

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

Monday, March 17, 2003  
5:00 P.M. - Room B-8  
7:00 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 7:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.

**Call to Order**

Mayor Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Sullivan, Coerper, Boardman, Cook, Hardy (Green arrived at 5:01 p.m.)  
(Councilmember Houchen had requested permission to be absent from the meeting pursuant to City Council Resolution No. 2001-54.)

Absent: None

**Public Comments**

**Dean Albright** spoke regarding the probability of a water shortage and potential conservation measures. Mr. Albright requested that the public be kept informed of any water conservation programs.

**(City Council) Study Session Held – Presentation Made by the General Manager of the Orange County Water District (OCWD) Re: Orange County's Water Basin (1000.80)**

Virginia Grebbien, General Manager of the Orange County Water District (OCWD), presented an overview of issues associated with the county's water basin. Wes Bannister and Philip L. Anthony, OCWD Directors also reported.

The OCWD prepared and distributed a PowerPoint Late Communication from which Ms. Grebbien presented a report regarding: short-term ground water management, long-term annexation issues and the Huntington Beach OCWD lawsuit regarding the 2020 Master Plan Report.

Considerable discussion was held amongst Council, Ms. Grebbien, Wes Bannister and Philip L. Anthony regarding matters including: 1) the effect of storm water on the groundwater basin level; 2) reason for not having the groundwater basin level full; 3) reasons for OCWD's proposed rate of increase from twelve to twenty-four percent and its effect on water usage; 4) that tiered rates are designed to hit the higher users; 5) that Metropolitan Water District (MWD) water costs more than ground water; 6) water quality and infrastructure effects on cost; 7) pending lawsuit; 8) pending annexation applications for Irvine, Yorba Linda, and Anaheim;

9) Prado Dam (owned and operated by the Army Corp of Engineers) is used for flood control; and 10) desalinization projects such as the proposed Poseidon Desalinization Plant.

In conclusion, the OCWD representatives informed Council that their focus is ground water and the Metropolitan Water District is researching a desalinization project. Mayor Boardman requested Ms. Grebbien to address comments made by the public speakers. Ms. Grebbien responded that MWD will be delivering the message; that there are several water conservation programs and that the public will be informed through various media.

Ms. Grebbien thanked Assistant City Administrator William Workman and Planning Director Howard Zelefsky for their assistance.

Mayor Boardman thanked everyone for the presentations.

### **Motion to Recess to Closed Session – Approved**

A motion was made by Sullivan, second Cook to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: Houchen

**(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 **Huss, et al. v. City of Huntington Beach**; U.S. District Court Case No. SACV 98-249 AHS (ANx). (120.80)

**(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 **Andrew Purner and Gaute Svensbo v. City of Huntington Beach, et al.**; United States District Court Case No. SACV 00-361 AHS (ANx). (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiators, Ray Silver and Clay Martin regarding negotiations with Cindy Anderson on behalf of John Gallagher and Margaret Van Herk on behalf of Giles Aouizerat/LGB Investments, concerning the price, terms and conditions of the sale of the property identified as 438 Main Street, Huntington Beach, California; Parcel Map Number 024-134-02. Instruction will concern: both price and terms of payment. Subject: **Real Property Negotiations re: Sale of Property located at 438 Main Street.** (120.80)

### **Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**

#### **City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Green, Boardman, Cook, Hardy (Councilmember Houchen has requested permission to be absent from the meeting pursuant to City Council Resolution No. 2001-54.)

Absent: Houchen

**(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on Monday, March 17, 2003 Pursuant to Government Code Section 54956.9(a)  
Re: Andrew Purner and Gaute Svensbo v. City of Huntington Beach, et al.; United States District Court Case No. SACV 00-361 AHS (ANx). (120.80)**

City Attorney McGrath reported that on Monday, March 17, 2003 the City Council convened in Closed Session to discuss the matter of **Andrew Purner and Gaute Svensbo v. City of Huntington Beach, et al.** Subsequent to the meeting, the City Attorney's Office submitted a communication, which sets forth the Report of Action in its entirety as follows:

On Monday, March 17, 2003, the City Council convened in closed session to discuss the matter of **Andrew Purner and Gaute Svensbo v. City of Huntington Beach, et al.**; United States District Court Case No. SACV 00-361 AHS (ANx).

