

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

Monday, November 21, 2011  
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/](http://www.surfcity-hb.org/government/agendas/)**

4:00 PM - ROOM B-8

CALL TO ORDER – 4:03 PM

ROLL CALL

Present: Shaw, Harper, Hansen, Carchio, Bohr (arrived at 4:20), Dwyer (arrived at 5:05),  
and Boardman

Absent: None

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)**

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced receipt of supplemental communications received following distribution of the Council agenda Packet:

PowerPoint communication received from Travis Hopkins, Director of Public Works, entitled *Atlanta Avenue Widening Project - Relation Plan.*"

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

**STUDY SESSION**

1. The Public Works and Economic Development Departments presented the Atlanta Avenue Widening Project Relocation Plan and project update. The right-of-way project, if implemented, would require the acquisition of the northerly portion of a parcel located at 80 Huntington Street and the relocation of eight mobile homes.

City Engineer Tony Almos introduced Michele Folk with OPC Consultants, and provided a PowerPoint presentation entitled *Atlanta Avenue Widening Project Relocation Plan*, with titled slides: Existing Conditions, Proposed Improvements Proposed Cross-Section, Conceptual Elevation View, Project History, Relocation Plan: Need & Purpose, Relocation Plan: Major Elements, Assessment of Relocation Needs, Relocation Resources, Relocation Benefits, Public Outreach & Next Steps, Projected Schedule, and Comments or Questions?

Councilmembers, City staff and OPC Consultant Folk addressed the following issues:

- Why does the study for replacement housing include race/ethnicity data?
- What area does the replacement housing plan encompass?
- Cost and relocation benefits
- Relocation process (residents remaining in the park or moving to an outside location)
- Are there resident-owned parks in Huntington Beach?
- Comment letters expressing support for fair trade/compensation
- Pledge to be flexible and helpful to displaced residents
- Unit appraisals (do they take into account features that raise the value of the home?)
- Minimizing impact as much as possible
- Pursuing negotiations and construction on a parallel track
- Orange County Transportation Authority (OCTA) regulations
- Availability of project funds
- Public notice to displaced residents
- Mitigated Negative Declaration (MND) - public notice to a 500 foot radius

RECESS TO CLOSED SESSION BY A CONSENSUS OF COUNCIL – 4:30 PM

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 Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with all labor groups.

3. Pursuant to Government Code § 54957, the City Council recessed to Closed Session to discuss the following personnel matter: City Manager's Evaluation.

4. Pursuant to Government Code § 54956.9, the City Council recessed to Closed Session to confer with the City Attorney regarding the following lawsuit: Leticia Sanchez v. City of Huntington Beach, Orange County Superior Court Case No. 30-2010 00423471. In this case, Plaintiff, Leticia Sanchez, claims that she tripped and fell on a utility cover at Pier Plaza.

5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: City of Huntington Beach v. Lee, et al., Orange County Superior Court Case No. 30-2009-00329477. In this case, the City is attempting to enforce the Affordable Housing Covenant at Brisas del Mar, located at 409 E. Utica.

6. Pursuant to Government Code § 54956.9, the City Council recessed to Closed Session to confer with the City Attorney regarding the following lawsuit: Roberts, et al. v. City of Huntington Beach, et al., Orange County Superior Court Case No. 30-2009 00323224. In this case, Plaintiffs allege that City employees covered up alleged physical abuse inflicted upon Plaintiffs by then City employee James Roberts, the father and husband of Plaintiffs.

7. Pursuant to Government Code § 54956.9, the City Council recessed to Closed Session to confer with the City Attorney regarding the following lawsuit: Greg Reese v. City of Huntington Beach, WCAB Case No. ADJ7120444, Claim No. COHB-09-0114.

8. Pursuant to Government Code § 54956.9, the City Council recessed to Closed Session to confer with the City Attorney regarding nine (9) potential lawsuits.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING – 6:00 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Calvin Free, who holds the title of *Mr. Huntington Beach*

INVOCATION - Invocation by Don Garrick from the Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Mayor Carchio called on Lucy Dunn, President and Chief Executive Officer of the Orange County Business Council, who was joined by R.J. Mayer of the Robert Mayer Corporation, to present to the City the Orange County Business Council's *Turning Red Tape into Red Carpet* regional award for business attraction and retention. Ms. Dunn discussed how thirty-five businesses applied for the award, and that Huntington Beach's 10-Point Business Plan most successfully addresses business attraction and retention, creating jobs and economic recovery, among other things.

