Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach

Monday, March 7, 2005
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:00 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.

The 4:00 p.m. portion of the meeting was recessed by City Clerk Joan L. Flynn to 4:45 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:45 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper (arrived at 5:14 p.m.), Sullivan, Hardy, Green, Bohr, Cook (arrived at 5:14 p.m.)
Absent: None

The City Clerk Announced Late Communications

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

PowerPoint presentation submitted by the Planning Department dated March 7, 2005 titled *Floor Area Ratio.*

(City Council) Study Session Held Regarding the Concept of Floor-Area-Ratio (FAR) Including Examples of Different House Sizes and Recent Construction Trends in the City (120.90)

Planning Director Howard Zelefsky gave background information on the issue including the history of Council action.

Associate Planner Ricky Ramos gave a PowerPoint report titled *Floor Area Ratio*, which was announced as a Late Communication by the City Clerk. The report included a definition of Floor-Area-Ratio (FAR), factors that affect a structure's bulk, locations where the City currently has FAR requirements, examples of various structures and their FAR numbers, and survey results from other cities.

Council discussion ensued relative to design, Floor-Area-Ratio (FAR), and regulating setbacks and height limits rather than FAR. Several councilmembers requested more information relative to how other cities address this issue and the options available to encourage good quality design with consideration for neighbors. The option of designating a minimum FAR number with the possibility to apply for an exception was also discussed.

Councilmember Bohr and Mayor Pro Tem Sullivan volunteered to form a Council Subcommittee to further address the issue.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Hardy to recess to Closed Session on the following items. The motion carried by consensus of all present, none absent.

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 **Patty Hondorp v. the City of Huntington Beach,** Orange County Superior Court Case No. 03CC09608. **Subject**: Hondorp 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; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, PMA, FMA, MSOA, SCLEA, HBFA and Non-Associated. Subject**: Labor Relations – Meet & Confer. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Absent: None

Mayor Hardy offered condolences to Police Department Volunteer John Crotty's family.

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).

Mayor Hardy asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance and Flag Salute - On March 12, 1912, the first Girl Scout Troop was registered. In honor of the Girl Scouting Birthday, the Huntington Beach Girl Scout Flag Unit conducted a special flag ceremony. The unit is made up of Girl Scouts from 11 different troops in Huntington Beach (Brownies, Junior Cadets and Senior Scouts) who practice monthly and perform for many different groups and organizations. They recently performed for Disneyland Resort at a major Special Olympics event.

Invocation – Led by Father Bruce Patterson from St. Bonaventure Church.

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:

PowerPoint presentation submitted by the Planning Department dated March 7, 2005 titled *Floor Area Ratio.*

Communication submitted by Doug Fisher, Assistant to Joe Novoa, Director of Construction Management Services for the Diocese of Orange dated February 22, 2005 titled *Negative Declaration City Council Appeal; Good Shepard Cemetery* requesting a continuance of the hearing to the next scheduled City Council meeting of March 7, 2005; and

Communication submitted by Doug Fisher, Assistant to Joe Novoa, Director of Construction Management Services for the Diocese of Orange dated March 2, 2005 titled *Negative Declaration City Council Appeal; Good Shepard Cemetery* requesting a continuance of the hearing to the next scheduled City Council meeting on March 21, 2005.

Communication submitted by Jennifer McGrath, City Attorney dated March 7, 2005 titled *Late Communication Regarding March 7, 2005 Agenda Item E-5, Conflict of Interest Code* requesting the item be removed from the agenda in order to permit additional review of the identified job classifications.

Communication submitted by Duane Olson, Fire Chief dated March 7, 2005 titled *Late Communication – Re: E-8 "Adopt automatic aid agreement for exchange of fire, rescue, and emergency medical services with the Orange County Fire Authority and agreement with Sunset Beach"* requesting the item be removed from the agenda in order to allow time to include the proper attachments.

Communication submitted by Administrative Services dated March 7, 2005 titled *Proposed Changes in Terms and Conditions of Employment between City of Huntington Beach and Management Employees Organization (MEO)* amending Attachment 1 of Item F-2 by adding the 6th column entitled "Comments".

Communication submitted by Jennifer McGrath, City Attorney dated March 3, 2005 titled *Late Communication – Item G-1a on March 7, 2005 City Council Agenda Regarding Granting Pipeline Franchise to Southern California Water Company and Related Construction Agreement* regarding the selection of Thomas W. Lloyd as the arbitrator for the Construction Agreement between the City and Southern California Water Company.

