

**Minutes
City Council/Redevelopment Agency/Public Financing Authority
City of Huntington Beach**

**Monday, February 7, 2011
5:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California
92648**

An audio recording of the 5:00 PM portion of this meeting, and a video recording of the 6:00 PM portion of this meeting is on file in the Office of the City Clerk and is archived at www.surfcity-hb.org/government/agendas/

5:00 PM - ROOM B-8

CALL TO ORDER - 5:00 PM

ROLL CALL

Present: Shaw, Boardman, Dwyer, Bohr, Carchio, Hansen, and Harper
Absent: None

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced receipt of one communication received following distribution of the Council agenda packet: PowerPoint submitted by Travis Hopkins, Director of Public Works entitled *Regional Transportation Funding Programs*.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None.

STUDY SESSION

1. Presented OCTA Measure M2 grant funding opportunities and Call for Projects

Travis Hopkins, Director of Public Works, Tony Olmos, City Engineer, and Bob Stachelski, Transportation Manager were present to participate in discussion on OCTA Measure M2 grant funding opportunities and call for projects.

Manager Stachelski provided a PowerPoint presentation entitled *Regional Transportation Funding Programs* that included the following titled slides: Renewed Measure M (M2), Local Turn back, Specific Projects, Competitive Grants, Submitted Projects, Brookhurst/Adams, Beach/Warner, Atlanta Widening, Signal Synchronization Program, Environmental Cleanup Program, Outstanding Issues, and McFadden Bridge.

Discussion ensued among Council and staff on the following topics:

- Storm water diversion, including issues related to an open trench on Beach Boulevard near the Pacific Shores Mobilehome Park (Mayor Pro Tem Hansen requested staff consult with OCTA on the scope of this project)
- Street widening at the McFadden Bridge (OCTA)
- Long range plans for Beach Boulevard at Edinger Avenue (intersection and interchange)
- Grant opportunities for purchase encyclopedia lots along major arterial highways
- Prioritizing work on dangerous intersections (eg. Brookhurst and Adams, Pacific Coast Highway and Warner)
- Widening right turn lanes at certain locations
- Fiber optics on Goldenwest Street
- High occupancy toll lanes

RECESS TO CLOSED SESSION – 5:42 PM

A motion was made by Dwyer, second Bohr to recess to Closed Session. The motion carried by the following roll call vote:

AYES: Shaw, Boardman, Dwyer, Bohr, Carchio, Hansen, and Harper
NOES: None

CLOSED SESSION

2. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding: Application of NextG Networks to Engage in Ground-disturbing Outside Plant Construction, California Public Utilities Commission Application No. 09-03-007, consolidated with City of Huntington Beach v. NextG, CPCU Case No. 08-04-037, which involve NextG's project to locate its wireless telephone antennas in the public right-of-way, and related case, NextG Networks of California v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00119646.

3. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund v. The City of Huntington Beach; Orange County Superior Court Case No. 30-2008-00051261. This action arises out of allegations of violations of the California Environmental Quality Act ("CEQA"), violations of the City General Plan and the Quimby Act.

4. Pursuant to Government Code Section 54957.6, the City Council recessed 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; Patrick McIntosh, Fire Chief; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with MEA and HBFA.

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE
AUTHORITY MEETING - 6:35 PM

CLOSED SESSION REPORT BY CITY ATTORNEY

On Monday, February 7, 2011, the City Council convened in Closed Session to discuss the matter of NextG Networks of California v. City of Huntington Beach, Orange County Superior Court Case No. 30-2009-00119646, and related case: Application of NextG Networks to Engage in Ground-disturbing outside Plant Construction, California Public Utilities Commission Application No. 09-03-007, consolidated with City of Huntington Beach v. NextG, CPCU Case No. 08-04-037.

The Council voted unanimously to appeal the decision of November 9, 2010.

ROLL CALL

Present: Shaw, Boardman, Dwyer, Bohr, Carchio, Hansen, and Harper
Absent: None

PLEDGE OF ALLEGIANCE - Led by Councilmember Dwyer

INVOCATION - Led by Father Christian Mondor, Sts. Simon and Jude Catholic Church

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.

AWARDS AND PRESENTATIONS

Announcement: Mayor Carchio announced receipt of a late communication received by Paul Emery, Deputy City Administrator, recommending that Consent Item 3 (Friends of Junior Lifeguards MOU) be pulled from tonight's agenda.

Announcement: As part of the City's Human Relations Task Force recognition of federal diversity months, I would like to announce that February is National African American History Month. The first recognition of the contributions of African Americans was initiated as a week in 1926 by historian and author Dr. Woodson. Since then, each President has issued a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities. This year's theme is "African Americans and the Civil War" and honors the black Americans who served our country as soldiers, recruiters, and nurses. On behalf of the City Council, we join in this celebration as we recognize the struggles and achievements of black Americans throughout our history.

