

Minutes
City Council/Public Financing Authority Regular Meeting
Successor Agency and Housing Authority Special Meeting
City of Huntington Beach

Monday, October 15, 2012
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audio recording of the 4:00 PM portion of this meeting
and a video recording of the 6:00 PM portion of this meeting
are on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM - ROOM B-8

The City Clerk recessed the 4:00 PM portion of the meeting to 4:30 PM due to an anticipated lack of quorum.

CALL TO ORDER - 4:33 PM

ROLL CALL

Present: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr (arrived at 4:47 PM), and Boardman
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution) - None.

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

STUDY SESSION

1. The City Attorney held a discussion regarding the Huntington Beach Community Foundation

City Attorney Jennifer McGrath provided a slide titled *Huntington Beach Community Foundation* that identified important decisions that must be made by the City Council. Topics for discussion included:

- The City's role with the Foundation
- Number of Directors and Director selection
- Number of Officers and their appointment
- Financial support provided by the City
- Probability of the Foundation's application for funds allocated to local non-profits
- Fundraising
- Excluded funds

- Bylaws
- Articles of Incorporation
- Banking and 501 C3 status
- A \$10,000 pledge in waiting
- Mission Statement
- Key sponsorship

Mayor Hansen requested that Council consider appointments by the end of month.

RECESS TO CLOSED SESSION - 4:49 PM

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

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

CLOSED SESSION

2. Pursuant to Government Code § 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy City Manager; Bob Hall, Deputy City Manager; Michele Warren, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with SCLEA.

3. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Clarke v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00526783. In this case, Plaintiff claims he hit a pothole and fell while riding his bicycle in the bike lane on Yorktown Avenue in front of City Hall.

4. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Sager v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00498362. In this case, Plaintiff is a former Library Clerk employee who claims discrimination, failure to accommodate her disabilities of deafness and cerebral palsy, and retaliation.

5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Tomalas v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00527945. In this case, Plaintiff was involved in automobile accident with a City vehicle at the intersection of Beach and Atlanta.

6. Pursuant to Government Code § 54956.9(b) (3) (A), the City Council recessed into Closed Session to confer with the City Attorney regarding the following: Whether based on the facts or circumstances of a recent transactional occurrence the City may initiate litigation. The facts or circumstances are not specified because they are unknown to the potential plaintiffs.

7. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: Pacific Mobile Home Park, LLC v. City of Huntington Beach (Atlanta Widening Project), Orange County Superior Court Case No. 30-2011-00449749, Court of Appeal Case No. G047327, challenging the City's adoption of a mitigated negative declaration under CEQA for the Atlanta Avenue Widening Project.

8. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits: Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, Court of Appeal Case No. G047060, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for-rent mobile home park of 252 units for ownership purposes.

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING - 6:07 PM

Mayor Hansen reconvened the City Council and Public Financing Authority regular meeting, and called to order the special meetings of the Successor Agency and Housing Authority

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported that the City Council resolved the case of the City of Huntington Beach v. Alvarez, et al. (Garfield Widening) Orange County Superior Court Case No. 07CC02215 - This is a condemnation action brought to acquire 20 feet of additional right-of-way from four parcels of land to widen Garfield Avenue near Delaware Street, including three parcels located at 7802 Garfield Avenue. In 2007, the City deposited with the State Treasurer its estimated value of the property being acquired, in order to obtain an Order of Possession and proceed with the now completed widening project. After settlement with the owners of the fourth parcel, and a partial withdrawal of \$143,242.55 by the owners of the three parcels at 7802 Garfield, the sum of \$52,632.49 remains on deposit. Ultimately, the City authorized additional monies of approximately \$97,367.51, bringing the total amount of damage claims to \$293,242.55

City Attorney McGrath also reported in the case of Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, Court of Appeal Case No. G047060, the City Council authorized by a vote of 5-2 (Shaw, Boardman-No), to schedule a subdivision public hearing for November 19, 2012, discontinue the appeal of that subdivision decision previously made by the City Council, but continue the appeal of the judgment action which was filed as a cross-complaint.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Mayor Hansen

INVOCATION - Presented by Tom Hohman, Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Mayor Don Hansen was joined by former Mayor Dave Sullivan, Calvin Free, Cindy Cross and others to present the newest Commanding Officer for the 3rd Battalion 1st Marines, Lieutenant Colonel Bradford W. Tippett, a welcome commendation.