City Council voted to authorize settlement of the case at \$65,222.96 and further authorize the City Administrator to sign any settlement agreement. The Council voted as follows: 5 Ayes; 0 Noes; 0 Abstentions; and 2 Absent (Houchen and Coerper absent at vote.)

**Pledge of Allegiance** – 1<sup>st</sup> Battalion 558 Infantry Explorer Post, Advisor, Staff Sergeant Anthony Enriquez, United States Army.

**Moment of Silence Observed**

Mayor Boardman requested observation of a "moment of silence" for the service men and women in the Persian Gulf keeping them in all of our thoughts.

**The City Clerk Announced Late Communications**

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

PowerPoint presentation from Orange County Water District titled *Presentation – Workshop Goals* dated March 17, 2003.

Slide show presentation received from City Treasurer's Office dated March 17, 2003 titled *November Treasurer's Report*.

Communication from Ed Kerins, President of Huntington Beach Tomorrow dated 3/15/03, in support of Agenda Item H-2a. Also requesting that a provision be included by Council to limit late communications to only those submitted by the public pursuant to the Brown Act, and to require Mayor and Mayor Pro Tem approval for submission of items by other than the public after the agenda deadline.

Communication dated March 17, 2003 from Elaine Kuhnke, Administration Department Senior Administrative Analyst, titled *Revised RCA Submittal Schedule*.

**The Following Additional Late Communication Was Submitted During the Meeting:**

Communication submitted by Ben Rockwell during public comments titled *Chapter 10.88 Self-Propelled Wheelchairs and Invalid Tricycles*.

**Presentation** to Mayor Connie Boardman and the City Council, introduction of Miss Huntington Beach and her Court by the Women of Action Representatives of the Huntington Beach Chamber of Commerce. Miss Huntington Beach is Lynette Marie Hibben, 1<sup>st</sup> Runner Up is Annalisa E. Abbs and 2<sup>nd</sup> Runner Up is Erin Nicole Britt. (160.40)

**Presentation** to Mayor Connie Boardman and the City Council by Karen Chepeka of Save Our Strays. Ms. Chepeka made a presentation regarding the spay/neuter/microchipping program funded by the City of Huntington Beach, which will run from approximately March 15 through September or October, 2003. Ms. Chepeka announced that on March 29, 2003 the residents of Huntington Beach can get their dogs or cats microchipped and to call Save Our Strays at (714) 442-1446 for more information. (160.40)

**Mayor's Award** by Mayor Connie Boardman and Community Services Director Jim Engle to Larry Neishi, Beach Operations Supervisor, Community Services Department, for 35 years of dedicated service. Especially commended for leadership and supervisory skills and operation of a well organized department. (160.40)

**Public Comments**

**Arlene Howard** expressed her appreciation to Council for having been selected to serve on the Huntington Beach Historical Resources Board.

**Orville Hanson** informed Council that he has been asked to be on the Huntington Beach Historical Resources Board and is very excited about it. Mr. Hanson submitted an historical photograph to the Council as a Late Communication.

**Ben Rockwell** informed Council of his opposition to Huntington Beach Municipal Code Section 10.88. Mr. Rockwell distributed a Late Communication regarding this code which makes it a misdemeanor for wheelchair access within five feet of all buildings in Huntington Beach and to require an operator permit from the police department to use his self-propelled wheelchair. Mr. Rockwell thanked Police Chief Small for not requiring the permit and for his plans to bring the matter to Council in April 2003.

Mayor Boardman directed staff to look into the matter. She informed Mr. Rockwell that this issue will be brought forth at the next Council Meeting.

**Public Comments Resumed**

**Catherine Shimozone** spoke in opposition to Huntington Beach Municipal Code Section 10.88. She informed Council that she has tried to get a permit to operate her self-propelled wheelchair from the police department and has been unsuccessful. Ms. Shimozone urged Council to amend the code.

