

**Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, December 18, 2006
5:00 P.M. - Council Chambers
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting are
on file in the Office of the City Clerk and available on the website.**

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 5:00 p.m. in the Council Chambers due to a lack of quorum.

Call to Order

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in the Council Chambers.

City Council/Redevelopment Agency Meeting Roll Call

Present: Carchio, Cook, Coerper, Green, Hansen, and Hardy.
Absent: Bohr (arrived during Closed Session at 5:04 p.m.)

The City Clerk Announced No Late Communications Pertaining to the 4:00 P.M. Portion of the Meeting

No Public Comments Regarding the 4:00 P.M. Portion of the Council Meeting

Motion to Recess to Closed Session – Approved

A motion was made by Hardy, second Hansen to recess to Closed Session on the following items. The motion carried by the consensus of all present, Bohr absent.

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; Renee Mayne, Chief Negotiator; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: MEO, FMA, HBFA, MSOA, SCLEA, and Non-Associated. Subject: **Labor Relations – Meet and Confer.**

(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Consider Review of Compensation for City Administrator, Deputy City Administrator, Director of Building and Safety, Director of Planning, Director of Economic Development, Fire Chief, Director of Information**

Services, Chief of Police, Director of Library Services, Director of Public Works, Director of Community Services, and Finance Director.

Councilmember Keith Bohr arrived during Closed Session.

Reconvened City Council/Redevelopment Agency Meeting at 6:08 p.m.

City Council/Redevelopment Agency Meeting Roll Call

Present: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy.
Absent: None.

No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

Pledge of Allegiance/Flag Salute - Led by the Huntington Beach Police Department Color Guard and Councilmember Bohr

Invocation - Led by Rabbi Michael Myerson

Presentation - Mayor Gil Coerper was joined by Police Chief Small and Councilmember Cathy Green and presented a commendation to Ray and Chris Martinez for their outstanding assistance in the police incident regarding a criminal suspect who had barricaded himself in a residence. Chief Small thanked the Martinez' for their assistance, which he said was above-and-beyond expectations.

Presentation - Mayor Gil Coerper presented a commendation to Roseann Andrus on behalf of the Orange County United Way for their collaboration in developing the revision to the City's large family daycare ordinance.

Mayor's Award – Mayor Gil Coerper was joined by Information Services Director Jack Marshall and presented the Mayor's Award to Office Automation Systems Administrator John Carpenter. Director Marshall highlighted Mr. Carpenter's five years' employment with the City including administration of the City's email system, and stated he is a pleasure to work with.

Public Comments

(The numbers following speaker comments reflect the approximate point of time in the archived video the speaker appears, available at <http://www.surfcity-hb.org/Government/Agendas/>)

Herb Duysings, thirty-eight-year resident, stated he plans to remodel his home and asked when the Home Depot project located at Garfield Avenue and Magnolia Street is scheduled to open. (18:12)

City Administrator Penny Culbreth-Graft explained that the project completion date is unknown. She suggested Mr. Duysings leave his name and telephone number with the Sergeant-at-Arms to allow staff to provide him with a contact at Home Depot. Acting Director of Planning Scott Hess confirmed that the project was approved approximately six months ago. He stated the City is waiting for Home Depot to submit plans for construction.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by the City Attorney dated December 18, 2006 and titled *City Council Meeting December 18 2006, Agenda Item E-16, Substitute City Action*.

Communication submitted by Steve Stafford dated December 16, 2006 and titled *I Strongly Support Item H-1b*, regarding graffiti abatement.

The Following Communication Was Submitted During the Meeting:

Communication submitted by Shannon Anderson, Public Law Center, dated December 18, 2006 and titled *Comments for Huntington Beach City Council Meeting* pertaining to the public hearing.

(City Council) Mayor Pro Tem Cook Stated Attendance at Borders' Committee Meeting at San Diego Association of Governments on December 8, 2006

Mayor Pro Tem Debbie Cook reported, in compliance with AB 1234, that she had attended the Borders' Committee meeting at the San Diego Association of Governments on December 8, 2006.

(City Council) Councilmember Bohr Reported on Fourth of July Board Candidates

Councilmember Keith Bohr announced that he and Mayor Pro Tem Cook, as Council liaisons, had interviewed several candidates for the Fourth of July Board and were impressed with the candidates' qualifications.

(City Council) Announcement Made by Councilmember Carchio of the Individual Appointment of Fred Speaker to the Planning Commission

Councilmember Joe Carchio announced his appointment of Fred Speaker to the Planning Commission.

