



REVISED AGENDA

****Revised Page 6 – Item #15 Deleted****

Monday, November 03, 2008



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

5:00 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

DEBBIE COOK
Mayor

KEITH BOHR
Mayor Pro Tem

JOE CARCHIO
Councilmember

GIL COERPER
Councilmember

CATHY GREEN
Councilmember

DON HANSEN
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.



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Monday, November 03, 2008

**MAYOR
AND CITY COUNCIL**

CITY COUNCIL/REDEVELOPMENT AGENCY

DEBBIE COOK
Mayor

CITY OF HUNTINGTON BEACH

KEITH BOHR
Mayor Pro Tem

CATHY GREEN
Councilmember

5:00 PM - Closed Session, Council Chambers

JOE CARCHIO
Councilmember

DON HANSEN
Councilmember

6:00 PM - Regular Meeting

Council Chambers - 2000 Main Street

Huntington Beach, CA 92648

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

GIL COERPER
Councilmember

JILL HARDY
Councilmember



5:00 PM – COUNCIL CHAMBERS

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

CALL TO ORDER

ROLL CALL

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

ANNOUNCEMENT OF LATE COMMUNICATION

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 potential lawsuit: Whether the City Attorney should be directed to file a lawsuit.**
- 2. Pursuant to Government Code Section 54956.9(c), 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 one 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 Cramer 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 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund, et al. v. City of Huntington Beach, et al; Orange County Superior Court Case No. 30-2008 00051261. A public interest advocacy organization alleges the City did not comply with CEQA, City Charter Section 612 and the City's General Plan and is misusing park in lieu fees in approving the Senior Center, located along Golden West Avenue adjacent to the Shipley Nature Center.

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 led by Cub Scout Pack #404.

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

5. Announcements - Mayor Cook to announce November as National American Indian Heritage Month, and the City's HB Reads One Book program.
6. Presentation - Mayor Cook to call on Bella Terra/DJM Capital Partners, Inc. President Lindsay Parton to present a check to the Centennial Celebration Committee for \$10,000.

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

7. **(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 September 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 September 2008, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

PUBLIC HEARING

8. **(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. CONTINUED OPEN FROM THE OCTOBER 20, 2008 CITY COUNCIL MEETING.**

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,
- c) Authorize the City Administrator to sign the Operating Agreement for The Strand Public Parking Structure once the City Attorney has approved to form; and,

- d) Approve the Declaration of Covenants, Conditions & Restrictions and Grant of Reciprocal Easements and authorize execution by the City Administrator once the City Attorney has approved to form and direct the City Clerk to record the Declaration of Covenants, Conditions & Restrictions and Grant of Reciprocal Easements with the County of Orange Clerk-Recorder; and,
- e) Authorize and direct the City Engineer to accept the public improvements upon the completion of the public improvements for Tract 16406 parking garage and instruct the City Clerk to record the "Certificate of Acceptance of Public Improvements" with the County of Orange Clerk-Recorder; and,
- f) Direct the City Engineer to release the Faithful Performance/Labor and Material Bonds No. SU5008087 pursuant to California Government Code Section No. 66499.7 (a) upon the completion of the public improvements for Tract 16406; and,
- g) Direct the City Engineer to release the Monument Bond No. SU500808 pursuant to California Government Code Section No. 66499.7 (a) upon the completion of the public improvements for Tract 16406; and,
- h) The City Engineer is directed to accept the Guarantee and Warranty Bond, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer upon the completion of the public improvements for Tract 16406; and,
- i) Instruct the City Clerk to notify the developer, CIM/Huntington, LLC of the action and the City Treasurer to notify the surety, Arch Insurance Company, of the release of the bonds upon the completion of the public improvements for Tract 16406.

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."

9. **(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.
CONTINUED OPEN FROM THE OCTOBER 20, 2008 CITY COUNCIL MEETING.**

Recommended Action:

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

10. **(City Council/Redevelopment Agency) Approve Minutes.**

Recommended Action:

Approve and Adopt the Minutes of the City Council/Redevelopment Agency Regular Meeting of October 20, 2008 as Written and on File in the Office of the City Clerk.