**Debbie Borden** spoke in opposition to the lack of the Invocation on the agenda. She offered a prayer.

**Dean Albright** inquired regarding the status of the Groundwater Replenishment System (GWRS) Water Reclamation program relative to the presentation made at the 5:00 p.m. Study Session portion of the Council meeting. Mr. Albright informed Council of his belief that there should be a development moratorium in Orange County until the water resources are adequate. Mr. Albright stated that raising water rates would only subsidize the developers and not solve the problem.

**Gloria Morrison**, Huntington Beach Fire Department Emergency Service Coordinator, informed Council that the County is now at Level Orange - a high risk of terrorism. She informed the citizens of Huntington Beach that the city is equipped to combat biological terrorism. Ms. Morrison announced that the next Community Emergency Response Team (CERT) class is on April 5, 2003 regarding disaster and terrorism preparedness. She urged everyone to attend and to call 714-536-5974 for more information. Ms Morrison also instructed that if a warning siren system is heard other than the scheduled time of the last Friday of the month at noon, to tune in for an emergency radio broadcast.

#### **(City Council) Congratulations Extended to Nominees for the Council on Aging**

Mayor Pro Tem Cathy Green congratulated the nominees for the Council on Aging.

#### **(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's January 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for January 2003.

City Treasurer Freidenrich gave a PowerPoint presentation titled *November Treasurer's Report* which was announced as a Late Communication earlier in the meeting by the City Clerk.

A motion was made by Green, second Coerper to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2003*, 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: Sullivan, Coerper, Green, Boardman, Hardy

NOES: None

ABSENT: Houchen (Cook out of room)

#### **Consent Calendar – Item Removed for Separate Discussion**

The following item was removed from the Consent Calendar for separate discussion:

(City Council) City Council Position on Legislation Pending Before the Federal and State Governments and the Orange County Board of Supervisors as Recommended by the City Council Intergovernmental Relations Committee (640.90)

**Consent Calendar – Items Approved**

On motion by Coerper, second Sullivan Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: Houchen

**(City Council) Accepted Resignation of Couey and Approved Appointments to the Historic Resources Board of Howard/Hanson/Morgan/Ryan/Soutner and Wolfe, Expanding the Board to 10 Seats (110.20) - 1.** Accepted the resignation of **Linda Couey**, and approved the appointment of **Arline Howard** to the Historic Resources Board for a term to expire June 30, 2006, as recommended by Council liaisons Hardy and Sullivan; and **2.** Approved the appointment of **Orville Hanson** to the Historic Resources Board for a term to expire June 30, 2006, as recommended by Council liaisons Hardy and Sullivan; and **3.** Approved the appointments of **Cindy Morgan, Diane Ryan, Michelle Soutner, and Loretta Wolfe** to the Historic Resources Board for terms to expire March 31, 2007, as recommended by Council liaisons Hardy and Sullivan. Submitted by Councilmember Jill Hardy and Councilmember Dave Sullivan, Council Liaisons to the Historic Resources Board. Funding Source: Not Applicable.

**(City Council) Approved Amendment No. 1 to the Agreement with Employment Systems, Inc. (ESI) to Lease Temporary Personnel to Provide Administration and Management of City's Weapons of Mass Destruction Metropolitan Medical Response System Program (600.10)** Approved *Amendment No. 1 to Agreement Between the City of Huntington Beach and Employment Systems, Inc.* to provide staffing services to the City of Huntington Beach from Employment Systems, Inc. and authorized the Mayor and City Clerk to execute the agreement. Submitted by the Acting Fire Chief. Funding Source: Funding of up to \$600,000 is available in the Weapons of Mass Destruction business unit account.

**(City Council) Approved Project Plans and Specifications and Authorized Advertisement for Bids for the Miscellaneous Sewer Lining Project, Phase II, CC-1202 (Project is Part of the Santa Ana Regional Water Quality Control Board's (SARWQCB) Approved Work Plan) (600.60) -** Approved the project plans and specifications and authorized the Director of Public Works to request bids for the Miscellaneous Sewer Lining Project Phase II, CC-1202. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$941,000 are budgeted in the Sewer Service Fund, Sewer Line Repairs Account.

