

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require special assistance, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms** at the meeting or the **City Clerk (714) 536-5227**.

AGENDA CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH

TUESDAY JULY 5, 2005

4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

Public Comments Regarding 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

(City Council) Study Session - Presentation by the Planning Department Re: the Fountain Valley's School District Surplus School Site Overview (.)

Presentation by the Planning Department regarding the Fountain Valley School District's Surplus Site Overview.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Linda Hanson, Widow/Mark Hanson, Deceased v. City of Huntington Beach**, WCAB Case No. LBO 0368668; Claim No. COHB-05-0032. Subject: **Linda Hanson, et al. v. City of Huntington Beach** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Director of Administrative Services, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, and SCLEA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.8 to give instructions to the Agency's Negotiator, **Deputy City Attorney Leonie Mulvihill**, regarding negotiations with **Fountain Valley School District** concerning the purchase of the property located at **10251 Yorktown Avenue**. Instruction will concern: Both price and terms of payment. Subject: **Real Property Negotiations re: Purchase of Property Located at 10251 Yorktown Avenue**. (.)

(City Council) Closed Session – Pursuant to Government Code Section 54956.8 to give instructions to the Agency's Negotiator, **Deputy City Attorney Leonie Mulvihill**, regarding negotiations with **Fountain Valley School District** concerning the purchase of the property located at **9191 Pioneer Drive**. Instruction will concern: Both price and terms of payment. Subject: **Real Property Negotiations re: Purchase of Property Located at 9191 Pioneer Drive**. (.)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

6:00 P.M. - Council Chambers**Reconvene City Council/Redevelopment Agency Meeting**

The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

Pledge of Allegiance/Flag Salute – To be led by the Mayor

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – To be announced by the Mayor

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

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Presentation - Mayor Jill Hardy to call on the president of the Sister City Association, Carmen Erber, who will introduce the chaperones and students visiting from our Sister Cities of Anjo, Japan and Waitakere, New Zealand. The students will have a presentation/performance for the City Council. (160.40)

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendized.

Complete the attached pink form and give to the Sergeant-At-Arms (the Police Officer located near the speaker's podium).

C-1. Council Committee/Appointments/Liaison Reports (.)

(This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports.)

C-1a. (City Council) Approve the Re-appointments of Matthew V. Hunt and Daniel P. Gooch to the Personnel Commission Effective July 1, 2005 with a Term to Expire June 30, 2009 (.) – Approve the re-appointments of **Matthew V. Hunt** and **Daniel P. Gooch** to the Personnel Commission with a term effective July 1, 2005 through June 30, 2009 as recommended by Council Liaisons Mayor Pro Tem Dave Sullivan and Councilmembers Gil Coerper and Keith Bohr.

C-1b. (City Council) Presentation of West Nile Virus Update by Dr. Peter Green, City Liaison to Orange County Vector Control and Michael Hearst from the Orange County Vector Control District (.)

City Liaison Dr. Peter Green and Director of Communications Michael Hearst from the Orange County Vector Control District will make a presentation regarding the West Nile Virus.

C-2. City Administrator's Report

C-2a. (City Administrator's Report) Information Services Department to Present the Official New Surf City Website (.)

Information Services Department will present the new Surf City website information architecture and design. This is the official website for the City of Huntington Beach. This website went live on July 1st.

C-4 City Attorney's Report of Litigation Filed

D - PUBLIC HEARING - None**E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

E-1. (City Council/Redevelopment Agency) Minutes (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular meetings of May 16 and June 6, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

E-2. (City Council) Authorize the Finance Department to Approve the Public Employees Retirement System (PERS) Lump Sum Prepayment Request for Fiscal Year 2005-2006 (.) – Authorize Daniel T. Villella, CPA, Finance Officer to approve the Public Employees Retirement System Lump Sum Payment Request for Fiscal Year 2005-2006 authorizing the lump sum prepayment of PERS Retirement Employer's Contribution in the amount of \$9,186,409 for Safety employees and \$2,811,513 for Miscellaneous employees to be paid by July 15, 2005. Submitted by the Finance Officer. Funding Source: Cash is available within the various funds that usually have PERS obligations. Any amounts paid prior to the obligation date for these benefits in the fiscal year 2005-2006 are considered prepayments of expenses and can be refunded if necessary.

E-3. (City Council) Approve Affordable Housing Agreement between the City and Harbinger Homes, Inc. for an 8-Unit Attached Townhome Project Located at the Southwest Corner of Delaware Street and Garfield Avenue (.) – Approve the *Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)* By and Between the City of Huntington Beach City Council/Redevelopment Agency and Harbinger Homes, Inc., and authorize the Mayor/Agency Chair, Executive Director, and City Clerk to sign and execute (Attachment No. 1). Submitted by the Planning Director. Funding Source: Not Applicable.

