to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy 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.
5. 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: Barbara L. Agee, et al. v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 06CC00125. This suit concerns the affordability covenant for the Cape Ann subdivision located near the intersection of Main Street and Promenade.
6. 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: Cora Hill v. City of Huntington Beach, Orange County Superior Court Case No. 30-2008 00104457. This suit concerns a slip-and-fall accident that occurred at 22021 Susan when Plaintiff stepped into a puddle of water in the drainage ditch. Plaintiff is deceased.

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

CLOSED SESSION REPORT BY CITY ATTORNEY

ROLL CALL

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

PLEDGE OF ALLEGIANCE - To be announced by Mayor Cook.

INVOCATION - 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.

ANNOUNCEMENT OF LATE COMMUNICATION

AWARDS AND PRESENTATIONS

- 7. Presentation - Mayor Cook to call on the Huntington Beach Art Center Foundation Chair Mike Adams, and Honorary Chair Diana Casey, to recognize a contribution from Dr. Jerry Chapman as a match for the Huntington Beach Art Center Foundation's Endowment Program.**
- 8. Presentation - Mayor Cook to call on members of the Huntington Beach Council on Aging to report on the 2008 Senior Saturday Festival and present the City with new equipment for the Emergency Operations Department at the Michael E. Rodgers Seniors' Center.**
- 9. Mayor's Award - Mayor Cook to call on Police Chief Ken Small to present the Mayor's Award to Detention Administrator Dale Miller.**

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

- 10. (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 August 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 August 2008, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

CITY CLERK'S REPORT

- 11. Report from the Office of the City Clerk Containing Election Information and Deadlines.**

PUBLIC HEARING

- 12. (City Council/Redevelopment Agency) Joint Public Hearing of the Huntington Beach City Council and Redevelopment Agency for the Purpose of Considering Approval of the Sixth Implementation Agreement of the Disposition and Development Agreement (DDA) Between the Redevelopment Agency and CIM/Huntington LLC to Assist in the Development of a Boutique Hotel and Modify the Financing of the \$7.9 Million Loan Through Redevelopment Agency Tax Increment Revenue; Adopt Redevelopment Agency Resolution No. 374 and City Council Resolution No. 2008-64; and, Authorize the City Administrator/Executive Director or Designee to Execute Documents and Agreements Necessary.**

City Council Recommended Action:

- a) Adopt Resolution No. 2008-64, "A Resolution of the City Council of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant to Health and Safety Code Section 33433 for a Sixth Implementation Agreement to Disposition and Development Agreement Between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington, LLC;" and,
- b) Authorize the City Administrator or designee to take any action and execute any and all documents and agreements necessary to implement the "Sixth Implementation Agreement to Disposition and Development Agreement by and Between Redevelopment Agency of the City of Huntington Beach, Agency and CIM/Huntington, LLC, Developer;" and,

Redevelopment Agency Recommended Action:

- a) Adopt Resolution No. 374, "A Resolution of the Redevelopment Agency of the City of Huntington Beach, California, Approving and Making Certain Findings Pursuant to Health and Safety Code Section 33433 for a Sixth Implementation Agreement to Disposition and Development Agreement Between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington, LLC;" and,
- b) Authorize the Executive Director or designee to take any action and execute any and all documents and agreements necessary to implement the "Sixth Implementation Agreement to Disposition and Development Agreement by and Between Redevelopment Agency of the City of Huntington Beach, Agency and CIM/Huntington, LLC, Developer."

- 13. (City Council) Public Hearing on an Appeal Made by the Old World Owners Association of the Planning Commission's Approval of Conditional Use Permit (CUP) 08-003 for the Installation of Four Parking Control Gates to Implement a Paid Parking Program at the Towers at Bella Terra; and, Entitlement Plan Amendment (EPA) 08-003, for the Amendment of CUP 05-015 (24-Hour Fitness) Which Relates to Physical Barriers in the Parking Structure and Parking Restrictions After 4:00 PM.**

Staff and Planning Commission Recommended Action:

Approve Conditional Use Permit No. 08-003/Entitlement Plan Amendment No. 08-003 with Findings and Suggested Conditions of Approval.

CONSENT CALENDAR

14. (City Council/Redevelopment Agency) Approve and Adopt the Minutes of the City Council/Redevelopment Agency Regular Meeting of October 6, 2008 as written and on file in the Office of the City Clerk.

15. (City Council) Request by the Planning Department to Amend the City Council Minutes Dated March 19, 2007.

Recommended Action:

Amend the City Council meeting minutes of March 19, 2007 by replacing the incorrect version of Findings for Denial on Mitigated Negative Declaration No. 00-07, Coastal Development Permit No. 00-13, and Conditional Use Permit No. 00-43 (Park Avenue Marina), with the correct version originally adopted by the City Council.

16. (Redevelopment Agency) Approve the Third Implementation Agreement to the Disposition and Development Agreement (DDA) with Mayer Financial, L.P. Providing for the Phased Disposition and Development of the Waterfront Project Relating to the Timeframe for Development of Parcel C (the Land Located Between the Waterfront Hilton and the Hyatt Resort and Spa).

Recommended Action:

- a) Approve the "Third Implementation Agreement to Amended and Restated Disposition and Development Agreement" between the Redevelopment Agency of the City of Huntington Beach and Mayer Financial, L. P.; and,
- b) Authorize the Agency Chairman and the Agency Clerk to Execute the Third Implementation Agreement.

ORDINANCES FOR INTRODUCTION

17. (City Council) Approve for Introduction Ordinance No. 3816 Amending Chapter 10.12 of the Huntington Beach Municipal Code (HBMC) Relating to Speed Limits.

Recommended Action:

After City Clerk reads by title, Approve for Introduction Ordinance No. 3816, "An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Residential Speed Limits."

COUNCILMEMBER ITEMS

18. **(City Council) Submitted by Mayor Pro Tem Keith Bohr and Councilmember Don Hansen Recommending a Two Year Extension of Alice's Breakfast in the Park Lease.**

Recommended Action:

Direct the Economic Development Department to prepare a lease extension for Alice's Breakfast in the Park to expire in September 2010 and to continue with the current Request for Qualification process with the newly proposed timeframe.

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

Council/Agency adjournment to **Monday, November 03, 2008**, 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>