

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

Monday, April 7, 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: Coerper, Green, Boardman, Houchen, Hardy (Cook arrived at 5:35 p.m.) (Councilmember Sullivan had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Sullivan

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

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

Communication regarding Study Session No. 2 dated April 7, 2003, submitted by DTSC (Department of Toxic Substances Control) of a PowerPoint presentation titled *DTSC Presentation to H. B. City Council Study Session Fieldstone Property & Residential Area*.

Public Comments

Dean Albright spoke regarding the Fieldstone Property dumpsite and the PCB (Polychlorinated Biphenyl) Contamination.

Eileen Murphy inquired if the entire Fieldstone Property is to be checked for PCB as well as adjacent properties.

Mark Bixby informed Council that he believes real soil samples should be checked as well as the methane issue which he believes is severe. Mr. Bixby recommended additional testing in the Parkside area.

Bob Dingwall stated he is a nearby resident affected by the PCB contamination and urged that dangerous toxics be removed as he believes that is the only acceptable form of remediation.

(City Council) Study Session #1 Held – Presentation Made by Administrative Services Department’s Finance Division and City Auditors, Caporicci & Larson, Certified Public Accountants Re: Fiscal Year 2001/2002 Comprehensive Annual Financial Audit Report (.)

Director of Administrative Services Clay Martin, Finance Officer Dan Villella, and auditors, Caporicci & Larson, CPA provided a review of the city's fiscal year 2001/2002 Comprehensive Annual Financial Audit Report (CAFR).

Finance Officer Dan Villella presented a PowerPoint slide show titled *Fiscal Year 2001/2002 Comprehensive Annual Financial Report (CAFR)* which was included in the agenda packet. Finance Officer Villella reported that the City received an “Unqualified” or clean opinion, which is the highest possible mark. In conclusion he stated that the city ended fiscal year 2001/2002 with an undesignated, unreserved fund balance of \$3.78 million.

Discussion was held amongst Council, Director Martin and Finance Officer Villella regarding the content and format of the CAFR (Comprehensive Annual Financial Report). Director Martin clarified that to condense the report the term, “other” was used and that all of the detailed information is on file and available. He concluded that the recommendations made by Council to improve the format would be considered for future CAFR’s.

Mayor Boardman thanked everyone for the presentation.

(City Council) Study Session #2 Held – Presentation Made by the Fire Department Re: Overview by the Department of Toxic Substances Control (DTSC) – Includes a Report on Health and Safety Issues and Current Action Plan for Remediation Regarding PCB Contamination Found Inside the Bolsa Chica Area and Impacted Residential Areas Near the End of Graham on the Fieldstone Property (Impacting the Residential Area in the Bolsa Chica near Graham Street) (.)

Acting Fire Chief Duane Olson introduced Unit Chief Greg Holmes, and representatives Greg Sweet and Leticia Hernandez from the Department of Toxic Substances Control (DTSC). Acting Fire Chief Olson announced a Late Communication of a PowerPoint presentation titled *DTSC Presentation to H. B. City Council Study Session - Fieldstone Property & Residential Area*.

Unit Chief Holmes presented the PowerPoint slide show titled *DTSC Presentation to H. B. City Council Study Session Fieldstone Property & Residential Area*, which had been announced earlier as a Late Communication by the City Clerk. His presentation provided an overview of the issues associated with the Polychlorinated Biphenyl (PCB) contamination found in the Fieldstone property inside the Bolsa Chica area and impacted residential properties in Huntington Beach near the end of Graham Street. Chief Holmes referred to the charts displayed showing the locations of the tested areas.

Considerable discussion was held amongst Council, Unit Chief Greg Holmes and DTSC representative Greg Sweet regarding matters including: 1) risk assessment; 2) determination for remediation and cleanup alternatives; 3) public notice for community input of an acceptable work plan; 4) anticipated time line reported of June 2003 estimated; 5) cautionary measures provided to residents discussed; 6) if the contamination was in the soil prior to the houses being built; 7) how PCB was and is spread; 8) State funding for cleanup of contaminated residential

soil; 9) PCB in dust caused by wind, according to the toxicologist report, is so insignificant that it should not be a health concern; 10) research indicates that the contaminated area is isolated and it is expected only a few more house sites will be tested; 11) the contractor will restore the residents' landscaping after the contaminated soil is removed; and 12) plans for future public meetings.

Council requested that mailers be sent to residents to inform them of the scope of work being developed for soil removal.

Mayor Boardman stated the urgent need to remedy this situation. She thanked everyone for their presentations.

Motion to Recess to Closed Session – Approved

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

AYES: Coerper, Green, Boardman, Cook, Houchen, Hardy.