**(City Council) Adopted Resolution No. 2003-21 Approving Plans and Specifications for Flood Control Improvements to the Huntington Beach Channel (Facility No. DO1) from Atlanta Avenue to Indianapolis Avenue (550.20) - Adopted Resolution No. 2003-21 – “A Resolution of the City Council of the City of Huntington Beach Approving Plans and Specifications for the Construction of Improvements to the Huntington Beach Channel (Facility No. DO1) from Atlanta Avenue to Indianapolis Avenue by the Orange County Public Facilities and Resources Department and Funded by the Orange County Flood Control District.”** Submitted by the Public Works Director. Funding Source: City funding is not required for this action.

**(City Council) Approved Site License Agreement Between the City and Nuevo Energy Company (NUEVO) for a Booster Station Facility at a Site Near Pacific Coast Highway and Warner Avenue (600.10)** - Approved and authorized the Mayor and City Clerk to execute *License Agreement between the City of Huntington Beach and Nuevo Energy Company for Booster Pump Facility at PCH/Warner* based on the terms and conditions as presented herein. Submitted by the Administrative Services Director. Funding Source: Not applicable. The agreement will generate revenue of \$5,760 per year for the first year and will increase annually thereafter.

**(City Council) Adopted Resolution No. 2003-22 Authorizing Submittal of an Application for the California Department of Housing and Community Development (HCD) Code Enforcement Grant Program (CEGP) (340.80) Adopted Resolution No. 2003-22 - "A Resolution of the City Council of the City of Huntington Beach Authorizing the Submittal of a Grant Application, the Incurring of an Obligation, the Execution of a Grant Agreement and any Amendments thereto, and any Other Documents Necessary to Secure a Grant from the Code Enforcement Grant Program of the State of California, Department of Housing and Community Development."** Submitted by the Planning Director. Funding Source: Not applicable.

**(City Council) Approved Affordable Housing Agreement for Beachview Investments, Inc. 106 Unit Single Room Occupancy (SRO) – Ellis Avenue e/o Beach Boulevard (600.10)** Approved the *Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and between the City of Huntington Beach and Beachview Investments, Inc., and authorized the Mayor and City Clerk to sign, execute and record. Submitted by the Planning Director. Funding Source: Not applicable.

**(City Council) Appropriated Additional Funds for the Fire Department to Perform Emergency Response, Site Investigation and Monitoring at Edison Community Park, Kettler School, and Central Library and Develop a Methane Gas Mitigation Plan at the Park (320.45)** Approved and authorized an appropriation of \$110,000 from the undesignated, unappropriated fund balance of the General Fund to the Fire Department Fire Prevention Professional Services account (10065201.69365). Submitted by the Acting Fire Chief and the Public Works Director.

**(City Council) Approved (With Separate Roll Call Votes Taken on Some Assembly and Senate Bills) City Council Position on Legislation Pending Before the Federal and State Governments and the Orange County Board of Supervisors as Recommended by the City Council Intergovernmental Relations Committee - No Action Taken (Tie Vote) to Support Orange County Human Relations Commission Funding (640.90)**

Councilmembers Sullivan, Coerper, and Mayor Pro Tem Green requested that this agenda item be removed from the Consent Calendar to discuss the recommended positions that have been submitted by the City Council Intergovernmental Relations Committee.

Council received clarification from Assistant City Administrator Workman regarding reasons for a number of the recommendations.

A motion was made by Cook, second Hardy to **Oppose AB 92 (Horton)** City Employees Civil Service Board – Requiring appointive personnel commissions to have half their members from members of recognized employee organizations. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy  
NOES: None  
ABSENT: Houchen

A motion was made by Cook, second Hardy to **Support ACA 10 (Harman)** Local Government – Property Related Fees – Storm Water Runoff. The motion carried by the following roll call vote:

AYES: Boardman, Cook, Hardy  
NOES: Sullivan, Green  
ABSENT: Houchen  
ABSTAIN: Coerper