Communication submitted by Jennifer McGrath, City Attorney dated March 7, 2005 titled *Late Communication – Item G-1a on March 7, 2005 City Council Agenda Regarding Granting Pipeline Franchise to Southern California Water Company and Related Construction Agreement* rescinding the previous Late Communication read and recommending the Construction Agreement be approved subject to the City Attorney and Assistant City Administrator selecting an arbitrator.

Communication submitted by Kenneth W. Small, Chief of Police dated March 4, 2005 titled *Modifications to Recreational Vehicle Ordinance* requesting additional modifications to the amended Recreational Vehicle Parking Ordinance No. 3699.

The Following Late Communication was Included in the Late Communication Packet Submitted to Council, but was not Announced:

Communication submitted by Firecracker Westwell dated March 7, 2005 and titled *10 Reasons to Oppose Ordinance No. 3699 – The RV Ordinance.*

The Following Additional Late Communication was Submitted During the Meeting:

Communication submitted by Dick Lenell dated March 7, 2005 titled *Address to City Council on Mar. 7, 2005, Regarding the RV Parking Ordinance* in support of the proposed ordinance.

Public Comments

Dick Lenell, representing the Huntington Beach Recreational Vehicles (RV) Owners Group, spoke regarding the "give and take" in the process of revising the RV Ordinance and distributed a Late Communication. Mr. Lenell urged Council to vote to accept the revised ordinance as presented tonight.

Peter Petrelis, Chairman of Huntington Beach RV Owners Group, urged Council to vote to accept the proposed revised RV Ordinance.

Gerald A. Jones thanked Police Chief Small for his efforts and stated his opinion that the proposed revised RV Ordinance is a great improvement.

Norm "Firecracker" Westwell spoke in regards to the proposed RV Ordinance, citing perceived problems with the ordinance and stating his opposition to new regulations restricting residents. He asked Council to protect the interests of minorities and alleged that the new law will make residents criminals. Mr. Westwell also noted additional staff time would be required to facilitate permits.

Amy Tomchak, affiliated with organizers of the Pacific Shoreline Marathon, thanked staff and the Councilmembers who volunteered and presented memorabilia of the event to Mayor Pro Tem Sullivan and Councilmember Coerper.

Cynthia Hutchison, Co-chair for the American Cancer Society Huntington Beach Relay for Life, thanked Mayor Jill Hardy for her speech at the kick-off for Relay for Life and presented American Cancer Society bracelets to the Council.

Alan Gandall gave an update on the status of the Wardlow School Field. He announced a meeting to be held at 7:00 p.m. on March 14 at 9082 Pioneer Drive in Huntington Beach and the website for further information, Saveourfield.org.

Steve Stafford spoke regarding a friend's interactions with the Building Department and alleged misconduct. He suggested an audit of the Building and Planning Departments. Mr. Stafford also spoke regarding the public hearing for the Annual Review of the Holly-Seacliff Development Agreement stating doubt regarding the accuracy of the reports.

Councilmember Bohr addressed the previous speaker's allegations.

(City Council) Announcement Made by Councilmember Cathy Green of Individual Appointment of Bob Jones to the Finance Board. (110.20)

Councilmember Green made the above announcement.

(City Council) Public Hearing Held - Annual Review Made of the Holly-Seacliff Development Agreement No. 90-1 (Located between Ellis Avenue on the North, Huntington Street on the East, Edwards Street on the West, and the Seacliff Golf Course on the South) – Accepted the 2004 Annual Compliance Report (600.10)

Mayor Hardy and Councilmember Cook abstained and left the room during discussion of this item due to potential conflicts of interest.

Mayor Pro Tem Sullivan announced that this was the time noticed for a public hearing to consider the following:

Applicant: City of Huntington Beach

Request: Annual review of the Holly-Seacliff Development Agreement Compliance Report.

Location: Approximately 490 acres located between Ellis Avenue on the north, Huntington Street on the east, Edwards Street on the west, and the Seacliff Golf Course on the South.

Environmental Status: This agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

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

Planning Director Howard Zelefsky gave an oral report.

Mayor Pro Tem Sullivan declared the public hearing open.

Steve Stafford reiterated the concern he voiced during the Public Comments portion of the meeting regarding the compliance report. Mr. Stafford advised Council to check the report for accuracy.