NOES: None

ABSENT: Sullivan

(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 agency is a party. The title of the litigation is **Mills Land & Water Company v. City of Huntington Beach, et al.**, Court of Appeal Case No. G020490, Orange County Superior Court Case No. 739412 (“Mills I”); **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 (“Mills II”). Subject: **Mills Land & Water Company v. City** (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 **Edward Resek v. City of Huntington Beach, et al.**; U. S. District Court Case No. CV 99-09909. Subject: **Resek v. City of Huntington Beach, et al.** (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 **Barbara Lawrence and Earl Lawrence v. City of Huntington Beach**, U. S. District Court Case No. CV 99-09909. Subject: **Barbara Lawrence and Earl Lawrence v. City of Huntington Beach.** (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 agency is a party. The title of the litigation is **Marie Hansen v. City of Huntington Beach, et al.**, Orange County Superior Court Case No. 02CC11272. Subject: **Marie Hansen v. City of Huntington Beach, et al.** (120.80)

City Council) Closed Session – Pursuant to Government Code Section 54956.9(c) to confer with its city attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: One to 200. Subject: **Potential Litigation** (120.80)

(Redevelopment Agency) Closed Session – Pursuant to Government Code Section 54956.8 to give instructions to the Agency's Negotiators, **Ray Silver and David Biggs**, regarding negotiations with **John Given and CIM Group, LLC**. The instructions concern an implementation agreement regarding the terms and conditions for the purchase of the property located at **Blocks 104 & 105** (Bounded by PCH, Main Street, Walnut Avenue and 6th Street). Instruction will concern: Both price and terms of payment. Subject: **Real Property Negotiation Blocks 104 & 105, an area bounded by PCH. Walnut, Main & 6th Street in the City of Huntington Beach** (400.50)

City Council- Redevelopment Agency Roll Call

Present: Coerper, Green, Boardman, Cook, Houchen, Hardy
Absent: Sullivan

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on Monday, April 7, 2003 Pursuant to Government Code Section 54956.9(a) Re: Marie Hansen v. City of Huntington Beach, et al., Orange County Superior Court Case No. 02CC11272 (Council on Aging/ESI (Ecumenical Services, Inc.)) (120.80)

City Attorney Jennifer McGrath announced that on Monday, April 7, 2003 the City Council convened in closed session to discuss potential litigation regarding **Marie Hansen v. City of Huntington Beach, et al.** City Attorney McGrath handed City Clerk Connie Brockway the related communication titled *(Initiate Litigation) Report of Action Taken Pursuant to Government Code Section 54957.1(a)(2); April 7, 2003, City Council Close Session* which reflected her oral statement.

On Monday, April 7, 2003, the City Council convened in closed session to discuss the matter of **Marie Hansen v. City of Huntington Beach, et al.**, Orange County Superior Court Case No. 02CC11272.

City Council voted to file a cross-complaint against the Council on Aging & ESI for indemnification and declaratory relief. The Council voted as follows: 6 Ayes; 0 Noes; 0 Abstentions; and 1 Absent (Sullivan absent at vote.)

Flag Ceremony/Pledge of Allegiance – Brownie Troop 821 St. Simon & Jude. Pat Illencik, Leader.

Moment of Silence Observed

Mayor Boardman requested observation of a moment of silence to reflect on the issues before us this evening.

The City Clerk Announced Late Communications

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

Communication regarding Study Session No. 2 dated April 7, 2003, submitted by DTSC (Department of Toxic Substances Control) of a PowerPoint presentation titled *DTSC Presentation to H. B. City Council Study Session Fieldstone Property & Residential Area*.

Communication from City Treasurer Shari Freidenrich requesting the removal of the introduction of Ordinance 3603 from the Council Agenda. This item requires a minor revision and will be placed on the Council Agenda for Monday April 21, 2003.

Communication from Bob Polkow dated April 7, 2003 in opposition of Agenda Item which would authorize the Mayor to send a letter on behalf of the city supporting the funding request by the Huntington Beach Wetlands Conservancy for a Grant for acquisition of 46 acres at the Huntington Beach Wetlands.