(City Council) Approved Council Liaison Assignments

Councilmember Green commented on prior Council action on liaison assignments. She asked the Mayor to consider selecting Councilmember Bohr as a Council liaison to the Economic Development Committee (EDC).

Councilmember Hardy stated her interest in remaining as a liaison to the EDC as the most recent past Mayor, as has been the tradition.

Mayor Pro Tem Cook described the appointment practice as well-established, with merit to continue as in the past.

Councilmember Green commented on continuity and on Councilmember Bohr's expertise in the area of economic development. She suggested his qualifications would offer a divergent point of view to the committee.

Councilmember Bohr stated he would agree to serve on the committee; however he would also defer to the Mayor and Council's preference.

Mayor Coerper stated he would not support a change to the Recommended Action.

Councilmember Green reiterated her support for the appointment of Councilmember Bohr as liaison to the EDC.

A motion was made by Cook, second Hardy to approve the list of Council Liaison Assignments as submitted. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Hansen, and Hardy
NOES: Green

(City Council) Reviewed and Accepted City Treasurer Shari L. Freidenrich's October 2006 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for October 2006*

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for October 2006.

City Treasurer Freidenrich gave a PowerPoint presentation titled *October Treasurer's Report*, which was included in the agenda packet.

A motion was made by Hardy, second Cook to review and accept the Monthly Investment Report entitled *Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for October 2006*, 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: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council/Redevelopment Agency) – Adopted City Council Resolution No. 2006-80 and Redevelopment Agency Resolution No. 365, Approving and Adopting the Fiscal Year 2006/2007 Statement of Investment Policy

The City Council considered a communication from the City Treasurer transmitting the following **Statement of Issue**: Pursuant to California Government Code, the Treasurer of the local agency shall render an annual statement of investment policy to the legislative body for acceptance. The City Treasurer, with the assistance of the Investment Advisory Board, has prepared an updated investment policy. **Funding Source**: Not applicable.

City Treasurer Freidenrich gave a PowerPoint presentation titled *Investment Policy 2006/2007*.

A motion was made by Hansen, second Cook to **City Council Recommended Action:** Approve and Adopt Resolution No. 2006-80, *A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2006/2007*; and **Redevelopment Agency Recommended Action:** Approve and Adopt Resolution No. 365, *A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2006/2007*. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

Recessed Council/RDA meeting and Convened Huntington Beach Public Financing Authority Meeting at 6:50 p.m.

(Public Financing Authority) Call to Order the Regular Meeting of the Huntington Beach Public Financing Authority

Public Financing Authority Roll Call

Present: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy.
Absent: None.

(Public Financing Authority) Election of Officers Held

A motion was made by Hardy, second Cook to elect Gil Coerper, Chair of the Huntington Beach Financing Authority; Debbie Cook, Vice-Chair of the Huntington Beach Financing Authority and Joan L. Flynn, Secretary of the Huntington Beach Public Financing Authority. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(Public Financing Authority) Approved Public Financing Authority Minutes

A motion was made by Cook, second Hardy to approve and adopt the minutes of the December 19, 2005 Annual Meeting of the Public Financing Authority as written and on file in the Office of the Secretary. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

Adjournment – Public Financing Authority Meeting

Mayor Coerper adjourned the Public Financing Authority meeting and Reconvened the City Council/Redevelopment Agency meeting at 6:51 p.m.

(City Council) City Clerk Flynn Reported Attendance at League of California Cities New Law and Election Seminar December 6-8, 2006

City Clerk Joan L. Flynn reported, in compliance with AB1234, that she had attended the League of California Cities New Law and Election Seminar on December 6-8, 2006 in La Jolla and gave a brief report of topics covered.

(City Council) Public Hearing Held – Approved Zoning Text Amendment (ZTA) No. 06-05 and Approved for Introduction Ordinance No. 3761, Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance to Allow Large-Family Day Care Uses (7-12 Children) in Residential Zoning Districts With an Administrative Permit With No Applicable Fee or Architectural Plans Required

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: ZONING TEXT AMENDMENT NO. 2006-05 (Large Family Day Care)

Applicant: City of Huntington Beach

Request: To amend Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to allow large family day care uses in residential zoning districts with an Administrative Permit (Neighborhood Notification: 300-foot radius) with no applicable fee or architectural plans required.

Location: Citywide

Project Planner: Jennifer Villasenor

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Acting Director of Planning Scott Hess introduced Project Planner Jennifer Villasenor. Planner Villasenor presented a PowerPoint report titled *ZTA No. 06-05: Large Family Day Care*, which was included in the agenda packet.