Bill Holman, representative of PLC Land Company, voiced his opinion that the report reviewed at this meeting will likely be the last annual report, the 1990 development agreement was beneficial to all parties, and that the property values have exceeded all expectations. Mr. Holman extended his appreciation to Planning Director Zelefsky, Assistant City Administrator Beardsley, Fire Chief Olson, and the rest of City staff for all their help over the years.

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

A motion was made by Hansen, second Green to determine that the Developer is in compliance with the Holly Seacliff Development Agreement No. 90-1 by accepting the 2004 Annual Compliance Report and authorize the Mayor and City Clerk to sign and execute the *Certificate of Development Agreement Compliance* and direct the City Clerk to record said Certificate with the Orange County Recorder. The motion carried by the following roll call vote:

AYES:	Hansen, Coerper, Sullivan, Green, Bohr
NOES:	None
ABSENT:	None
ABSTAIN:	Hardy, Cook

(City Council) Public Hearing - Opened and Continued Open to March 21, 2005 to Consider Appeal Filed by Applicant Mike Padian, Padian Team Consulting, of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 - Good Shepherd Cemetery, 8301 Talbert Avenue (N/E Corner of Beach Boulevard and Talbert Avenue) (420.40)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

Public Hearing to consider appeal of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 (Good Shepherd Cemetery).

Appellant/Applicant: Mike Padian

Request: To analyze the potential environmental impacts associated with a proposed expansion of Good Shepherd Cemetery. The expansion includes three phases of construction over a seven to ten year period. The proposed improvements consist of an 85,000 square foot three-story mausoleum, a 10,000 square foot maintenance facility, one-story garden crypt buildings totaling 100,000 square feet, and construction of approximately 1,850 lineal feet of perimeter fencing.

Location: 8301 Talbert Avenue (northeast corner of Beach Blvd. and Talbert Ave.)

Environmental Status: Notice is hereby given that the initial environmental assessment for this item was processed and completed in accordance with the California Environmental Quality Act. It was determined that this item, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted. Mitigated Negative Declaration No. 03-08 is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

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

Mayor Hardy declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by Doug Fisher, Assistant to Joe Novoa, Director of Construction Management Services for the Diocese of Orange dated February 22, 2005 titled *Negative Declaration City Council Appeal; Good Shepard Cemetery* requesting a continuance of the hearing to the next scheduled City Council meeting of March 7, 2005; and

Communication submitted by Doug Fisher, Assistant to Joe Novoa, Director of Construction Management Services for the Diocese of Orange dated March 2, 2005 titled *Negative Declaration City Council Appeal; Good Shepard Cemetery* requesting a continuance of the hearing to the next scheduled City Council meeting on March 21, 2005.

Tom Livengood, representing the Planning Commission, clarified recommendations made by the Commission. He stated that in his opinion, the staff compromise is moving in the appropriate direction.

A motion was made by Cook, second Sullivan to continue the open public hearing to March 21, 2005. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr Cook
NOES: None
ABSENT: None

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) 1) Amendment No. 1 to the Professional Services Contract between the City and AESCO Technologies, Inc. and 2) Amendment No. 1 to the Professional Services Contract between the City and Harrington Geotechnical Engineering, Inc. for On-Call Testing and Inspection Services

(City Council) Resolution No. 2005-16 Revising the Conflict of Interest Code Pertaining to Designated Employees and Officials

(City Council) Professional Services Contract between the City and Weule, Ballard & Mondo, LLP for Hearing Officer Services for Appeals Process of Property Tax Override Refunds and Appropriation of $76,000 from the Property Tax Override Refund Fund for Expenses Related to the Hearing Officer Contract ($20,000) and other Anticipated County Expenses Related to the Refund Process ($56,000)

(City Council) Affordable Housing Agreement between the City and Team Delaware, LLC for a Six-Unit Condominium Project Located on the East Side of Delaware Street, South of Yorktown Avenue

(City Council) Deferred from February 22, 2005 - Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement for Sunset Beach

Consent Calendar – Items Approved

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

AYES: Hansen, Coerper, Sullivan, Hardy (abstained from February 7, 2005 minutes), Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of February 7, 2005 and City Council Special Meeting of February 14, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed the 2004 Mobile Home Advisory Board (MHAB) Annual Summary Report (430.80) – Received and filed the *Mobile Home Advisory Board (MHAB) 2004 Summary Report*. Submitted by the Economic Development Director. Funding Source: Not applicable.