Presentation: The Huntington Beach Firefighters Association made a check presentation to the Muscular Dystrophy Association (MDA) from a "Fill the Boot" event that raised approximately \$8,800.

Presentation: The Huntington Beach Firefighters Association made a check presentation of \$30,000 to the Huntington Beach Council on Aging (COA), their principal beneficiary for a recent golf tournament.

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced communications received by her office following distribution of the City Council agenda packet:

Communication for Consent Item #2 (Security Digital Video Recorders), a scanned image missing from the agenda packet material.

Communication received from Paul Emery, Deputy City Administrator for Consent Item No. 3 (Friend's of the Junior Lifeguard (FJL) Memorandum of Understanding, requesting that the item be pulled from the February 7, 2011 agenda.

Communication submitted by the City Clerk, Joan L. Flynn for Agenda Item #11, dated February 7, 2011 notating a typographical error on the recommended action. The correct recommended action should read "After the City Clerk reads by title, approve for introduction Ordinance No. 3911, 'An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 2.110 and Amending Chapter 2.109 Relating to the Finance Board'."

Communication submitted by the City Clerk, Joan L. Flynn for Agenda Item #12, dated February 7, 2011 notating a typographical error on the recommended action. The correct recommended action should read "After the City Clerk reads by title, approve for introduction Ordinance No. 3907, 'An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 2.16 and Amending Chapter 2.15 Relating to the Duties of the Finance Department'."

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speaker's comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Stephanie Deagle spoke regarding the 2011 "Relay for Life" fundraising event which benefits the American Cancer Society. The event will be held at the Huntington Central Park beginning at 11:00 AM on Saturday, May 21, and ending at 11:00 AM on Sunday, May 22. Further information regarding the event may be obtained at relayforlife.org.huntingtonbeachca. (00:17:48)

Richard Moore of Huntington Beach Reads One Book, referencing National African American History Month, recommended the book "Glory Land" by Sheldon Johnson that covers the history of the Buffalo Soldiers. He announced that the calendar of Huntington Beach Reads One Book's upcoming events is available online at hbreads.org, and highlighted the upcoming visit by "Barefoot Heart" author Elva Trevino Hart on March 24, 2011. (00:20:20)

Brenda Calvillo, a Huntington Beach resident, urged the Council to consider adopting an ordinance banning the sale of companion animals (e.g. cats, dogs, rabbits) in Huntington Beach retail stores. (00:24:17)

Suzanne Krol Boller, a local artist and Huntington Beach Allied Arts Board member, spoke briefly regarding the positive impact and value that promotion of the arts brings to the Huntington Beach community. (00:27:28)

Ralph Bauer spoke regarding regional issues, specifically transportation, and read from a written statement describing his involvement with the Orange County Transportation Authority Citizens Advisory Board. He stated his concerns with the Skate Board Park Facility being built adjacent to the existing Transit Center, and urged the Council to preserve all possible acreage at or near the existing Transit Center for the future Surf City Transportation Center. (00:28:12)

Former Mayor Dave Sullivan spoke in opposition to the Part-Time City Treasurer position, and urged the Council to carefully consider its decision. (00:33:02)

COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Councilmember Boardman announced her appointment of Jennifer Thomas to the Public Works Board.

Councilmember Bohr spoke about disagreement with a recent citizen survey of restaurants in the downtown area, and he and Police Chief Small discussed the posting requirements for Conditional Use Permits, ABC Licenses, City Business Licenses, and Maximum Occupancy Declarations.

Councilmember Harper, Councilmember Shaw, and Mayor Carchio all reported attending the League of Cities New Mayors and Council Members Academy in Sacramento, California, from January 19 through January 21, 2011.

Councilmember Bohr submitted a written report that will be made available in the City Clerk's Office.

CITY MANAGER'S REPORT

City Manager Wilson announced an Open House regarding the two approved Solar Panel Projects at City Hall and the Main Library, which will begin at 6:30 PM on Tuesday, February 15, in the Talbert Room of the Main Library.

City Manager Wilson announced that as of the January 30, 2011, application deadline for the Part-Time City Treasurer position, thirty (30) applications had been received, of which 20 were deemed qualified, and 10 were deemed unqualified due to residency and/or educational requirements. He suggested that a Special Meeting to interview the qualified candidates be scheduled for the week of February 14-18.