Mayor Coerper declared the public hearing open.

Roseann Andrus of the Orange County United Way spoke regarding the necessity for adequate childcare services in Orange County. She described the benefits of quality childcare and its importance as a component of economic development. Ms. Andrus voiced her support for approval of ZTA 06-05. (48:06)

Shannon Anderson, affiliated with the Public Law Center, described services provided by her employer. She stated reasons to support the Recommended Action and encouraged adoption by the City Council. Ms. Anderson further described what she referred to as issues that she felt were not in compliance with State law, including the definition of large family day care, conditions upon which applications can be approved or denied, and neighborhood notification requirements. She also submitted a Late Communication. (51:13)

City Clerk Flynn stated for the record no Late Communications were received that pertain to this public hearing.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Carchio voiced concern with what he described as a lack of a thorough application and professional drawings. He added concerns about parking. City Administrator Penny Culbreth-Graft described previous Council action taken on this item, clarifying that the purpose of the action was to reduce requirements in order to expedite the process and increase childcare services in the City. Planner Villasenor explained that an administrative permit application, with no fee, is still required. Councilmember Carchio reiterated his concerns pertaining to parking, traffic flow, and signage.

Acting Director Hess described requirements for a Conditional Use Permit and stated they are the same as required for an Administrative Permit. He explained that the proposed ordinance is consistent with the majority of cities in Orange County, and described the appeal process.

Councilmember Green stated the State application process is thorough. She clarified parents' short-term use of the streets for pick up and drop off of children. She stated the City is 4,000 spaces short for child care, and described research and specific situations brought to Council's attention. Councilmember Green explained street signs were not preferable since it may attract unwanted attention to children in the area.

Councilmember Hansen stated his opinion that the primary impetus for the amendment is the high fees charged by Huntington Beach to establish daycare centers and the scarcity of service providers in the City. He explained that several issues, including neighborhood notification, were addressed by Council at previous meetings.

Councilmember Bohr concurred with comments made by Councilmembers Green and Hansen.

Councilmember Hardy commented on statements made by Public Speaker Shannon Anderson, stating that the City has higher requirements than the State. She noted that some residents have stated their preference for less signage in their neighborhoods.

Councilmember Green asked the City Attorney to comment on the definition of large family daycare. City Attorney Jennifer McGrath stated her preference was to research statements made at the meeting prior to amending the Recommended Action.

Councilmember Hardy asserted that she prefers to receive more information pertaining to the differences between State and City code before amending the ordinance further. Mayor Pro Tem Cook concurred and suggested approving the Recommended Action and following up with the other issues at a later date.

A motion was made by Cook, second Hardy to approve Zoning Text Amendment No. 06-05 with Findings for Approval, and after the City Clerk read by title, approve for Introduction Ordinance No. 3761, *An Ordinance of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Residential Districts-Day Care Centers*. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

FINDINGS FOR APPROVAL

ZONING TEXT AMENDMENT NO. 06-05

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves an amendment to the Huntington Beach Zoning and Subdivision Ordinance that does not change the intensity or density of the affected districts.

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-05:

1. Zoning Text Amendment No. 06-05 to permit large family day care uses with a no-fee administrative permit is consistent with the goals, objectives and policies of the General Plan. The General Plan Land Use Element calls for the inclusion of service uses that support the resident needs within residential neighborhoods. Elimination of the CUP requirement for large family day care will create more opportunities for large family day care operators to offer childcare services in the City that may have been deterred in the past due to the costly CUP application fees. ZTA No. 06-05 provides for the further accommodation of community-serving uses in residential neighborhoods as stated in the policies of the General Plan Land Use Element.
2. In the case of general land use provisions, the zoning text amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. ZTA No. 06-05 proposes to amend Chapter 210.04 of the HBZSO by eliminating the CUP requirement for large family day cares and instead requiring a no-fee administrative permit. This will allow for a planning review and approval but does not place the burden of expensive entitlement fees on a potential childcare provider. ZTA No. 06-05 does not propose to change existing land use designations and is consistent with the uses permitted in Chapter 210.04 of the HBZSO in that large family day cares will still be permitted in residential zoning districts but will no longer require a CUP in order to obtain approval.
3. A community need is demonstrated for the proposed zoning text amendment. The City of Huntington Beach has one of the highest zoning entitlement fees for large family day care homes in Orange County. There is also a need for more childcare services in the City. ZTA No. 06-05 proposes to eliminate the CUP requirement and implement a no-fee administrative permit, thereby reducing the costly entitlement fees and shortening the application processing time. The simplified process will allow potential childcare providers to better serve the needs of the community.
4. The adoption of ZTA No. 06-05 will be in conformity with public convenience, general welfare and good zoning practice. ZTA No. 06-05 will lessen the land use controls for large family day care uses and make it easier for operators to obtain approvals. The proposed zoning text amendment will enable childcare providers to obtain permits with less restrictions but still allow for planning approval to ensure that proposed large family day care homes will not significantly impact the surrounding properties and be compatible with the adjacent residential uses.