(City Council) Approved the Professional Services Contract between the City and DynTek, Inc. for Microsoft Professional Consulting Services (600.10) – Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and DynTek, Inc. for Microsoft Professional Consulting Services.* Submitted by the Acting Information Services Director. Funding Source: The full cost of this contract is $46,800; however, Microsoft is funding $30,000 of the cost of the services. The balance ($16,800) is to be paid by the City of Huntington Beach. Funding for the Active Directory implementation project will be from salary (10042154.51000) and benefit (10042154.55000) savings in the Information Services Business Systems budget.

(City Council) Approved Two License/Use Agreements between the City and 1) Dynix Corporation for Application Software to Replace the Library's Automated Circulation System and 2) CMS for Document Management and Support Services Agreement for Copiers (600.10) – **1.** Approved and authorized the execution by the Mayor and City Clerk of the *License/Use Agreement between the City of Huntington Beach and Dynix Corporation for Application Software* to replace the Library's automated circulation system (Attachment No. 1); and **2.** Approved and authorized the execution by the Mayor and City Clerk of the License/Use Agreement between the City of Huntington Beach and CMS lease agreement for copiers, titled *CMS – Document Management and Support Services Agreement* (Attachment No. 2). Submitted by the Library Services Director and the Acting Information Services Director. Funding Source: $150,000 - Fiscal Years 2003-05 Equipment replacement – account 10400211.84000 – 10042154C; **and** $7,500 – California State Library Grant for the purchase of a library server; **and** $161,790 – Fiscal Years 2002-05 Library equipment replacement – account 88050151.84000 **=** $319,290 - Total combined equipment replacement funding in current budget.

(City Council) Approved 1) Amendment No. 1 to the Professional Services Contract between the City and AESCO Technologies, Inc. and 2) Amendment No. 1 to the Professional Services Contract between the City and Harrington Geotechnical Engineering, Inc. for On-Call Testing and Inspection Services (600.10)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** Both of the Professional Services Agreements with AESCO Technologies, Inc. and Harrington Geotechnical Engineering, Inc. require an amendment to increase the contract amounts to cover the costs of materials testing and inspection for construction projects through the term of the agreements. Funding Source: Funds are available within budgeted capital improvement projects.

Councilmember Green requested that this item be removed from the Consent Calendar to abstain due to a potential conflict of interest.

A motion was made by Coerper, second Cook to **1.** Approve *Amendment Number 1 to Agreement between the City of Huntington Beach and AESCO Technologies, Inc. for On-Call Testing and Inspection Services* in the amount of $150,000; and **2.** Approve *Amendment No. 1 to Agreement between the City of Huntington Beach and Harrington Geotechnical Engineering, Inc. for On-Call Testing and Inspection Services* in the amount of $250,000. The motion carried by the following roll call vote:

AYES:	Hansen, Coerper, Sullivan, Hardy, Bohr, Cook
NOES:	None
ABSENT:	None
ABSTAIN:	Green

(City Council) Deferred to a Date Uncertain - Resolution No. 2005-16 Revising the Conflict of Interest Code Pertaining to Designated Employees and Officials (630.60)

The City Council considered a communication from the City Attorney transmitting the following **Statement of Issue:** Adopt Resolution No. 2005-16 revising the Conflict of Interest Code pertaining to designated employees and officials. Funding Source: Revision of the Code will have little or no financial impact to the City. Any costs will come out of the General Fund.

Mayor Hardy announced that by request of the City Attorney in a Late Communication announced earlier, this item would be deferred to a date uncertain.

(City Council) Approved a Professional Services Contract between the City and Weule, Ballard & Mondo, LLP for Hearing Officer Services for Appeals Process of Property Tax Override Refunds and Authorized Appropriation of $76,000 from the Property Tax Override Refund Fund for Expenses Related to the Hearing Officer Contract ($20,000) and other Anticipated County Expenses Related to the Refund Process ($56,000) (600.10)

The City Council considered a communication from the City Attorney, the Finance Officer and the Acting Administrative Services Director transmitting the following **Statement of Issue:** On September 20, 2004, the City Council adopted Ordinance 3663 establishing the appeal procedure for tax refund claims filed in connection with *Howard Jarvis Taxpayers Association Case v. County of Orange*. This procedure requires a Hearing Officer to act on appeal of denials of tax refunds. An appropriation of funds from the Property Tax Override Refund Fund is needed in order to cover the expenses related to the Hearing Officer Contract and other anticipated costs related to bringing the issue to a close. Funding Source: Property Tax Override Refund Undesignated Fund Balance (Fund 707 – Fiscal Impact Statement attached).