Mayor Hansen was joined by Judy Ann Morris, President of the Huntington Beach Council on Aging (HBCOA), who presented a check to the City for the *Care Manager Program*. Ms. Morris gave a brief slide presentation that described who the HBCOA is, their vision, the senior services they support, and the events they are active in.

Mayor Hansen was joined by Councilmember Carchio to present the street banners to the Ocean View Little League World Series Champs from 2011.

Mayor Hansen called on Don Garrick, Vice Chair of the Human Relations Task Force (HRTF), to present a proclamation of the City Council against bullying and recognize October as National Bullying Awareness Month. Mr. Garrick recognized members of the HRTF.

Mayor Hansen called on Police Chief Ken Small to present the Mayor's Award to Detective Mike Reilly. Chief Small described Detective Reilly's 30 plus years in Huntington Beach, his energy and hard work, and how he returned to work after he was medically retired due to injury. Chief Small also discussed Detective Reilly's efforts to arrest and convict a murder suspect whom had relocated to Canada.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

A communication received from Jennifer McGrath, City Attorney, dated October 10, 2012, entitled *City Attorney Report for October 15, 2012 City Council Meeting regarding City of Huntington Beach v. Alvarez, et al. (Garfield Widening) Orange County Superior Court Case No. 07CC02215*.

A communication received on Councilmember Item No. 15 from Jim Banks, dated October 15, 2012 regarding proposed ordinance preventing the feeding of non-domestic animals.

A communication received on Councilmember Item No. 15 from Rebecca Dmytryk of the Humane Pest Control, dated October 15, 2012 regarding the proposed ordinance to reduce human-wildlife conflicts.

PUBLIC COMMENTS (3 Minute Time Limit)

Juana Mueller, representing Friends of Shipley Nature Center, spoke to Council about a water conservation event scheduled for 9:00 AM on Saturday, October 20 at the Shipley Nature Center.

Linda Moon, representing the Orange County League of Women Voters spoke to Council in opposition to Measure Z, voicing concerns about the loss of funds necessary to maintain public parks.

Kathryn Goddard spoke in opposition to Measure Z, voicing concerns about loss of funds to pay pension obligations. She opined the proper place to address the issue is at the bargaining table with labor associations.

Vic Leipzig, former Mayor, spoke in opposition to Measure Z, voicing concerns about reducing City income that supports many public services (Police, Fire, Public Works).

Shirley Dettloff, 50-year resident, spoke in opposition to Measure Z, voicing concerns about loss of funds that support public services that have already been dramatically reduced, and that help keep the City clean and safe. She also opined that the Measure will not resolve pension obligations.

Randy Young, 14 year resident, spoke in support of Councilmember Carchio's proposed ordinance to prohibit feeding of wildlife (Agenda Item No. 15.)

Dina Kourda spoke in support of Councilmember Carchio's proposed Ordinance to prohibit the feeding of wildlife (Agenda Item No. 15).

Corwin Reno reiterated concerns shared at a previous meeting about buses parking on Florida Street near a retirement community.

Lorik Bernstein spoke in support of Councilmember Carchio's proposed Ordinance to prohibit the feeding of wildlife (Agenda Item No. 15):

Brenda Cavillo spoke in support of Councilmember Carchio's proposed Ordinance to prohibit the feeding of wildlife (Agenda Item No. 15).

Lynn Davis voiced concerns about flooding at 17122 Bolsa Chica Street, opossums and hedge maintenance, and distributed photos to Council. She was asked to fill out a blue follow-up card.

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

Reports were provided by Mayor Pro Tem Dwyer, Councilmember Harper, Councilmember Carchio, and Councilmember Boardman.