Consent Calendar – Items Removed for Separate Discussion

(Redevelopment Agency) Execution of a Professional Services Agreement With Tierra West Advisors, LLC in the Amount of \$141,230 for Preparation of the Economic Revitalization Strategic Plan for Beach Boulevard and Edinger Corridor and Appropriate Funds

(City Council/Redevelopment Agency) City Resolution No. 2006-082 Approving and Authorizing Execution and Recordation of the Special Utility Easement and Maintenance Agreement Between the City and Bella Terra Associates, LLC and the City Engineer to Accept the Public Improvements Upon the Recordation of Parcel Map 2003-163, and Agency Resolution No.366 Deeming Bella Terra a First-Quality Regional Mall and the Construction, Rehabilitation and Renovation Complete and Authorizing the Executive Director to Provide a Release of Construction Covenants Upon the Recordation of Parcel Map No. 2003-163.

Consent Calendar – Items Approved

A motion was made by Cook, second Hardy to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council/Redevelopment Agency) Approved and Adopted Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meetings of November 20, 2006 and December 4, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council/Redevelopment Agency) Received and Filed the City Clerk's Quarterly Report Listing Professional Services Agreements Filed in the City Clerk's Office Between July 1, 2006 and September 30, 2006 - Received and filed the *List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period July 1, 2006 through September 30, 2006.* Submitted by the City Clerk. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2006-77 Authorizing Certain City Officials to Execute Grant Applications and Documents in Order to participate in the California Integrated Waste Management Board's (CIWMB) 12th Cycle of the Used Oil Recycling Program, and Authorized the Expenditure of \$52,000 to Cover Program Expenses Prior to Reimbursement from the CIWMB - 1) Approved Resolution No. 2006-77, *A Resolution of the City Council of the City of Huntington Beach Authorizing Certain City Officials to Execute Grant Applications and Documents;* and 2) Authorized the expenditure of up to \$52,000 for the 12th Cycle of the Used Oil Recycling Program to be funded by revenue not anticipated in the original FY 2006/07 budget. Submitted by the Fire Chief. Funding Source: If approved, funds up to \$52,000 would be provided by the CIWMB Used Oil Grant Program. No matching or in-kind funds are required for this grant.

(City Council) Approved and Authorized Execution of a Maintenance Agreement with Brookhurst and Adams, LLC for the Traffic Signal on Brookhurst Street that Serves as the Main Entrance to the Beachmont Plaza Shopping Center - Approved and authorized the Mayor and City Clerk to execute the *Agreement Containing Covenants Affecting Real Property Concerning Maintenance of Public Improvements (Beachmont Plaza Shopping Center.)* Submitted by the Director of Public Works. Funding Source: Revenue in the amount of \$9,860 will be deposited into the Infrastructure Fund, Miscellaneous Reimbursables, for Traffic Signal Maintenance, 31400314.48550.10085304. The amount will be adjusted annually per the Engineering News Record Construction Cost Index (ENR CCI), and budgeted for maintenance as necessary.

(City Council) Approved and Authorized Execution of Two Utility Agreements with the State of California Department of Transportation (Caltrans) for the Beach Boulevard Resurfacing Project Requiring the Resetting of the City's Water Valves and Sewer Manholes on Beach Blvd. Between Main/Ellis St. and the I-405 - 1) Approved and authorized the Mayor and City Clerk to execute the *Utility Agreement No. 12-UT-952*; and **2)** Approved and authorized the Mayor and City Clerk to execute the *Utility Agreement No. 12-UT-954*. Submitted by the Director of Public Works. Funding Source: Funds in the amount of \$45,600 for the water valves are available in the Water Fund, Water Distribution, Water Services Maintenance, Account No. 50685804.67685. Funds in the amount of \$18,000 for sewer manholes are available in the Sewer Service Charge Fund, Sewer Service Maintenance, Contracts for Repair and Maintenance, Account No. 51185201.64620.