Presentation - Mayor Carchio and Mayor Pro Tem Hansen recognized Jenny Huntsinger as the first woman to be the Grand Marshal for the 2011 Huntington Harbour Boat Parade.

Mayor Carchio called on Johanna Stephenson, Kay Dorn and Ashley Wallace from the City's Administration Department to recognize their hard work during his tenure as Mayor and express his appreciation. He also recognized the Council's Administrative Assistant Cathy Fikes who was unable to attend the meeting.

Mayor's Award - Mayor Carchio presented the Mayor's Award to Specific Events Coordinator Chris Cole for his hard work and dedication to the City. Mayor Carchio discussed how Chris came to work for the City in 1990, and how his career path continues to flourish and grow.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

Communication received from Tim Geddes for Consent Item No. 4, dated November 21, 2011 requesting a postponement of the item.

Communication received from Mary Jo Baretich for Consent Item No. 4, dated November 21, 2011 requesting a postponement of the item.

Communication received from Rod & Cindra Stolk for Consent Item No. 4, dated November 21, 2011 requesting fairness in relation to replacement housing.

Communication received from Roger Savoie for Consent Item No. 4, dated November 21, 2011 requesting elimination of the project.

Communication received from Michele Carr, Director of Human Resources for Consent Item No. 10, dated November 21, 2011 and entitled *Replacement Side Letter for the Municipal Employees' Association (MEA)*.

Communication received from Michele Carr, Director of Human Resources for Consent Item No. 11, dated November 21, 2011 and entitled *Replacement Side Letter for the Municipal Employees' Association (MEA)*.

Communication received from Kenneth W. Small, Chief of Police for Consent Item No. 13, dated November 21, 2011, submitting a revised version of Ordinance No. 3926.

Communication submitted by Karen Jackle, Past President of Huntington Beach Tomorrow for Public Hearing Item No. 15, dated November 17, 2011.

Two communications submitted by Robert K. Sternberg for Public Hearing Item No. 15 regarding Development Agreement No. 2008-001.

#### PUBLIC COMMENTS (3 Minute Time Limit)

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

Mayor Carchio announced that Consent Item No. 4 and Public Hearing Item No. 15 will be continued to the Council's regular meeting of December 19, 2011.

Cadet Jonathan Maginot, student of West Point Academy and a Second Lieutenant in the U.S. Army, informed the Council and public of his positive experience at West Point, its positive reputation, and how his sister (also a West Point graduate) is now a Second Lieutenant in the 101st Airborne at Fort Campbell.

Mayor Pro Tem Hansen and Cadet Maginot discussed how the program progresses from year one to year two.

Mayor Pro Tem Hansen and Mayor Carchio thanked Cadet Maginot for his service to the country, and wished him a Happy Thanksgiving.

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

Comments were provided by Councilmembers Dwyer, Hansen and Carchio.

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

#### CITY MANAGER'S REPORT

City Manager Fred Wilson reported the City's receipt of a *Project Of The Year* award from the American Public Works Association for the City Utility Yard Project recognized for its energy efficiency, sustainability, compatibility, and complexity.

#### CITY CLERK'S REPORT

##### 1. Reapproved City Council Appointments to Outside Boards

A motion was made by Bohr, second Boardman to reapprove the appointment of Mayor Carchio to the Orange County Sanitation District (OCSD), the Orange County Vector Control District (OCVCD), the Public Cable Television Authority (PCTA), and the West Orange County Water Board (WOCWB). The motion carried by the following roll call vote:

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

A motion was made by Hansen, second Carchio to reapprove the appointment of Councilmember Harper to the Orange County Sanitation District (OCSD) (Alternate), and the Southern California Association of Governments (SCAG) District 64 Delegate. The motion carried by the following roll call vote:

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

A motion was made by Hansen, second Carchio to reapprove the appointment of Councilmember Bohr to the Public Cable Television Authority (PCTA). The motion carried by the following roll call vote:

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

A motion was made by Hansen, second Bohr to reapprove the appointment of Councilmember Shaw to the West Orange County Water Board (WOCWB). The motion carried by the following roll call vote:

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

## CONSENT CALENDAR

Councilmember Boardman requested to be recorded as "No" on Consent Item Nos. 12 and 13; Councilmember Dwyer pulled for discussion Consent Item No. 13 and requested to be recorded as "No" on Consent Item No. 10; Mayor Pro Tem Hansen requested to be recorded as "No" on 10; and, Councilmember Harper requested to be recorded as "No" on Consent Item No. 10.