Councilmember Bohr submitted a written report pursuant to AB 1234 that will be made available in the City Clerk's Office.

CITY MANAGER'S REPORT

Manager Wilson introduced the new City Engineer Tom Herbel, and requested that Fire Chief McIntosh discuss the Annual Firefighter Memorial being held on October 20 in Sacramento that will honor the loss of retired Huntington Beach Firefighter John L. Weddle. Chief McIntosh reported.

CONSENT CALENDAR

1. Approved and adopted minutes

A motion was made by Carchio, second Bohr to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting and the Successor Agency Special Meeting of September 17, 2012, the City Council/Public Finance Authority Special Meeting of September 24, 2012, and the City Council/Public Finance Authority Regular Meeting of October 1, 2012, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

2. Received and filed City of Huntington Beach Strategic Plan Update

A motion was made by Carchio, second Bohr to receive and file the updated status of the Six-Month Strategic Objectives. The motion carried by the following roll call vote:

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

3. Approved Escheatment of \$9,124.46 Of Unclaimed Funds over \$15.00 to the General Fund Per Government Code 50050-50057

A motion was made by Carchio, second Bohr to review and approve the transfer of \$9,124.46 of unclaimed funds from the City's Unclaimed Funds Liability Account to the City's Miscellaneous Revenue Account 10000100.48550.10025201 in compliance with Government Code Sections 50050-50057. The motion carried by the following roll call vote:

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

4. Approved Mobile Home Advisory Board By-Laws

A motion was made by Carchio, second Bohr to approve the Mobile Home Advisory Board By-Laws. The motion carried by the following roll call vote:

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

5. Awarded Construction Contract in the amount of \$820,000 to Monet Construction, Inc. for Huntington Beach Civic Center Limited & Voluntary Accessibility Upgrade, MSC-483

A motion was made by Carchio, second Bohr to accept the lowest responsive and responsible bid submitted by Monet Construction Inc. in the amount of \$820,000; appropriate \$90,000 from the unallocated CDBG fund balance to account #96281501.82200; 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, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None

6. Awarded Construction Contract in the amount of \$129,735 to Paulus Engineering, Inc. (PEI), for the Springdale Street Water Main Extension Project, CC-1436

A motion was made by Carchio, second Bohr to accept the lowest responsive and responsible bid submitted by Paulus Engineering, Inc., in the amount of \$129,735; 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, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman
NOES: None

7. Adopted Resolution No. 2012-68 ordering the Summary Vacation of a Water Line Easement at 7490-7564 Edinger Avenue (Edinger Plaza)

A motion was made by Carchio, second Bohr to adopt Resolution No. 2012-68, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of a Water Line Easement on Property Located at 7490-7564 Edinger Avenue;" and, authorize Director of Public Works to determine a specific date to instruct the City Clerk to record the said Resolution and attached exhibits with the Orange County Recorder. The motion carried by the following roll call vote:

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

8. Approved and Authorized Execution of a Professional Services Contract with Wittman Enterprises, LLC, to Provide Emergency Paramedic and Ambulance Billing Services

A motion was made by Carchio, second Bohr to approve and authorize the Mayor and City Clerk to execute "Service Agreement Between the City of Huntington Beach and Wittman Enterprises, LLC, for Emergency Paramedic and Ambulance Billing Services" in an amount not to exceed \$995,000 for a three year term; and, authorize the City Manager to execute all documents in furtherance of this Agreement. The motion carried by the following roll call vote:

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

9. Approved and authorized execution of two Professional Service Contracts with Richard Brady and Associates: one for Water Quality Support and the second for Water Conservation Activities Support

A motion was made by Carchio, second Bohr to approve and authorize the Mayor and City Clerk to execute the "Professional Service Contract Between the City of Huntington Beach and Richard Brady & Associates for Support for Water Quality Testing and Administration;" and, approve and authorize the Mayor and City Clerk to execute the "Professional Service

Contract Between the City of Huntington Beach and Richard Brady & Associates for Support for Water Conservation Activities." The motion carried by the following roll call vote:

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

10. Approved and authorized the Chief of Police to execute a one year Memorandum of Understanding (MOU) with the City of Anaheim, related to the "Avoid the 26" DUI grant FY2012-13

A motion was made by Carchio, second Bohr to approve and authorize the Chief of Police to execute a one year agreement with the City of Anaheim by entering into the "Memorandum of Understanding Relating to 'Avoid the 26' Driving Under The Influence Campaign Project for Orange County;" and, approve the appropriation and expenditure up to \$5,000 to be fully reimbursed by the grant from the Office of Traffic Safety. The motion carried by the following roll call vote:

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

11. Authorized Holiday Closure of City Facilities for the period of December 24, 26, 27, 28, and 31, 2012 in addition to the City recognized Holidays of December 25, 2012, (Christmas) and January 1, 2013, (New Years Day), by Adopting Resolution No. 2012-73 amending the Memorandum of Understanding Side Letter Agreement between the City and the Municipal Employees' Association (MEA)

A motion was made by Carchio, second Bohr to adopt Resolution No. 2012-73, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Municipal Employees' Association (MEA), by Adopting the Side Letter Agreement," closing all non-essential City services to the public for the period December 24, 26, 27, 28, and 31, 2012 in addition to the City recognized holidays of December 25, 2012 (Christmas) and January 1, 2013 (New Years Day); and, authorize the City Manager to execute the Side Letter Agreement. The motion carried by the following roll call vote:

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

12. Adopted Resolutions of the City Council and Successor Agency authorizing the processing of documentation confirming ownership of Real Property by the Successor Agency to the Redevelopment Agency and approving and consenting to the transfer back to the City of the Real Property as may be directed by the Oversight Board

Mayor Hansen pulled the item to recognize revisions identified by supplemental communication.

City Council Action:

A motion was made by Hansen, second Bohr to adopt Resolution No. 2012-69, "A Resolution of the City Council of the City of Huntington Beach, California Authorizing the Processing of Documentation Reflecting and Confirming Ownership of Real Property By the Successor Agency to the Redevelopment Agency of the City of Huntington Beach"; and, adopt Resolution

No. 2012-70, "A Resolution of the City Council of the City of Huntington Beach, California Authorizing the Processing of Documentation Reflecting and Confirming Ownership of Real Property by the Successor Agency to the Redevelopment Agency of the City of Huntington Beach and Approving and Consenting to the Transfer Back to the City of the Real Property as May Be Directed By the Oversight Board to the Successor Agency to the Redevelopment Agency of the City of Huntington Beach"; and, adopt Resolution No. 2012-71, "A Resolution of the City Council of the City of Huntington Beach, California authorizing the Processing of Documentation Reflecting and Confirming Ownership of Real Property by the Successor Agency to the Redevelopment Agency of the City of Huntington Beach and Approving Various Actions, Subject to Conditions Precedent, Relating to the Transfer of the Purchase Price and Sale of Real Property Pursuant to a Purchase Agreement and Joint Escrow Instructions By and Between the City of Huntington Beach and Campbell Lodging, Inc. and ~~KPHL~~ **Campbell Lodging International** LLC." The motion carried by the following roll call vote:

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

Successor Agency Action:

Adopt Resolution No. 2012-05, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Authorizing the Processing of Documentation Reflecting and Confirming its Ownership of Real Property"; and, adopt Resolution No. 2012-06, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Authorizing the Processing of Documentation Reflecting and Confirming its Ownership of Real Property and Approving and Consenting to the Transfer Back to the City of the Real Property as May Be Directed By the Oversight Board to the Successor Agency to the Redevelopment Agency of the City of Huntington Beach"; and, adopt Resolution No. 2012-07, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Authorizing the Processing of Documentation Reflecting and Confirming Ownership of Real Property By it and Approving Various Actions Relating to the Transfer of the Purchase Price and Sale of Real Property Pursuant to a Purchase Agreement and Joint Escrow Instructions By and Between the City of Huntington Beach and Campbell Lodging, Inc. and ~~KPHL~~ **Campbell Lodging International** LLC."

