



AGENDA ADDENDUM

Monday, May 19, 2014

**MAYOR
AND CITY COUNCIL**

Matthew M. Harper
Mayor

**CITY COUNCIL/PUBLIC FINANCING
AUTHORITY**

Joe Shaw
Mayor Pro Tem

Connie Boardman
Councilmember

Joe Carchio
Councilmember

Jill Hardy
Councilmember

Jim Katapodis
Councilmember

Dave Sullivan
Councilmember

CITY OF HUNTINGTON BEACH

4:00 PM – Study Session B-8

6:00 PM – Regular Meeting

**Council Chambers - 2000 Main Street
Huntington Beach, CA 92648**

<http://www.huntingtonbeachca.gov>



The following changes are being made after compilation of the Agenda Packet:

The addition of one new Closed Session item (#4)

4. Pursuant to Government Code § 54956.9(d)(1), the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: **Sepulveda Construction v. City of Huntington Beach, OCSC Case No. 30-2013-00644071**, which involves the City's contract with Sepulveda Construction to construct the Ranger Lift Station, located at Ranger Lane, immediately north of Adams Avenue and west of the Santa Ana River.

-AND-

The addition of one new Open Session item (Consent Calendar #22)

22. Adopt Resolution No. 2014-22 delegating authority to the City Manager or Director of Public Works to act on behalf of the City regarding the matter of **Sepulveda Construction v. City of Huntington Beach**

Recommended Action:

Adopt Resolution No. 2014-22, "A Resolution of the City Council of the City of Huntington Beach Delegating to the City Manager or Director of Public Works Settlement Authority to Act on Behalf of the City Council of the City of Huntington Beach Regarding the Matter of Sepulveda Construction v. City of Huntington Beach."

**INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND STAFF
REPORT MATERIAL IS LOCATED UNDER THE "GOVERNMENT" TAB AT**

<http://www.huntingtonbeachca.gov>

Council/Agency Meeting Held: _____ Deferred/Continued to: _____ <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	_____ City Clerk's Signature
Council Meeting Date: May 19, 2014	Department ID Number: CA 14-006

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jennifer McGrath, City Attorney

PREPARED BY: Jennifer McGrath, City Attorney

SUBJECT: Adopt Resolution # 2014-22 to delegate authority to the City Manager or the Director of Public Works to act on behalf of the City regarding the matter of Sepulveda Construction v. City of Huntington Beach

Statement of Issue: There is an existing lawsuit entitled *Sepulveda Construction Inc. v. City of Huntington Beach*, Orange County Superior Court Case No. 30-3013-00644071, concerning the construction of the Ranger Sewer Lift Station located on Adams Avenue, east of Brookhurst Street and west of the Santa Ana River. Trial is set for June 23, 2014. Prior to trial, the parties were required to attend a mandatory settlement conference (MSC) on May 16, 2014. During the MSC, the judge ordered that the City Council members appear for another MSC on May 23, 2014 at 9:00 am. It is contemplated that the Court will revised its order that the full City Council appear if the City Council takes action by resolution authorizing a representative of the City be given full settlement authority to resolve the matter up to the amount of Sepulveda's claims.

Financial Impact: N/A

Recommended Action: Adopt Resolution # 2014-22, delegating authority to the City Manager or Director of Public Works for full authority to negotiate a settlement of this lawsuit with Sepulveda at the next Mandatory Settlement Conference up to the amount of Sepulveda's claims.

Alternative Action(s): Do not delegate authority in which case the City Council members may be required to appear at the next MSC.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 5/19/14

DEPARTMENT ID NUMBER: 14-006

Environmental Status: N/A

Strategic Plan Goal:

Attachment(s):

No.	Description
1.	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DELEGATING TO THE CITY MANAGER OR DIRECTOR OF PUBLIC WORKS SETTLEMENT AUTHORITY TO ACT ON BEHALF OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH REGARDING THE MATTER OF <i>SEPULVEDA CONSTRUCTION v. CITY OF HUNTINGTON BEACH</i>

RESOLUTION NO. 2014-22

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH DELEGATING TO
THE CITY MANAGER OR DIRECTOR OF PUBLIC WORKS
SETTLEMENT AUTHORITY TO ACT ON BEHALF OF THE
CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH REGARDING THE
MATTER OF *SEPULVEDA CONSTRUCTION* v. *CITY OF HUNTINGTON BEACH*

WHEREAS, the Superior Court of Orange County has ordered that each member of the City Council of the City of Huntington Beach appear at a Mandatory Settlement Conference on May 23, 2014 at 9:00 a.m. in the matter entitled *Sepulveda Construction Inc. vs. City of Huntington Beach*, Orange County Superior Court, Case No. 30-2013-00644071; and

Orange County Superior Court Local Rule 316 allows representative(s) of the City Council to attend settlement conferences on behalf of the City Council with written authorization signed by the City Council extending unlimited and unconditional authorization to the representative to enter into a settlement; and

It is possible that the Court will revise its order requiring the attendance of the City Council members on the condition that the City Council adopt a resolution that representative(s) of the City be given full settlement authority to resolve the matter up to the amount of Plaintiff Sepulveda Construction, Inc.'s claims; and

Except as to those actions that must be approved by the City Council, such delegation of authority is necessary in order to carry out the purposes and functions of the City Council.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. Except as to actions that must be approved by the City Council, the City Manager or Director of Public Works is hereby delegated full settlement and negotiation authority for the case entitled *Sepulveda Construction Inc. vs. City of Huntington Beach*, up to the full amount of Sepulveda claims.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2014.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

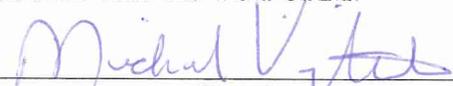
Councilmember

Councilmember

INITIATED, REVIEWED AND APPROVED:

City Manager

APPROVED AS TO FORM:



For City Attorney