Presentation made by Mayor Connie Boardman, Certificates to AYSO (American Youth Soccer Organization) Region 117 Under 10 Boys' Team, the Golden Eagles team that placed second in the AYSO sectional playoffs for the Southern California Championships. Coaches are Marissa and Issa Demes; Team Mom is Teresa Clouse. (160.40)

Presentation made to Mayor Connie Boardman and the City Council by Jannette Johnson Teacher, and her fourth and fifth grade classes from Oka Elementary School, Huntington Beach. Students Brianna Webster, Kevin Callahan and Dib Ammar will speak about their school project, *Project Ocean Pollution Solution* also known as *Operation O.P.S.* The class received a \$400 grant from the Blue Planet Foundation to support their field trips. This whole endeavor is to create a scrapbook-like project to enter into the Jiminy Cricket Environmental Challenge. (160.40)

Public Comments

Brad White representative of Yellow Ribbons America addressed Council and described what the organization is doing to support the troops. He asked Council to consider the use of stickers and yellow ribbons, which are available at no charge. Mr. White urged all to participate to let service members know they are supported and that their return home is much awaited.

Mickey Pitre, American Legion representative, spoke in support of the agenda item requesting the City's participation in the Blue Star Program. Mr. Pitre displayed the various Blue Star Flags and explained their meaning. He stated that the American Legion has a website with contact phone numbers in addition to calling him at American Legion (714) 846-9202.

Gary Gorman urged Council to support the agenda item regarding the funding request by the Huntington Beach Wetlands Conservancy for a grant for the acquisition of 46 acres at the Huntington Beach Wetlands.

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

Ben Rockwell, California for Disability Rights, spoke in favor of the proposed ordinance repealing Chapter 10.88 of the Huntington Beach Municipal Code Relating to Self-Propelled Wheelchairs that will be introduced at the next council meeting. Mr. Rockwell spoke in opposition to the existing ordinance and requested that Council approve the forthcoming proposed ordinance.

Mayor Boardman asked Mr. Rockwell to submit a follow up card regarding the forthcoming ordinance.

Roseann Andrus, representing Orange County Association for Education of Young Children requested that a Councilmember or Children Needs Task Force member or a city staff member attend the upcoming Child Care City to City Forum. Ms. Andrus distributed a brochure to Council titled *Success by 6*.

Nancy Donovan requested all to attend the public hearing on April 10, 2003 of the Ocean View District Advisory Commission regarding the disposition of the Bolsa Chica property owned by the school district.

Fred Provencher, Huntington Beach Human Relations Task Force, informed Council of the organization's work to combat Hate Crimes. Mr. Provencher thanked Police Chief Kenneth Small for attending their last meeting and expressed his appreciation for Council's support.

Amanda Graybill informed Council that her son is in the United States Marine Corps. Mrs. Graybill thanked Council for supporting the Yellow Ribbon America campaign. She announced there is a support group called Military Families Unite at the First Christian Church and invited all to attend.

Police Chief Kenneth Small informed Council that the proposed ordinance repealing Chapter 10.88 of the Huntington Beach Municipal Code relating to Self-Propelled Wheelchairs would be on the next agenda for introduction. Chief Small stated that the current code is not being enforced.

(City Council) City Council Reported – Re: 1) Support AB 1221 (Steinberg /Campbell) Taxation, Local Government Funding; 2) Support Yellow Ribbon Program (.)

Councilmember Houchen reported on AB 1221, (Steinberg / Campbell) Taxation, Local Government Funding, which would promote greater fiscal fairness for cities. The proposed Assembly Bill 1221 will affect the property tax allocation and sales tax.

Councilmember Coerper thanked Assistant City Administrator William Workman for assisting in getting the Yellow Ribbon Program started.

(City Council) City Administrator Reported Re: Beach Outlet Storm Water Treatment Project (.)

Director of Public Works Robert F. Beardsley reported on the agenda item regarding the Beach Outlet Storm Water Treatment Project. Director Beardsley informed Council that this project has been approved by the State Water Resources Control Board as part of a \$4 million grant for storm water quality improvements. He stated that the funds are from a Proposition 13, 2000 Water Bond Act Grant. Mr. Beardsley informed Council that trash, debris and other particulate matter will be removed at critical locations at the storm drain outlets.

(City Council/Redevelopment Agency) Joint Public Hearing Held – Approved Sale to LGB Investments, LP, of Agency Owned Property – 438 Main Street (Main Pier Redevelopment Project Sub-Area) – Adopted Resolution No. 2003-24 and Agency Resolution No. 344 (.)

Councilmember Houchen recused herself from consideration of this item due to a potential conflict of interest as she has a property listing across the street from this property.

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

Joint public hearing to consider the sale of 438 Main Street, a commercial two-story office building consisting of approximately 4,250 square feet on a 5,750 square feet parcel, (Assessor's Parcel Number 24-134-02). The property is located in the Huntington Beach Redevelopment Project Area, specifically in the Main-Pier sub-area.