(City Council) Adopted Resolution No. 2006-78 Approving the Proposition 40 Nonpoint Source Pollution Control Grant Agreement with the State of California for the Irby Park Runoff Treatment Project; Appropriated State Award and Grant-Matching Funds - 1) Adopt Resolution No. 2006-78, *A Resolution of the City Council of the City of Huntington Beach Approving the Proposition 40 Grant Agreement With the State of California for the Irby Park Runoff Treatment Project*; and **2)** Appropriated \$155,000 from the General Fund reserve to the project account; and **3)** Appropriated \$1,875,000 to the project account, and increase estimated revenues by \$1,875,000 to the Water Quality Grant Fund from the State of California, 89200892.46160. Submitted by the Director of Public Works. Funding Source: **1)** The State will award \$1,875,000 for the Irby Park Runoff Treatment project. Grant funds and offsetting revenue will be appropriated to the project account; and **2)** A 25% grant match amount totaling \$625,000 is required. Anticipated grant funds for the city match are not available at this time. An appropriation of \$155,000 from the General Fund undesignated reserve is requested for FY 2006-07. The balance of \$470,000 in construction funds will be required in FY 2007/08; and **3)** Funds will be appropriated to Water Quality Grants, Irby Park Runoff Treatment, Drainage Improvements, 89288006.82500.

(City Council) Adopted Resolution No. 2006-79 to Establish a Business Expense Policy Applicable to Elected and Appointed Officials to Comply With Assembly Bill (AB) 1234 - Adopted Resolution No. 2006-79, *A Resolution of the City Council of the City of Huntington Beach Establishing a Business Expense Policy for Elected and Appointed Officials*. Submitted by the City Attorney. Funding Source: There is no funding required by (or for) the recommended action.

(City Council) Approved the HOME Fund Reservation Agreement in the Amount of \$1,031,673.88 Between the City of Huntington Beach and Jamboree Housing Corporation Which is Necessary to Satisfy a Housing Urban Development (HUD) Deadline to Commit Federal Affordable Housing Funds for an Affordable Housing Acquisition and Rehabilitation Project Within the Oakview Area - Approved the *Home Fund Reservation Agreement* between the City of Huntington Beach and Jamboree Housing Corporation. Submitted by the Director of Economic Development. Funding Source: \$1,031,673.88 from FY 2003/04 and FY 2004/05 Home Investment Partnership Program funds (Accounts 85180401 and 85280401.)

Councilmember Carchio asked for clarification on the changes and suggested a budget be established. City Attorney McGrath explained the resolution establishes policy mandated by State law, and Council may direct further research or amendments if desired. Mayor Pro Tem Cook stated she appreciates the consideration; however opined that no changes are necessary.

(City Council) Accepted Public Improvements and Approved the Release of Securities for Tract No. 15549, the PLC / Lyon Waterfront Residential, LLC, Development Located at the West Side of Beach Boulevard, Approximately 800 Feet North of Pacific Coast Highway - 1) Accepted the improvements constructed and dedicated for public use with Tract No. 15549; and 2) Accepted Guarantee and Warranty Bond No. B34224613M, the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to file the bond with the City Treasurer; and 3) Released the Faithful Performance/Labor and Material Bond No. B34224613 and Monument Bond No. B34224614 pursuant to California Government Code Section No. 66499.7(a); and 4) Instructed the City Clerk to notify the builder, PLC / Lyon Waterfront Residential, LLC, of this action and the City Treasurer to notify the surety, Gulf Insurance Company, of this action; and 5) Instructed the City Clerk to record the *Acceptance of Public Improvements* with the Orange County Recorder. Submitted by the Director of Public Works. Funding Source: No funds required for this action.

(City Council) Approved the Memorandum of Agreement Between the Cities of Huntington Beach, Costa Mesa, Newport Beach, and the County of Orange, Establishing a Cooperative Effort for the Planning and Development of the Orange Coast River Park Along the Santa Ana River - Approved the *Memorandum of Agreement Orange Coast River Park* between the cities of Huntington Beach, Costa Mesa, Newport Beach, and the County of Orange, establishing a cooperative effort for the planning and development of the Orange Coast River Park. Submitted by the Director of Community Services. Funding Source: None. The Memorandum of Agreement does not obligate the City to contribute funds.

Councilmember Carchio asked for clarification on the expenses involved. Councilmember Green explained that no City funding is attached to this item. The agreement allows for cooperative planning and development of the project.