11. **(City Council) Approve and Authorize the Mayor and City Clerk to Execute the Intergovernmental Service Agreement Between the City of Huntington Beach and University of California Irvine (UCI) Police Department for Contracting of Jail Services.**

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "Intergovernmental Service Agreement Between the City of Huntington Beach and the University of California, Irvine Police Department for the Detention at Huntington Beach Police Department of Detainees Held in Custody by the University of California, Irvine Police Department."

12. **(City Council) Approve the Appointments of Whitney Loo, Stephanie Smallshaw, and Audrey Taylor to the Children's Needs Task Force for a Term to Expire June 30, 2009, as Recommended by Council Liaisons Gil Coerper and Cathy Green.**

Recommended Action:

Approve the appointment of students Whitney Loo, Stephanie Smallshaw, and Audrey Taylor to the Children's Needs Task Force for a term to expire June 30, 2009, as recommended by Council liaisons Gil Coerper and Cathy Green.

13. **(City Council) Adopt Resolution No. 2008-65 Amending the City's Classification Plan to Add the Job Specification of Program Coordinator - Human Services, Considered and Approved by the Personnel Commission on September 24, 2008.**

Recommended Action:

Adopt Resolution No. 2008-65, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Specification of Program Coordinator-Human Services and Establishing the Compensation."

14. **(City Council) Recommendation from Centennial Celebration Liaisons, Mayor Debbie Cook, Mayor Pro-Tem Keith Bohr, and Councilmember Gil Coerper, Regarding a Tournament of Roses Participant Package.**

Recommended Action:

Approve the recommendation of the Communications Committee to use the VIP package as a fundraiser for the Float and Centennial Celebration.

→ **ORDINANCES FOR INTRODUCTION**

15. ~~**(City Council) Approve for Introduction Ordinance No. 3817 Amending Chapter 5.08 of the Huntington Beach Municipal Code (HBMC) Relating to Business License Procedures by Allowing Specific Exemptions from the Business License Tax for Real Estate Sales Agents; and, Authorize Staff to Refund Taxes and Fees Paid by Real Estate Agents to the City in Tax Year 2006, 2007, and 2008.**~~

Recommended Action:

- a) ~~Approve for Introduction Ordinance No. 3817, "An Ordinance of the City of Huntington Beach Amending Chapter 5.08 of the Huntington Beach Municipal Code Relating to Licensing Procedures;" and,~~
- b) ~~Approve and authorize staff to refund taxes and fees paid by real estate agents to the City in tax year 2006, 2007, and 2008.~~

ORDINANCES FOR ADOPTION

16. **(City Council) Adopt Ordinance No. 3816 Amending Chapter 10.12 of the Huntington Beach Municipal Code (HBMC) Relating to Speed Limits. Approved for Introduction October 20, 2008.**

Recommended Action:

After City Clerk reads by title, Adopt 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

17. **(City Council) Submitted by Mayor Debbie Cook Requesting a Status Review of the Huntington Harbour Mobile Home Estates (HHME).**

Recommended Action:

Direct the Mayor to write a letter on behalf of the City asking the Housing Community Development (HCD) and Attorney's Generals office to review the current situation at Huntington Harbour Mobile Home Estates (HHME) or any other action as determined by the City Council.

COUNCILMEMBER COMMENTS (Not Agendized)

ADJOURNMENT

Council/Agency adjournment to a **Special Meeting on Monday, November 10, 2008 at 6:00 PM in the City Council Chambers**, 2000 Main Street, Huntington Beach, California for a Public Hearing on the Appeal of the Planning Commission's Approval of EIR 07-004, ZTA 07-003, GPA 07-001, ZMA 07-004, and CUP 08-043 - The Ripcurl Project.

The next regularly scheduled meeting will be **Monday, November 17, 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>