As required by California Redevelopment Law (Section 33433), a report on the sale is available for public inspection in the City Clerk's Office and in the Department of Economic Development. The report summarizes the costs of the sale agreement, the estimated value of the interest to be conveyed to LGB Investments, LP as determined at the highest and best uses permitted under the Redevelopment Plan, the estimated value of the interest to be conveyed and the purchase price of \$950,000. Interested persons may inspect and, upon payment of the costs of reproduction, obtain copies of the 33433 Report and sale documents.

At any time not later than the hour set forth above for the hearing, comments on the proposed sale may be submitted in writing to the City/Agency Clerk.

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

Economic Development/Deputy Executive Director David Biggs presented a PowerPoint slide report titled *Sale of 438 Main Street*, which is included in the agenda packet.

Mayor Boardman declared the public hearing open.

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

A motion was made by Coerper, second Hardy to:

City Council Action: Adopt **Resolution No. 2003-24** – "A Resolution of the City Council of the City of Huntington Beach Approving the Sale of Property Located within the Huntington Beach Redevelopment Project Area."

The motion carried by the following roll call vote:

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

A motion was made by Cook, second Green to:

Redevelopment Agency Action: Adopt Agency **Resolution No. 344** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Sale of Property Located within the Huntington Beach Redevelopment Project Area” and authorize the Mayor/Agency Chairperson and the City/Agency Clerk to execute the Standard Offer, agreement and Escrow Instructions with LGB Investments, a limited partnership in the amount of \$950,000.

The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Sullivan

ABSTAIN: Houchen Recused

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Resolution No. 2003-23 - Side Letter of Agreement to the Fiscal Year 2002/2003 Memorandum of Understanding (MOU) between the City and Miscellaneous (Non-Safety and Non-Associated) Members of the Police Officers' Association (POA) - California Public Employees' Retirement System (CalPERS) (.)

(City Council) Professional Services Contract between the City and Intergraph Public Safety Inc. for a Police Computer Aided Dispatch/Records Management System (CAD/RMS) (.)

(City Council) City Council Positions 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 (.)

Consent Calendar – Items Approved

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

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

NOES: None

ABSENT: Sullivan

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council Regular meeting of January 21, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed the 2002 Mobile Home Advisory Board (MHAB) Annual Summary Report (.) – Received and filed the *Mobile Home Advisory Board (MHAB) 2002 Summary Report*. Submitted by the Economic Development Director. Funding Source: Not applicable.

(City Council) Received and Filed the Huntington Beach City Charter as Codified to Include Measures EE: Property Rights Protection Measure and Measure FF: Creation of Infrastructure Fund; Adopted by the Voters at the March 5, 2002 Special Municipal Election (and Approved Correction of 1982 Typographical Error in Charter Section 700) (.) - 1. Received and filed the codified City Charter of the City of Huntington Beach, as revised by the inclusion of Measure **EE: Property Rights Protection Measure** and Measure **FF: Creation of Infrastructure Fund** approved by the voters at the Special Municipal Election of March 5, 2002; and **2.** Approved the correction of the typographical error made when codifying Section 700 into the City Charter following the November 2, 1982 Municipal Election as follows: **City Charter Section 700 should be corrected to read: Section 700. GENERAL MUNICIPAL ELECTIONS.** General municipal elections shall be held in the city on the first Tuesday *after the first Monday* in November in each even-numbered year. **City Charter Section 700 incorrectly reads: Section 700. GENERAL MUNICIPAL ELECTIONS.** General municipal elections shall be held in the City on the first Tuesday in November in each even numbered year. Submitted by the City Clerk. Funding Source: Not applicable.

(City Council) Accepted Bid and Awarded Construction Contract to Elite Bobcat Service, Inc. for Speer Avenue and Liberty Avenue Street Improvement Project; CC-1142 - Oak View Neighborhood Enhancement Area (Street Widening, Curb and Gutter, Sidewalk and Landscaping) (.) – 1. Accepted the lowest responsive/responsible bid submitted by Elite Bobcat Service, Inc. in the amount of \$249,480 for the Speer Avenue and Liberty Avenue Street Improvement Project, CC-1142; and **2.** Authorized the Mayor and City Clerk to execute a construction contract with Elite Bobcat Service, Inc. in substantially the same form as the attached sample construction contract. Submitted by the Economic Development Director and the Public Works Director. Funding Source: CDBG Fiscal Year 1999-2000, Street Improvements Account and Measure M, Miscellaneous Streets Account.

(City Council) Accepted Huntington Beach Grammar School Grant Deed for the State Funded Safe Routes to School, Second Cycle Project, CC-1210 for Design and Construction of Street Improvements and Signal Poles e/o 17th Street and Palm Avenue (.) – Authorized the City Clerk to accept, record and file the Huntington Beach Grammar School District *Grant Deed*. Submitted by the Public Works Director. Funding Source: Not required.