A motion was made by Hardy, second Cook to **Oppose SB 100 (Dunn)** Public Employees' Retirement: Local Safety Member Benefits **Unless Amended to indicate that the proposed increase in retirement benefit is offered as a negotiable benefit.** The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy  
NOES: None  
ABSENT: Houchen

A motion was made by Cook, second Hardy to **Oppose AB 128 (Campbell)** Internet Tax Freedom Act - Extending repeal date of January 1, 2004. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Boardman, Cook, Hardy  
NOES: Green  
ABSENT: Houchen

A motion was made by Coerper, second Green to **continue to April 7, 2003** its decision whether to support the **Continuation of funding for the Orange County Human Relations Commission.** The motion was a **tie vote, no action taken**, by the following roll call vote:

AYES: Sullivan, Coerper, Green  
NOES: Boardman, Cook, Hardy  
ABSENT: Houchen

A motion was made by Hardy, second Cook to **support the Continuation of funding for the Orange County Human Relations Commission.** The motion was a **tie vote, no action taken**, by the following roll call vote:

AYES: Boardman, Cook, Hardy  
NOES: Sullivan, Coerper, Green  
ABSENT: Houchen

A motion was made by Green, second Sullivan to approve the following recommended actions on the remainder of the Assembly and Senate Bills: The City Council Intergovernmental Relations Committee has reviewed the legislation, requests for support letters, and federal funding agenda below and is recommending that the City Council take a position on these Assembly and Senate Bills and other items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

**SUPPORT AB 1 (Berg)** Continuous Appropriation of Federal Funding to Area Agencies on Aging.  
**SUPPORT AB 41 (Daucher)** Continuous Appropriation of Federal Funding to Area Agencies on Aging.

**SUPPORT AB 137 (Correa)** Income Taxes - Voluntary Deduction for the Fund for California Senior Citizens.

**OPPOSE AB 189 (Cogdill)** Sales & Use Taxes – Exemption for Veterans Organizations Meals.

**OPPOSE AB 274 (Koretz)** Employment - creating a rebuttable presumption that an adverse employment action taken within 90 days after an employee exercises his or her employment rights is retaliatory.

**OPPOSE AB 322 (Parra)** Property Taxes – Disabled Veteran's, **Unless Amended to remove the following language:** *“Notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.”*

**SUPPORT SB 103 (Alpert)** Sales & Use Taxes -. Clarifying Conditions for Taxing Tangible Goods Sold within the State of California.

**SUPPORT SB 157 (Bowen & Alpert)** Sales & Use Taxes Uniformity – Authorizing representation of this state in all meetings with certain other states regarding the development of a multistate, voluntary, streamlined system for sales and use tax collection and administration, as discussed in the Streamlined Sales and Use Tax Agreement adopted on January 27, 2001.

**SUPPORT the Orange County 2003 Continuum of Care for Homeless Assistance Fund. 14.**

**SUPPORT** participation by the City of Huntington Beach in the Gateway Cities Joint Powers Authority to Study Development of a Magnetic Levitation (MagLev) Transportations System and appoint Councilmember Cook to serve as the City's representative.

**APPROVE** - the City's Federal Funding Agenda per the attached list.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: Houchen

ABSTAIN: (Sullivan on AB189)

**(City Council) Approved Introduction of Ordinance No. 3602 Amending Chapter 10.84 of the Huntington Beach Municipal Code Relating to Bicycle Regulations (640.10)**

Police Chief Kenneth Small reported on Ordinance No. 3602 at the request of Councilmember Hardy. The staff report sets forth that the Police Department is authorized to issue bicycle licenses by Huntington Beach Municipal Code in Chapter 10.84. The California Vehicle Code Section 39001(a) provides a bicycle licensing process using state issued bicycle license tags *if* a City or County adopts an ordinance requiring its residents to license individually owned bicycles. There is no mandate to provide this service and the information is not kept by the State of California.