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

13. Adopted Ordinance Nos. 3960 and 3961 establishing park land dedication fees and other related information Approved for introduction October 1, 2012

A motion was made by Carchio, second Bohr to adopt Ordinance No. 3960, "An Ordinance of the City of Huntington Beach Amending Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Parkland Dedication;" and, adopt Ordinance No. 3961, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Payment of Park Fee." The motion carried by the following roll call vote:

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

PUBLIC HEARING

14. Approved for introduction Ordinance No. 3962 approving Development Agreement No. 12-003 with Archstone Huntington Beach College Park LLC (Developer) for the Archstone HB Lofts Project

Principal Planner Tess Nguyen provided a PowerPoint presentation entitled Archstone HB Lofts - Development Agreement No. 12-003, with titled slides: Request, Project, Analysis, and Recommendation.

Mayor Hansen opened the public hearing.

Alex Wong, Red Oak Investments, expressed gratitude and eagerness to work with the City for a successful, high-quality development.

With no one else present to speak on the item, the public hearing was closed.

A motion was made by Harper, second Dwyer to approve Development Agreement No. 12-003 with findings for approval which includes "Affordable Housing Agreement Restrictions-Rental (Declaration of Conditions, Covenants and Restrictions for Property);" and, after the City Clerk reads by title approve for introduction Ordinance No. 3962, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach and Archstone Huntington Beach College Park LLC (Developer) (Development Agreement No. 12-003)." The motion carried by the following roll call vote:

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

COUNCILMEMBER ITEMS

15. CONTINUED TO NOVEMBER 19 item submitted by Councilmember Joe Carchio - Ordinance to prevent the feeding of coyotes and non-domestic animals in residential neighborhoods

Councilmember Carchio offered support for his request to draft an Ordinance that would prohibit feeding of coyotes and non-domestic animals in residential neighborhoods.

Councilmember Harper acknowledged Mayor Pro Tem Dwyer's intentions to bring forth an item related to Coyote abatement on November 19th, and questioned if it would be appropriate to table Councilmember Carchio's item until that date.

A motion was made by Harper, second Hansen to table request for Ordinance to prevent the feeding of coyotes and non-domestic animals in residential neighborhoods until November 19 when Mayor Pro Tem Dwyer's related request is scheduled to be heard. The motion carried by the following roll call vote:

Councilmember Boardman discussed concerns about the proposed ordinance prohibiting feeding of humming and other wild birds.

AYES: Harper, Dwyer, Hansen, and Bohr

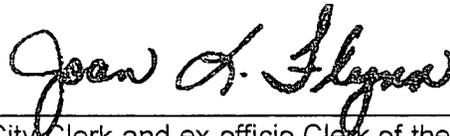
NOES: Shaw, Carchio, and Boardman

COUNCILMEMBER COMMENTS (Not Agendized)

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

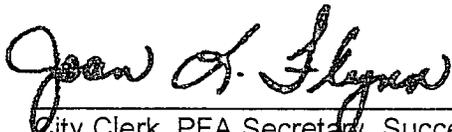
ADJOURNMENT

Adjourned at 7:41 PM in memory of Les Riddell to the next regularly scheduled meeting of Monday, November 5, 2012 at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

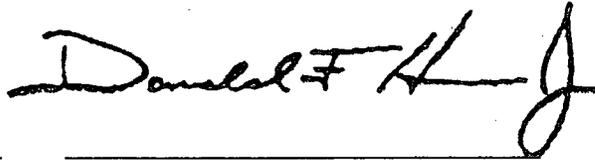


City Clerk and ex-officio Clerk of the City Council/
Successor Agency of the City of Huntington Beach,
Secretary of the Huntington Beach Public Finance
Authority of the City of Huntington Beach, and Clerk
of the Housing Authority of the City of Huntington
Beach, California

ATTEST:



City Clerk, PFA Secretary, Successor
and Housing Authority Clerk



Mayor-Chair