Mayor Pro Tem Sullivan requested that this item be removed from the Consent Calendar to receive an update on funds expended thus far. Finance Officer Dan Villella reported and gave clarification on the appeal process.

Councilmember Cook clarified that none of the currently seated councilmembers voted to collect the tax.

A motion was made by Sullivan, second Coerper to **1.** Approve the *Professional Services Contract Between the City of Huntington Beach and Weule, Ballard & Mondo, LLP for Hearing Officer Services* and authorize the Mayor and City Clerk to execute the agreement; and **2.** Authorize the appropriation of $56,000 from the undesignated Property Tax Override Refund Fund (707) balance to the Property Tax Override Refund expense account 70730101.69365 (contractual services) for expenses to the County for property tax database information; and **3.** Authorize the appropriation of $20,000 from the undesignated Property Tax Override Refund Fund (707) to the Property Tax Override Refund expense account 70730101.69365 (contractual services) for the Hearing Officer Contract. The motion carried by the following roll call vote:

AYES:	Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES:	None
ABSENT:	None

(City Council) Approved Affordable Housing Agreement between the City and Team Delaware, LLC for a Six-Unit Condominium Project Located on the East Side of Delaware Street, South of Yorktown Avenue and Approved Direction to the City Attorney to Return to Council with Comparison of Existing Density Bonus Ordinance as Applied to 30-Year and 60-Year Affordability Covenants (600.10)

The City Council considered a communication from the Planning Director transmitting the following **Statement of Issue:** Transmitted for your consideration is a request by Team Delaware, LLC to approve an affordable housing agreement for a six unit condominium project located on the east side of Delaware Street, south of Yorktown Avenue. The proposed project was approved with a density bonus for one unit. The agreement restricts one condominium unit to a low income household for a period of 30 years, consistent with the City's density bonus provisions. Staff recommends that the City Council review and approve the affordable housing agreement. Funding Source: Not Applicable.

Mayor Pro Tem Sullivan requested that this item be removed from the Consent Calendar to ask for an explanation of why this agreement is for only thirty years. Planning Director Howard Zelefsky reported.

A motion was made by Sullivan, second Coerper to approve the Agreement Containing Covenants Affecting Real Property By and Between the City of Huntington Beach and Team Delaware, LLC, titled *Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)* and authorize the Mayor and City Clerk to sign and execute **and** to include direction to the City Attorney to return to Council with a comparison of the existing density bonus ordinance as it applies to the 30-year affordability covenant/60 year covenant. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Deferred to a Date Uncertain - Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement for Sunset Beach (600.25)

The City Council considered a communication from the Fire Chief transmitting the following **Statement of Issue:** The attached agreement with the City of Huntington Beach and the Orange County Fire Authority for the exchange of fire, rescue, and emergency medical services is proposed for adoption, along with an agreement for advanced life support emergency medical services to the Sunset Beach area. Funding Source: None required. (The Automatic Aid agreement includes an MOU [Memoranda of Understanding] between the Orange County Fire Authority and the City of Huntington Beach)

Mayor Hardy announced that by request of the Fire Chief in a Late Communication announced earlier, this item would be deferred to a date uncertain.

(City Council) Approved City Council Position on Legislation Pending before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC): 1) Adopted Resolution No 2005-15 Requesting University of California Regents Execute the Sale of Their City-Zoned, Open-Space-Wetlands Parcel along Pacific Coast Highway and Adjacent to the Huntington Beach Wetlands Conservancy Project, to the California Coastal Conservancy; 2) Supported Retention of Two Military Facilities; and 3) Approved the Federal Funding Agenda (640.90)

The City Council considered a communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue:** Authorize the Mayor to communicate the City of Huntington Beach's support for, or opposition to, legislation currently pending before the elected members of the State or Federal Legislators; a Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.

Mayor Hardy gave an oral report.