City Clerk Connie Brockway read Ordinance No. 3602 by title. A motion was made by Hardy second Coerper to approve introduction by roll call vote of **Ordinance No. 3602** – “*An Ordinance of the City of Huntington Beach Amending Chapter 10.84 of the Huntington Beach Municipal Code Relating to Bicycle Regulations.*” The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy  
 NOES: None  
 ABSENT: Houchen

**(City Council) Directed Staff to Review the Citizen Participation Plan and Role of the Citizen Participation Advisory Board (CPAB) for the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (340.70)**

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: The current Citizen Participation Plan outlines policies and procedures for citizen participation in administration of the City’s Community Development Block Grant (CDBG) and HOME Investment Partnership programs. The Plan includes requirements for reprogramming of CDBG Unprogrammed funds (funds not expended in a prior program year). The current Plan states:

- Existing projects needing more than \$50,000 in additional funding shall require Council Action, but not a public hearing, unless the \$100,000 threshold is met. Staff will take these recommendations directly to Council.

A motion was made by Coerper, second Hardy to:

Direct staff to process a revision to the current Citizen Participation Plan so that any requests that would currently go directly to City Council would first be reviewed by the Citizen Participation Advisory Board. The revision to the Citizen Participation Plan should be processed in accordance with requirements from the U.S. Department of Housing and Urban Development (HUD), and will be submitted to City Council in August 2003, in conjunction with request for approval of the 2003/2004 Action Plan.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy  
 NOES: None  
 ABSENT: Houchen

**(City Council) Requested and Received Council Support of Assembly Bill 710 (Correa) Recommending Restructure of Orange County Transportation Authority (OCTA) Board of Directors (120.70)**

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: On February 19, 2003 Assemblyman Correa introduced legislation, **AB 710**, to restructure the Orange County Transportation Authority (OCTA) Board of Directors. At the time of our last Intergovernmental Relations Committee the bill had not come to our attention. However, because there is a timely need for the City to consider and take a position on this legislation, I am requesting that the Council review and take a position on it without a recommendation from the Intergovernmental Relations Committee.

**Need to Take Action:**

1. The timely need arises from the fact that the Orange County Division of the League of California Cities has created a Steering Committee to develop a recommendation on the structure of the OCTA, and
2. Councilmember Cook has been appointed by the Division President as a member of this Committee, and
3. It appears that the Committee will be asked to bring a recommendation to the April meeting of the Orange County Division General Membership. In fact, a recommended position on AB 710 had been on the March General Membership Meeting Agenda but it was subsequently postponed.

**Background:**

Under existing legislation the OCTA Board of Directors is made up of 11 regular members and 1 alternate member. (12 Total)

- Four directors are appointed by the Board of Supervisors from among the County Supervisors.
- Six of the directors are representatives from city councils. These are appointed by the City Selection Committee of the Orange County Division of the League of California Cities with five of the six selected by supervisorial district with the sixth city council representative elected at-large.
- The eleventh regular director is a public member appointed by the other ten members of OCTA Board of Directors.
- A fifth Board of Supervisors member selected by the Board of Supervisors serves as the alternate member.

***OCTA Structure under AB 710***

If adopted, AB 710. would increase the number of regular members on the OCTA Board of Directors from 11 to 15, with 1 alternate member (16 Total). The four regular and one alternate County Supervisor's seats and the public member seat would continue to be appointed as they are currently. The City Council representatives on the Board of Directors would increase from 6 to 10 members with the city council representatives being appointed as follows:

Five city members, so that there is one member from each of the five supervisorial districts appointed by the Orange County City Selection Committee members within each supervisorial district. A city that is within more than one supervisorial district shall be considered part of the district where the highest percentage of the city's population resides. Each city member shall be a mayor or a city council member serving within the county. Terms of office of each city member shall be determined by the Orange County City Selection Committee. A city member's term shall cease if he or she no longer serves as a member of a city council or as the mayor of a city.

**and**

Five city members individually appointed by the most populous city within each supervisorial district. Each member appointed shall be a mayor or city council member of the city appointing the member. No city shall have more than one member serving on the Authority at any one time.