E-4. (City Council) Continued from June 20, 2005 - Approve Final Tract Map Number 16406 - The Strand at Downtown Huntington Beach 1 Lot Subdivision (Located at blocks 104 and 105 Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street) – Approve Subdivision Agreement between the City and CIM/Huntington, LLC (420.60) - **1.** Approve Final Tract Map No. 16406 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approve the *Subdivision Agreement By and Between the City of Huntington Beach and CIM/Huntington, LLC for Tract No. 16406* and authorize execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16406 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16406 Conditions of Approval, as approved by the City Council. **Requirements: (1.)**

Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. SU5008087 (Attachment No. 7); (b) Labor and Material Bond No. SU5008087; (Attachment No. 7); and (c) Monument Bond No. SU5008088 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

E-5. (City Council) Approve Memorandum of Understanding (MOU) Between the Cities of Costa Mesa, Fountain Valley and Huntington Beach and the Orange County Transportation Agency Garfield/Gisler Bridge Study (Master Plan of Arterial Highways {MPAH}) (.) – Approve and authorize the Mayor to execute the *Memorandum of Understanding among Cities of Costa Mesa, Fountain Valley and Huntington Beach and the Orange County Transportation Agency regarding Measure M Growth Management Area (GMA) Funding and Agency Responsibilities for the Garfield/Gisler Bridge Crossing over the Santa Ana River Preliminary Engineering and Supplemental Environmental Impact Report (PE/SEIR)*. Submitted by the Acting Public Works Director. Funding Source: Staff resources needed to fulfill the MOU obligations can be provided within the current scope of duties and budget of the Public Works Department.

E-6. (City Council) Approve Amendment 1 to the Professional Services Contract between the City and Scott Fazekas Associates, Inc. for Plan Review Services (.) – **1.** Approve the *Contract Amendment No. 1 to Agreement Between the City of Huntington Beach and Scott Fazekas & Associates for Plan Review Services* and authorize Mayor and City Clerk to execute Contract; and **2.** Authorize the Director of Building and Safety to expend \$50,000 for Professional Services for plan review services out of 10055201.69365. Submitted by the Building and Safety Director. Funding Source: Existing approved appropriation in the Professional Services budget (business unit number 10055201.69365).

E-7. (City Council) Adopt Resolution Number 2005-43 Approving Residential Parking Permit District “G” (St. Paul Circle) (.) – Adopt **Resolution Number 2005-43 - “A Resolution of the City Council of the City of Huntington Beach Establishing Parking Permit District “G” within the City of Huntington Beach.”** Submitted by the Acting Public Works Director. Funding Source: The provisions of Huntington Beach Municipal Code Chapter 10.42 require that the residents choosing to participate in the residential parking permit district pay a proportionate share of the cost to establish the district. Typical costs include, but are not limited to, installation of signs, curb markings, staff time to issue permits, and administrative costs to create the district.

E-8. (City Council) Approve Professional Services Contracts to AESCO Technologies, Inc., Harrington Geotechnical Engineering, Inc., and Smith-Emery Laboratories, Inc. for Professional Testing and Inspection Services (.) – Approve and authorize the Mayor and City Clerk to execute *Professional Services Contract Between the City of Huntington Beach and AESCO Technologies, Inc.* (in the amount of \$1 million); *Professional Services Contract Between the City of Huntington Beach and Harrington Geotechnical Engineering, Inc.* (in the amount of \$1 million); and *Professional Services Contract Between the City of Huntington Beach and Smith-Emery Laboratories, Inc.* (in the amount of \$1 million); for professional testing and inspection services. Submitted by the Acting Public Works Director.

Funding Source: Funds are available within budgeted capital improvement projects. Additional Council authorization will be requested for unbudgeted projects, as necessary.

F. Administrative Items - None

G. Ordinances

G-1. Ordinance for Adoption

G-1a. (City Council) Adopt Ordinance No. 3718 Amending Chapters 2.08, 2.16, 2.72, 2.76, 2.101, 2.107, and 3.02 of the Huntington Beach Municipal Code to Update the language and Terms Used therein and Modify References to the Department of Administrative Services (700.10) – Ordinance Number 3718 - “An Ordinance of the City of Huntington Beach Amending Chapters 2.08, 2.16, 2.72, 2.76, 2.101, 2.107 and 3.02 of the Huntington Beach Municipal Code to Update the Language and Terms Used Therein and Modify References to the Department of Administrative Services.” (Approved for introduction June 20, 2005.)

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3718**, by roll call vote.

G-2. Ordinance for Introduction

G-2a. (City Council) Adopt by Reference the 2004 California Electrical Code - Approve for Introduction Ordinance No. 3719 Amending Chapter 17.48 of the Huntington Beach Municipal Code Relating to the Electrical Code – Schedule Public Hearing for July 18, 2005 (.)

1. After City Clerk reads by title, approve introduction of **Ordinance No. 3719** for the adoption of the 2004 amended edition of the California Electrical Code by roll call vote - **Ordinance No. 3719 - “An Ordinance of the City of Huntington Beach Amending Chapter 17.48 of the Huntington Beach Municipal Code Relating to the Electrical Code”**

and

2. Set a Public Hearing on Ordinance No. 3719 for the **July 18, 2005** City Council Meeting per Government Code Section 50022.

H. City Council/Redevelopment Agency Items - None

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, July 18, 2005, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

***COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.surfcity-hb.org>***