(City Council) Accepted Additional Grant Award Amount of \$91,824 From the County of Orange Supplement Law Enforcement Services Fund (SLESF) for Fiscal Year 2006-2007, Authorized the Chief of Police to Expend the Funds on Patrol Related Equipment and Appropriate Funds - 1) Accepted the additional grant award amount of \$91,824 from the County of Orange SLESF for funding cycle year 2006/2007; and 2) Approved and authorized the Chief of Police to expend the additional funding of \$91,824, plus any accrued interest on technology associated with patrol related

equipment as described; and 3) Appropriated the additional funding of \$91,824, plus any accrued interest to be expended on patrol related equipment. Submitted by the Chief of Police. Funding Source: No match will be required for this grant.

(City Council) Approved the Maddy Act Local Appointments List (Terms on City Boards, Committees, and Commissions Which Expire in 2007) Informing the Public of Openings and Vacancies Based on Expirations of Current Members' Terms - Approved the Maddy Act Local Appointments List showing term vacancies which will occur on City Boards and Commissions in the year 2007 and directed the City Clerk to post the list at the official posting locations (Civic Center, Huntington Central Library, Main Street Library). Copies of the Maddy Act will also be posted at all branch Libraries, and on the City's website. Submitted by the City Clerk. Funding Source: Not applicable.

(City Council) Approved the Amended Employment Agreement for Ambulance Operator Personnel in the Huntington Beach Fire Department Reflecting Changes to Work Schedule and Overtime, Medical Benefits, General Leave, Bereavement Leave and Court Time - Approved the amended Ambulance Operator Employment Agreement for the Huntington Beach Fire Department. Submitted by the Fire Chief. Funding Source: FireMed Enterprise business unit 50265403.51000 accounts pertaining to personnel services.

(City Council) Adopted Resolution No. 2006-81 Amending the City's Classification Plan to Incorporate Changes Considered by the Personnel Commission at Regularly Scheduled Meetings held in September Through November 2006 - Adopted Resolution No. 2006-81, *A Resolution of the City Council of the City of Huntington Beach Amending the City Classification Plan by Revising the Class Specification for the Position of Code Enforcement Officer 1, Establishing New Job Specifications and Setting Compensation for the Positions of Deputy Director of Economic Development, Beach Maintenance Operations Manager and Parking and Camping Assistant; and Deleting the Class Title and Job Specification for the Position of Housing and Redevelopment Manager.* Submitted by the Deputy City Administrator/City Services. Funding Source: Funding for proposed compensation is included in the FY 2006-07 budget.

(Redevelopment Agency) Approved and Authorized Execution of a Professional Services Agreement with Tierra West Advisors, LLC in the Amount of \$141,230 for Preparation of the Economic Revitalization Strategic Plan for Beach Boulevard and Edinger Corridor and Appropriate Funds

The City Council considered a communication from the Deputy Executive Director transmitting the following **Statement of Issue**: Transmitted for City Council and Redevelopment Agency consideration is a professional services agreement for the purpose of completing an economic development analysis related to the revitalization of Beach Boulevard and Edinger Avenue. This project is being initiated based on direction from the City Council in Fall 2005 and as a result of public input relative to the Edinger Corridor. On September 5, 2006, City Council approved a professional services agreement with Freedman, Tung and Bottomley in the amount of \$599,775 for the planning portion of this project. At that time, the Council was asked to postpone the award of the economic portion of the project. This delay allowed staff the time to refine the objectives of the analysis and reissue the Request for Proposals. **Funding Source:** Funds in the amount of \$141,230 were budgeted and are available in Redevelopment Agency Professional Services Account 30580101.69325.

Councilmember Bohr had requested that this agenda item be removed from the Consent Calendar to ask for clarification on the proposals submitted by the vendors. Director Smalewitz reported the cost proposals submitted by ERA, CB Richard Ellis, and RSG stating that other factors were considered including the number of meetings included in the proposal amount. Councilmember Bohr asked if interviews were performed. Director Smalewitz explained that both CB Richard Ellis and Tierra West were interviewed by staff.

Mayor Coerper asked if the recommended vendor has prepared economic strategy plans for the City in the past. Director Smalewitz replied in the affirmative, stating individuals with Tierra West did so prior to restructuring, when they were affiliated with RSG. John Yonia, Principal of Tierra West, stated he was involved with the original proposal submitted by RSG to the City and that his firm Tierra West originated on August 16, 2006.