A motion was made by Coerper, second Sullivan to SUPPORT AB 710 (Correa) – Orange County Transportation Authority.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: Houchen

**(City Council) Council Approved a City Council Policy Regarding a Modified Timeline for Council Agenda Submittal (120.10)**

The City Council considered a communication from Councilmember Jill Hardy transmitting the following **Statement of Issue**: There has been some concern about the City Council receiving the agenda packets too close to City Council Meetings. The agenda packets are typically delivered Friday evening before the meeting. There are two main reasons why receiving the agenda packets on Friday evenings are a problem. First, there is not enough time to properly review the agenda packet and contact staff about any questions. Second, it is difficult for some members of the public to obtain an agenda packet on Friday evenings. Those members of the public would then have to wait until Monday to obtain an agenda packet, review it, and contact the City Council and city staff about their comments and questions.

**ANALYSIS:**

This policy allows the City Clerk four working days to prepare the agenda and supporting material for printing.

The City Clerk shall submit the finished agenda at the Monday Agenda Review Meeting. Revisions to the agenda and staff reports and deletion of agenda items may be directed. No additional agenda items may be added at agenda review meeting; exceptions may be approved for items, which are time sensitive and cannot be delayed to the next meeting.

Any final changes to the agenda that were proposed at the Monday Agenda Review Meeting must be submitted to the City Clerk by 10 a.m. on Tuesday morning.

Councilmember Hardy reviewed various reasons for requesting a policy. Councilmember Hardy also discussed the Late Communication submitted by Elaine Kuhnke, Senior Administrative Analyst, which included a matrix for the proposed timeline.

Considerable discussion was held between Council, City Clerk Connie Brockway and City Administrator Ray Silver regarding the following advantages to establishing a policy: 1) the public will be able to obtain agenda information in a more timely manner; 2) cost savings by stopping courier Friday delivery; and 3) Friday delivery gave little time for Council to review.

Extensive discussion was held amongst Council, City Clerk Connie Brockway and City Administrator Ray Silver regarding the following concerns: 1) proposed agenda policy guidelines regarding submittal of late items for the agenda; 2) submittal time for PowerPoint presentations; 3) Late Communications; 4) proposed timeline for the departments and Council to submit items for the agenda; 5) Councilmembers' "H"-Item deadline; 6) exceptions for time-sensitive emergency items covered by the Brown Act; and 7) that Council should set the policy for administration and the City Clerk's Office.

*Corrected Page*

A motion was made by Hardy, second Coerper to:

Establish a City Council policy requiring the agenda packet to be delivered to Councilmembers, departments, and available to the public no later than 5 p.m. on the Wednesday before the Monday City Council meeting. This will require that all agenda items be submitted by administration to the City Clerk no later than 5 p.m. on the Wednesday before the Monday Agenda Review Meeting. **And as amended (1) to include the matrix example from the Late Communication from Administration dated 3/17/03 which had been amended as follows: (2) Holidays - extend the deadlines one day; (3) H-items due by the Monday Agenda Review Meeting; and (4) Exceptions to the deadlines shall be made for time sensitive items that cannot be delayed to a future Council meeting.**

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy  
NOES: None  
ABSENT: Houchen

**(City Council) Announcement of CERT (Community Emergency Response Team) Program**

Mayor Pro Tem Green asked that our thoughts be kept with our service men and women. She announced if anyone is interested in the CERT Program on April 5, 2003 to call 714-536-5974.

**(City Council) Thank You Extended to Staff**

Councilmember Coerper thanked Police Chief Kenneth Small; Acting Fire Chief Duane Olson; Community Services Director Jim Engle; and Public Works Director Robert F. Beardsley and their respective staff for all the assistance they give him as a Councilmember and to the city as a whole.

**(City Council) Congratulations Extended to Huntington Beach High School Students (120.70)**

Mayor Boardman congratulated the Huntington Beach High School students who won the Delegation Award at the Union Building in New York. The Mayor stated that Councilmember Jill Hardy is their teacher and advisor.

**(City Council) Thank You Extended to Mayor**

Councilmember Coerper thanked Mayor Boardman for the moment of silence for the service men and women. He stated that his son Army Captain Michael Coerper has just been deployed.

**Adjournment – City Council/Redevelopment Agency**

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, April 7, 2003, at 5:00 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-Chairman