A motion was made by Coerper, second Cook to:

1. Adopt **Resolution No. 2005-15 -** *"A Resolution of the City Council of the City of Huntington Beach Requesting the Regents of the University of California to Execute Sale of their 17-Acre City Zoned Open-Space-Wetland Parcel, to the California Coastal Conservancy;"*

and

2. Authorize the Mayor to send a letter on behalf of the City to the California Council on Base Support and Retention requesting that the Los Alamitos Joint Forces Training Base and the Seal Beach Weapons Station be retained as military facilities;

and

3. Approve the Federal Funding Agenda.

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Resolution No. 2005-17 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Management Employees' Organization (MEO) Covering the Period of December 20, 2003 through December 19, 2006 (720.20)

The City Council considered a communication from the Acting Director of Administrative Services transmitting a new Memorandum of Understanding (MOU) between the City and the Huntington Beach Management Employees' Organization (MEO) covering the period of December 20, 2003 through December 19, 2006.

City Administrator Penny Culbreth-Graft gave a PowerPoint report highlighting proposed changes to the MOU.

Discussion followed amongst Council and staff relative to holiday pay adjustments, the methodology used to determine the actual cost of the MOU adjustments, the format of the report highlighting changes to the MOU, and the number of employees covered by this agreement.

A motion was made by Sullivan, second Cook to adopt **Resolution No. 2005-17** – *"A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Management Employees' Organization (MEO) and the City of Huntington Beach for 12/20/03 through 12/19/06."* The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Continued from February 22, 2005 - Approved Franchise Agreement to Southern California Water Company Regarding Construction of a Water Pipeline and Authorized Mayor and City Clerk to Sign Agreement Subject to the Requirement that City Attorney and Assistant Administrator are Authorized to Select an Arbitrator - Adopted Ordinance No. 3701 (600.45)

City Attorney Jennifer McGrath reported regarding her Late Communication dated March 7, 2005 titled *Late Communication – Item G-1a on March 7, 2005 City Council Agenda Regarding Granting Franchise to Southern California Water Company and Related Construction Agreement.*

Mayor Pro Tem Sullivan stated his opposition to the recommended action.

City Clerk Joan L. Flynn restated for the record the Recommended Action revised per Late Communication dated March 7, 2005.

A motion was made by Coerper, second Bohr to:

1. Approve an Agreement entitled: *An Agreement Between the City of Huntington Beach and Southern California Water Company Regarding Construction of a Water Pipeline* and authorize the Mayor and City Clerk to sign the agreement, subject to the requirement that the City Attorney and the Assistant City Administrator are authorized to select an arbitrator in agreement with SCWC.

and

2. After the City Clerk reads by title, adopt by roll call vote, **Ordinance No. 3701** – *"An Ordinance of the City Council of the City of Huntington Beach Granting a Pipeline Franchise for Transmitting Water In, Under, Along and Across Streets, in the City of Huntington Beach."* (Approved for introduction on February 22, 2005.)

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr, Cook
NOES: Sullivan
ABSENT: None

(City Council) Approved for Introduction as Amended by Late Communication Submitted by Chief Small Dated March 4, 2005 Titled *Modifications to Recreational Vehicle Ordinance* and by Council Action to Include Maximum of Eight Consecutive Days for Permit Use and One Year Review - Ordinance No. 3699 Amending Section 10.44 of the Huntington Beach Municipal Code Regulating Parking Time Limits of Oversized Vehicles, Recreational Vehicles and Detached Trailers on City Streets (560.20)

Police Chief Ken Small reported, referring to the amendments in his Late Communication dated March 4, 2005 titled *Modifications to Recreational Vehicle Ordinance.*

Discussion ensued amongst Council and staff regarding the sixteen day permits, classification of apartment buildings as "residential district," daily use of recreational vehicles, restrictions on the number of consecutive permit days allowed, and accommodations for visiting guests.

A motion was made by Green, second Sullivan to approve for introduction as amended by Chief Small's Late Communication referred to above **and** to include a maximum of eight consecutive days for permit use and a review of the ordinance no later than one year from the effective date - **Ordinance No. 3699** – *"An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Oversized Vehicle Parking."* (Vote to follow)

A substitute motion was made by Sullivan, second Bohr to approve for introduction Ordinance No. 3699 as amended by Chief Small's Late Communication referred to above **and** to include a maximum of 72 hours consecutive use of permits, exceptions for visitors to residents and a review of the ordinance six months from the effective date.