A motion was made by Bohr, second Cook to **1) Approve the Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Tierra West Advisors, LLC for Preparation of an Economic Revitalization Plan for the Beach Boulevard and Edinger Corridors** in the amount of \$141,230; and **2) Authorize the Chairman and Agency Clerk to execute the agreement;** and **3) Appropriate \$141,230 from undesignated Redevelopment Agency Merged Capital Funds Balance to account 30580101.69365.** The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council/Redevelopment Agency) Adopted City Resolution No. 2006-82 Approving and Authorizing Execution and Recordation of the Special Utility Easement and Maintenance Agreement Between the City and Bella Terra Associates, LLC as amended by Late Communication pending the City Engineer's Review and Certification and Directing the City Engineer to Accept the Public Improvements Upon the Recordation of Parcel Map 2003-163, and Adopt Agency Resolution No.366 Deeming Bella Terra a First-Quality Regional Mall and the Construction, Rehabilitation and Renovation Complete and Authorizing the Executive Director to Provide a Release of Construction Covenants Upon the Recordation of Parcel Map No. 2003-163

The City Council considered a communication from the Director of Economic Development/Deputy Executive Director and the Director of Public Works transmitting the following **Statement of Issue:** Bella Terra Associates, LLC, the developer of the Bella Terra (located at the northwest corner of Beach Boulevard and Edinger Avenue), contends it has completed all required public improvements for Tentative Parcel Map 2003-163 and has requested that the Redevelopment Agency determine that the construction, rehabilitation and renovation of Bella Terra is complete.

The City is being asked to adopt Resolution No. 2006-82 approving a Special Utility Easement and Maintenance Agreement and directing the City Engineer to accept the public improvements upon the recordation of Parcel Map 2003-163.

The Redevelopment Agency is being asked to adopt Resolution No. 366 deeming Bella Terra a first-quality regional mall and the construction, rehabilitation and renovation complete and authorizing the Executive Director to provide a Release of Construction Covenants upon the recordation of Parcel Map No. 2003-163. **Funding Source: Not Applicable.**

Councilmember Bohr had requested that this agenda item be removed from the Consent Calendar to ask for an oral staff report, including clarification of the change made by the Late Communication. Economic Development/Deputy Executive Director Smalewitz gave an oral report and described deadlines prior to the end of the calendar year. He stated the mall recently received a Golden Mega Award from a magazine, which recognized it as the rehabilitation project of the year. Public Works Director Beardsley commented on the water-utility easement and clarified that the changes to the Recommended Action, outlined in the Late Communication, consisted of legal descriptions.

A motion was made by Bohr, second Hardy to **City Action:** Adopt Resolution No. 2006-82, *A Resolution of the City Council of the City of Huntington Beach Relating to Tentative Parcel Map No. 2003-163 (Bella Terra)* finding that:

- A. *The Special Utility Easement and Maintenance Agreement between the City of Huntington Beach and Bella Terra Associates, LLC is approved (as amended by Late Communication) pending the City Engineer's review of Exhibits B and C and certification as to accuracy; and*
- B. *The Mayor and City Clerk are authorized to execute the Special Utility Easement and Maintenance Agreement between the City of Huntington Beach and Bella Terra Associates, LLC, and the City Clerk is instructed to record the Agreement with the Orange County Recorder; and*
- C. *The City Engineer is directed to accept the public improvements upon the recordation of Parcel Map 203-163, and the City Clerk is instructed to record a Certificate of Acceptance with the Orange County Recorder only upon the recordation of Parcel Map 2003-163; and*
- D. *The City Administrator is authorized to sign all documents necessary and appropriate to carry out and implement the Special Utility Easement and Maintenance Agreement between the City of Huntington Beach and Bella Terra Associates, LLC.*

Agency Action: Adopt Agency Resolution No. 366, *A Resolution of the Redevelopment Agency of the City of Huntington Beach Determining that the Bella Terra Mall is a First-Quality Shopping Mall and that the Construction, Rehabilitation and Renovation Required by the Owner Participation Agreement is Complete Upon the Recordation of Parcel Map 2003-163* finding that:

- A. *Bella Terra is a first-quality regional shopping center as required by the OPA and plans approved by the City and Agency; and*
- B. *Upon the recordation of Parcel Map 2003-163, the construction, rehabilitation and renovation required by the Scope of Development and Sections 401 and 501 (a) and (b) of the OPA is complete; and*
- C. *Upon the recordation of Parcel Map 2003-163, the Executive Director is authorized to provide the Release of Construction Covenants to Participant and the City Clerk is instructed to record the Release of Construction Covenants with the Orange County Recorder.*

The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) Approved a City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC)

The City Council considered a communication from Councilmember Jill Hardy, Chair on behalf of Intergovernmental Relations Committee Members Mayor Gil Coerper and Councilmember Don Hansen transmitting the following **Statement of Issue**: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee (IRC) on legislation pending before a federal, state, or regional government, thereby authorizing the Mayor to communicate the City's position to the elected members of the federal or state legislature, or regional body. **Funding Source**: Not Applicable

Councilmember Hardy gave an oral report.