### 2. Approved and adopted minutes

A motion was made by Hansen, second Boardman to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Regular Meeting of November 7, 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

### 3. Received and Filed the City of Huntington Beach Strategic Plan Update

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

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

### 4. CONTINUED TO DECEMBER 19, 2011 - Approve the Atlanta Avenue Widening Project Relocation Plan and Grievance Procedures

### 5. Adopted Resolution No. 2011-83 to increase appropriations in the FY 11/12 Budget for the continuation of Capital Improvement Program projects from FY 2010/11 to FY 2011/12

A motion was made by Hansen, second Boardman to adopt Resolution Number 2011-83, "A Resolution of the City Council of the City of Huntington Beach Amending the Fiscal Year 2011/12 Budget to Carry Over Unspent Appropriations From Fiscal Year 2010/11," which incorporates and references the continuation funding Exhibit A listing individual capital improvement projects totaling \$7,208,275. The motion carried by the following roll call vote:

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

### 6. Approved Reimbursement Agreement with Costco Wholesale Corporation for Center Avenue street improvements

A motion was made by Hansen, second Boardman to approve and authorize the Mayor and City Clerk to execute a "Reimbursement Agreement By and Between the City of Huntington Beach and Costco Wholesale Corporation for the Center Avenue Improvements at Bella Terra II" adjacent to the Costco development project. The motion carried by the following roll call vote:

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

7. Approved Amendment #1 to Water Service Agreement with AES Huntington Beach LLC to extend the agreement for an additional two years or until AES retires AES units #3 and #4, whichever comes first

A motion was made by Hansen, second Boardman to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Water Service Agreement between the City of Huntington Beach and AES Huntington Beach, LLC." extending the term of the original agreement an additional two years or until AES retires AES units #3 and #4, whichever comes first. The motion carried by the following roll call vote:

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

8. Approved Professional Services Contracts for On-Call Civil Engineering Design Services with AECOM Corp., Lee and Ro, Inc., Tetra Tech, Inc., Pacific Advanced Civil Engineering, Inc. (PACE), and VA Consulting, Inc.

A motion was made by Hansen, second Boardman to approve and authorize the Mayor and City Clerk to execute Professional Services Contracts between the City of Huntington Beach and AECOM Corporation, Lee and Ro, Inc., and Tetra Tech, Inc. for On-Call Civil Engineering Design Services in the amount of \$750,000 each; and, approve and authorize the Mayor and City Clerk to execute Professional Services Contracts between the City of Huntington Beach and Pacific Advanced Civil Engineering, Inc. (PACE) and VA Consulting, Inc. for On-Call Civil Engineering Design Services in the amount of \$500,000 each; and, authorize the City Manager to approve up to two one-year time extensions. The motion carried by the following roll call vote:

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

9. Adopted Resolution No. 2011-84 Authorizing Orange County Transportation Authority Funding for Transportation and Environmental Construction Improvements under the Comprehensive Transportation Funding Program

A motion was made by Hansen, second Boardman to adopt Resolution No. 2011-84, "A Resolution of the City Council of the City of Huntington Beach Authorizing Master Funding Agreement No C-1-2765 with the Orange County Transportation Authority for M2 Comprehensive Transportation Funding Programs." The motion carried by the following roll call vote:

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

10. Adopted Resolution No. 2011-85 approving a Side Letter Agreement between the City of Huntington Beach and the Municipal Employees' Association (MEA) regarding CalPERS Pickup, Two-Tier Retirement and Physical Training (PT) Suspension

A motion was made by Hansen, second Boardman to adopt Resolution No. 2011-85, "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 of Agreement," **as amended by supplemental communication (side letter signatures)**. The motion carried by the following roll call vote:

AYES: Shaw, Carchio, Bohr, and Boardman  
NOES: Harper, Hansen, and Dwyer

11. Adopted Resolution No. 2011-86 approving a Side Letter Agreement between the City and the Municipal Employees' Association (MEA) requiring that full-time employees take 18 hours furlough for the 2011 Holiday Closure; and, repealing Resolution No. 2011-79 including the Side Letter Agreement

A motion was made by Hansen, second Boardman to adopt Resolution No. 2011-86, "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 of Agreement" closing all non-essential City services to the public for the period December 27, 28, 29, and 30, 2011 in addition to the City recognized holidays of December 26, 2011 (Christmas) and January 2, 2012 (New Year's Day), **as amended by supplemental communication (side letter signatures)**. The motion carried by the following roll call vote:

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

12. Adopted Ordinance No. 3925 approving Zoning Map Amendment No. 11-001 (Open Space - Parks and Recreation To Low Density Residential At City Yard). Approved for introduction November 7, 2011

A motion was made by Hansen, second Boardman to adopt Ordinance No. 3925, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation From OS-PR-FP2 (Open Space - Parks and Recreation - Floodplain Overlay District) to RL-FP2 (Low Density Residential - Floodplain Overlay District) On Real Property Located On The South Side of Ford Drive and East of Canna Circle (Zoning Map Amendment No. 11-001)." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, and Dwyer  
NOES: Boardman

13. Adopted Ordinance No. 3926 adding Chapter 9.22 of the Huntington Beach Municipal Code regarding Sex Offender Prohibition. Approved for introduction November 7, 2011

Councilmember Dwyer pulled the item for discussion to request feedback from the City Attorney about exemptions.

Mayor Pro Tem Hansen and City Attorney McGrath discussed potential litigation factors.

A motion was made by Hansen, second Harper to adopt Ordinance No. 3926, "An Ordinance of the City of Huntington Beach Amending The Huntington Beach Municipal Code by adding Chapter 9.22 Titled - Sex Offender Prohibition," **as amended by supplemental communication**.

City Attorney McGrath confirmed that the motion includes the correct ordinance language which was submitted in the supplemental recommendation.

The motion carried by the following roll call vote:

AYES:	Harper, Hansen, Carchio, and Dwyer
NOES:	Shaw, and Boardman
ABSTAIN:	Bohr

## PUBLIC HEARING

14. Approved Planning Commission Recommendation for Zoning Text Amendment No. 11-001 (Amending Chapter 233 Signs - Political Signs) by approving for introduction Ordinance No. 3927

Associate Planner Rosemary Medel provided a PowerPoint presentation entitled *Zoning Text Amendment No. 11-001*, with titled slides: Proposed Amendment (as directed by City Council), Background, Analysis, Planning Commission (PC) Review and Recommendation, and Recommendation.

In response to Councilmember Bohr, Planner Medel confirmed that staff does not support the recommendation made by the Planning Commission.

Mayor Carchio opened the Public Hearing.

City Clerk Flynn announced receipt of the following supplemental communications:

Communication submitted by Karen Jackle, Past President of Huntington Beach Tomorrow for Public Hearing Item No. 15, dated November 17, 2011.

Two communications submitted by Robert K. Sternberg for Public Hearing Item No. 15 regarding Development Agreement No. 2008-001.

With no one present to speak on the item, Mayor Carchio closed the Public Hearing.

A motion was made by Bohr, second Boardman to approve the Planning Commission Recommendation for Zoning Text Amendment No. 11-001 with findings for approval and approve for introduction Ordinance No. 3927, "An Ordinance of the City of Huntington Beach Amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Signs," (modified posting period of 50 days prior to an election, among other changes).

In response to Councilmember Harper, Planner Medel confirmed that the ordinance applies to all elections. Discussion ensued regarding the number of days between elections, and when signs should be removed.

City Clerk Flynn explained how she educates potential candidates of political sign regulations at the time they pull their nomination papers.

The motion carried by the following roll call vote:

AYES: Shaw, Hansen, Carchio, Bohr, Dwyer, and Boardman  
NOES: Harper

15. CONTINUED TO DECEMBER 19, 2011 - Approve for introduction Ordinance No. 3929 approving a development agreement between the City of Huntington Beach and Bella Terra Villas, LLC for a ten year term for The Village at Bella Terra mixed use project

COUNCILMEMBER COMMENTS (Not Agendized)

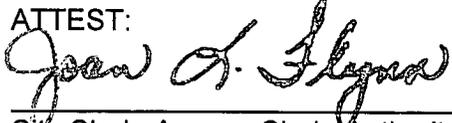
Provided by Councilmembers Dwyer, Boardman, Harper, Hansen, Bohr, Shaw, and Carchio.

ADJOURNMENT - At 7:06 PM, the meeting was adjourned to the next Regular Meeting of Monday, December 5, 2011, at 6:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

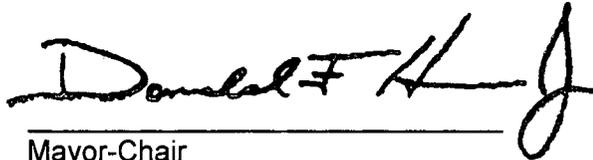


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, Clerk of the Redevelopment Agency of the City of Huntington Beach, and Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:



City Clerk, Agency Clerk, Authority Secretary



Mayor-Chair