The substitute motion **failed** by the following roll call vote:

AYES: Sullivan, Green, Bohr
NOES: Hansen, Coerper, Hardy, Cook
ABSENT: None

After the City Clerk read by title **Ordinance No. 3699** – *"An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Oversized Vehicle Parking,"* the original motion carried by the following roll call vote:

AYES: Hardy, Green, Bohr, Cook
NOES: Hansen, Coerper, Sullivan
ABSENT: None

(City Council) Approved the City of Huntington Beach 2005 City Council Liaison Assignments List as Amended (120.20)

The City Council considered a communication from Mayor Jill Hardy transmitting the following **Statement of Issue:** At the time the Council approved the Council Liaison List, only one member of the City Council was assigned to the Environmental Board.

The Environmental Board has some vacancies at the present time that need to be filled. I would, therefore, like to appoint Council Member Sullivan to work with Council Member Bohr in reviewing and recommending candidates to fill the existing vacancies. The attached list has also been amended to correct meeting times that have changed since it was approved.

Attached for your approval is the list of Council Liaisons with these amendments.

A motion was made by Green, second Coerper to approve the Council Liaison List as amended and attached. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved Direction to the City Attorney to Prepare an Amendment to Huntington Beach Municipal Code Chapter 5.64 Regarding Increasing the Allowable Administrative Expenses for Lawful Bingo Games From $1,000 to $2,000 (120.90)

The City Council considered a communication from Councilmember Debbie Cook transmitting the following **Statement of Issue:** Under current City Municipal Code, Chapter 5.64, Section 5.64.110 (b), the city sets a limitation of $1,000 on the portion of the proceeds from a lawful bingo game that can be used to cover administrative expenses such as rental of property, and purchase of equipment, etc. A copy of Chapter 5.64 is attached.

The Huntington Beach Elks Lodge #1959 has requested that the allowable administrative expenses be increased from $1,000 to $2,000. This would bring the city's code into alignment with current State laws regulating bingo.

Since our code has not been amended since 1993, it seems reasonable to make this minor change.

A motion was made by Cook, second Bohr to direct that the City Attorney prepare for City Council consideration, an amendment to Municipal Code Chapter 5.64, Section 110 (b), increasing the allowable administrative expenses for a lawful bingo game from $1,000 to $2,000. (Vote to follow)

Mayor Pro Tem Sullivan suggested an amendment asking the bingo game organizer to submit proof of expenses. The maker of the motion **declined the amendment**, stating that the information is already available upon request. The amendment to the motion died for a lack of second.

The original motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr, Cook
NOES: Sullivan
ABSENT: None

(City Council) Councilmember Hansen Reported on a Class Size Reduction Fundraiser and Apologized for Absence (120.85)

Councilmember Don Hansen spoke regarding a Class Size Reduction Fundraiser held on February 28, 2005 and apologized for his absence caused by time conflicts with a Closed Session meeting.

(City Council) Mayor Pro Tem Sullivan Offered Condolences to Councilmember Coerper (120.85)

Mayor Pro Tem Dave Sullivan announced that he had attended the funeral of Councilmember Gil Coerper's sister and offered his condolences.

(City Council) Councilmember Bohr Announced Opening of California Pizza Kitchen and Impending Opening of Islands Restaurant (120.85)

Councilmember Keith Bohr announced the opening at Bella Terra of California Pizza Kitchen and stated that Islands Restaurant is scheduled to open March 29. 2005.

(City Council) Councilmember Coerper Announced Ceremonies Attended Recently (120.85)

Councilmember Gil Coerper announced that he had attended ceremonies for Cub Scouts Pack 557, Weiblow Scouts Pack 404, Eagle Scout Court of Honor and Fountain Valley Pony Baseball.

(City Council) Mayor Pro Tem Sullivan Spoke Regarding Potholes and Thanked the Public Works Department for the Good Job (120.85)

Mayor Pro Tem Dave Sullivan spoke regarding potholes and the deterioration of the roads due to recent rains. He thanked the Public Works Department for doing a remarkable job.

(City Council) Mayor Hardy Congratulated Councilmember Green for Being Honored with the "Woman of the Year" Award (120.85)

Mayor Jill Hardy congratulated Councilmember Cathy Green for the "Woman of the Year" award and stated that Councilmember Green will be honored with a lunch attended by the Governor and his wife.

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:22 p.m. to Monday, 21, 2005, 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