A motion was made by Hansen, second Cook to SUPPORT - The Orange County Fire Chief's Association (OCFCA) in their efforts to build a nationwide wireless broadband network for public safety by supporting Federal Communications Commission (FCC) RM No. 11348. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) Approved for Introduction Ordinance No. 3760 Amending the Huntington Beach Municipal Code Chapter 2.106 Relating to the Fourth of July Board Composition, Officers, Duties of Executive Board Members and Attendance

Councilmember Bohr explained that recommendations for appointments would be submitted to Council at a later date. Community Services Director Jim Engle clarified the assignments are agendaized for the first meeting in January.

Councilmember Carchio asked for clarification on the amendments made by the ordinance, including the number of board members, the assignment of board members, and the term of the appointments. Councilmember Bohr responded as Council liaison to the Board, stating that the parades have been successful; however committee members needed additional assistance from individuals with the ability to contribute substantial effort.

Mayor Pro Tem Cook described issues that have arisen over the last few years and the tremendous volume of work required of the Board and suggested Council approve the amendments.

Councilmember Hansen clarified that former Board members had voiced concern with the components of the Board, with the extreme amount of work involved, and with future aspirations for the event. Councilmember Carchio opined that funding of the event is the issue rather than the work product of the Board. Councilmember Hansen stated his preference to subcontract to a vendor who would professionally manage the fireworks show.

Councilmember Bohr stated concurrence with Councilmember Hansen's comments and clarified opportunities for individuals to volunteer efforts other than as a board member.

Mayor Coerper voiced his support for the Recommended Action and concurrence with Councilmember Hansen's comments.

A motion was made by Cook, second Bohr to after the City Clerk read by title, approve for introduction Ordinance No. 3760 - *An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Chapter 2.106 Relating to the Fourth of July Board.* The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) Submitted By Mayor Coerper – Pulled to a Date Uncertain – Removal of 3/1 Committee from Boards and Commissions Roster

The City Council considered a communication from Mayor Coerper transmitting the following: **Statement of Issue:** In April 2005, the City Council, by proclamation, approved the adoption of the 3rd Battalion / 1st Marines and a sub-committee of Councilmembers Green, Sullivan and Coerper was formed, along with approximately 12 other members from the community and employee associations.

Subsequently, the committee decided to pursue a separate 501(c)3 status, and that has now been achieved. The new organization is now called The Huntington Beach 3/1 Marines Adoption Foundation and maintains their own board of directors, bank accounts and bylaws.

While it is my intention that the city remain wholly supported to the adoption and the efforts of the 3/1 Foundation, it is no longer necessary to include this group as a city-run committee.

Mayor Coerper announced that this item was pulled from the agenda to a date uncertain.

(City Council) Submitted By Mayor Coerper – Pulled to a Date Uncertain – Establishing a Reward for Information Leading to Conviction of an Individual for Graffiti

The City Council considered a communication from Mayor Coerper transmitting the following: **Statement of Issue:** The City has been experiencing significant graffiti problems and I would like to encourage the citizens of the community to assist the City in aggressively pursuing the individuals responsible for damaging private and public property.

Mayor Coerper announced that this item was pulled from the agenda to a date uncertain.

Councilmember Bohr suggested the Chief of Police research and make a recommendation on utilizing Retired Senior Volunteer Program (RSVP) members to assist in graffiti reporting and removal. Chief Small stated he would investigate the issue and report back to Council at a date uncertain.

Recessed to Closed Session at 8:03 p.m.

By consensus of all present, none absent, the City Council recessed to a reconvened Closed Session on the following items:

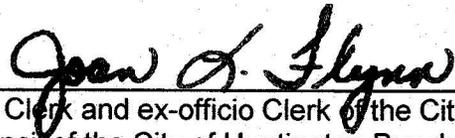
(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; Renee Mayne, Chief Negotiator; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, FMA, HBFA, MSOA, SCLEA, and Non-Associated.** Subject: **Labor Relations – Meet and Confer.**

(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Consider Review of Compensation for City Administrator, Deputy City Administrator, Director of Building and Safety, Director of Planning, Director of Economic Development, Fire Chief, Director of Information Services, Chief of Police, Director of Library Services, Director of Public Works, Director of Community Services, and Finance Director.**

No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

Adjournment – City Council/Redevelopment Agency

Mayor Coerper adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:07 p.m. to Tuesday, January 2, 2007, at 4:00 p.m., 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