CONSENT CALENDAR

1. Approved and adopted minutes

A motion was made by Hansen, second Shaw to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority regular meeting of January 18, 2011, and the City Council/Redevelopment Agency/Public Financing Authority special meeting of January 28, 2011, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

2. Approved Sole Source Procurement for Security Digital Video Recorders (DVR) from ADI in the amount of \$64,380

A motion was made by Hansen, second Shaw to approve sole source procurement from ADI in the amount of \$64,380 for the purchase of security digital video recorder (DVR) systems. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

3. ~~PULLED - NO ACTION TAKEN Approved the Memorandum of Understanding (MOU) between the City of Huntington Beach and Friends of the Junior Lifeguards (FJL); and, approved construction of a storage building adjacent to the Marine Safety Educational Center.~~

4. Awarded Construction Contract for Edison Community Center and Youth Sports Complex, Phase 1, Park Improvements Project, CC-1346

A motion was made by Hansen, second Shaw to approve the project plans and specifications for the Edison Community Complex, Phase 1, CC-1346; and, accept the lowest responsive and responsible bid, submitted by States Link Construction, Inc. in the amount of \$696,300.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

5. Approved Contract with RBF Consulting for Preparation of a Local Hazard Mitigation Plan (LHMP)

A motion was made by Hansen, second Shaw to approve and authorize the Mayor and City Clerk to execute the professional services contract between the City of Huntington Beach and RBF Consulting for preparation of the LHMP. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

6. Approved Sole Source Procurement for Pier Utility Trench Covers from Armorcast Products in the amount of \$157,959.38

A motion was made by Hansen, second Shaw to approve sole source procurement from Armorcast Products for purchase of 350 utility trench covers on the Municipal Pier at a cost of \$157,959.38. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

7. Received and Filed the City Treasurer's December 2010 Investment Summary Report

A motion was made by Hansen, second Shaw to receive and file the Monthly Investment Report for December 2010, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

8. Adopted Ordinance No. 3906 which changes the title of City Administrator to City Manager pursuant to the revised City Charter as adopted by a vote the City's electorate Approved for introduction January 18, 2011

A motion was made by Hansen, second Shaw to adopt Ordinance No. 3906, "An Ordinance of the City of Huntington Beach Amending Chapter 2.08 of the Huntington Beach Municipal Code Relating to the City Administrator." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

9. Adopt Ordinance No. 3908 amending Municipal Code Chapter 10.12 relating to speed limits on 90 street segments Approved for introduction January 18, 2011

A motion was made by Hansen, second Shaw to adopt Ordinance 3908, "An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

ADMINISTRATIVE ITEMS

10. Approved a City Council position on legislation, a regulation, or budget issues pending before a Federal, State, or Regional Government as recommended by the City Council Intergovernmental Relations Committee (IRC).

A motion was made by Hansen, second Boardman to approve the 2012 Federal Funding Agenda establishing those items on which our Washington lobbyist will focus attention during the current Congressional session, and, authorize the Mayor to send a letter in opposition to the Governor's proposed budget item recommending elimination of Redevelopment Agencies. The motion carried by the following roll call vote:

AYES: Shaw, Boardman, Dwyer, Bohr, Carchio, Hansen, and Harper
NOES: None

ORDINANCES FOR INTRODUCTION

11. Approved for introduction Ordinance No. 3911 to amend the Huntington Beach Municipal Code by consolidating the duties of the Finance Board and the Investment Advisory Board as Recommended by the City Council Intergovernmental Relations Committee (IRC)

The Council discussed the duties, membership, and meeting frequency of the consolidated Finance and Investment Advisory Boards.

A motion was made by Hansen, second Bohr to after the City Clerk reads by title, approve for introduction Ordinance No. 3911, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 2.110 and Amending Chapter 2.109 Relating to the Finance Board" **as amended to bring current membership to eleven (11), including Councilmember Boardman's appointee**. The motion carried by the following roll call vote:

AYES: Shaw, Boardman, Dwyer, Bohr, Carchio, Hansen, and Harper
NOES: None

12. Approved for introduction Ordinance No. 3907 to amend the Huntington Beach Municipal Code by deleting Chapter 2.16 relating to the duties of the City Treasurer, and amending Section 2.15 relating to the duties of the Finance Department

City Attorney McGrath explained why a third reading of Ordinance No. 3907 was required.

A motion was made by Hansen, second Harper to after the City Clerk reads by title, approve for introduction Ordinance No. 3907, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 2.16 and Amending Chapter 2.15 Relating to the Duties of the Finance Department" **as amended to delete "with the approval of a majority of the City Council" in the first sentence of Section 2.15.030**. The motion carried by the following roll call vote:

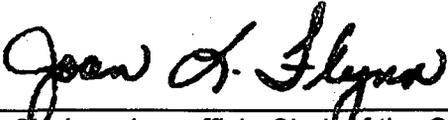
AYES: Shaw, Boardman, Dwyer, Bohr, Carchio, Hansen, and Harper
NOES: None

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Councilmembers Dwyer, Boardman, Harper, Shaw, Bohr, Mayor Pro Tem Hansen, and Mayor Carchio.

ADJOURNMENT

At 7:54 PM, Mayor Carchio adjourned the meeting to Tuesday, February 22, 2011, at 5:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk
Mayor-Chair