(City Council) Approved Special Utility Easement Agreements and Authorized Public Works Director to Execute Re: Pipeline Repairs, Replacement and Surface Uses for All Applicable Future Developments (.) - Authorized the Director of Public Works to execute Special Utility Easement Agreements for all applicable future developments, in substantially the same form as the attached agreement, which has been approved as to form by the Office of the City Attorney. Submitted by the Public Works Director. Funding Source: Not applicable.

(City Council) Approved Correction Per Reimbursement Agreement to Transfer Funds into Planning Department Account for Payment of Environmental Impact Report (EIR) Prepared by RBF Consulting Relative to Poseidon Resources Corporation Seawater Desalination Plant Proposed on AES, Huntington Beach Property at Pacific Coast Highway and Newland Street (.) – Authorized the Director of Administrative Services to appropriate funds in the amount of \$51,173 from the City's General Fund Unappropriated Fund Balances into the Planning Department's Contractual Services Account Number 10060201.69365. Submitted by the Planning Director.

(City Council) Approved Plans and Specifications and Authorized Advertisement of Bids for the Beach Outlet Storm Water Treatment Project, CC-1179 (.) – Approved the project plans and specifications and authorized the Director of Public Works to request bids for Beach Outlet Storm Water Treatment Project, CC-1179. Submitted by the Public Works Director. Funding Source: Proposition 13, 2000 Water Bond Act Grant. Engineer's cost estimate - \$1,000,000.

(City Council) Approved Plans and Specifications and Authorized Advertisement of Construction Bids for Public Improvements (Repair or Replacement of Sidewalks, Curbs and Gutters) on Nantucket Drive, MSC-419 (.) – Approved the project plans and specifications and authorized the Director of Public Works to request construction bids for the repair or replacement of sidewalks, curbs and gutters on Nantucket Drive. Submitted by the Public Works Director. Funding Source: Measure M Funds, Street Improvements Account - \$200,000.

(City Council) Adopted Resolution No. 2003-23 Approving Side Letter of Agreement to the Fiscal Year 2002/2003 Memorandum of Understanding (MOU) between the City and Miscellaneous (Non-Safety and Non-Associated) Members of the Police Officers' Association (POA) - California Public Employees' Retirement System (CalPERS) (.)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar. He received clarification from Assistant City Administrator William Workman that this side letter covers the non-sworn officers.

A motion was made by Coerper, second Green to adopt **Resolution No. 2003-23 - "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Police Officers' Association, by Adopting the Side Letter of Agreement."**

The motion carried by the following roll call vote:

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

(City Council) Approved the Professional Services Contract between the City and Intergraph Public Safety Inc. for a Police Computer Aided Dispatch/Records Management System (CAD/RMS) (.)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar. He asked staff their evaluation of the GIS (Geographic Information System). Police Chief Small responded that the overall system is generally well received and that there are no plans at this time to put GIS in the patrol cars.

Assistant City Administrator Workman clarified that this would be part of the police dispatch system.

A motion was made by Coerper, second Green to:

1. Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Intergraph Public Safety, Inc.*; and 2. Authorize the City Treasurer to release escrow funds from Union Bank payable to Intergraph Public Safety and authorize the Police Chief to approve the expenditure of the grant funds; and 3. Assign the Police Department's Systems Group Manager as Project Manager and require signatures of both the Project Manager and the City's Information Services Director authorization to approve Acceptance Testing; Change Orders; Notifications; Systems Sign-off; Release of Funds and Progress Payments per contract schedule; and 4. Authorize the Police Department's Systems Group Manager to upgrade Uninterruptible Power Supply in a joint project with the City's Information Systems Department and enter into a service agreement with Anderson & Howard Electric to redistribute electrical power in Communications, the Computer and EOC (Emergency Operations Center) rooms and install additional emergency generator supply service; and 5. Approve hiring a part-time, temporary GIS intern not to exceed 1,000 hours during the course of the project that will be funded within total project to provide data elements for mapping.

The motion carried by the following roll call vote:

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

(City Council) Approved (With Separate Roll Call Votes Taken on Some Assembly and Senate Bills) City Council Positions 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 – Staff Directed to 1) Submit League, Staff and Legislators Positions; 2) Designate Intergovernmental Relations Committee Item as Administrative Item on Future Agendas; and 3) Provide Progress Updates on Bills (.)

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 confirmation from the City Clerk that in the past this item was put on the agenda as an F-Item (Administrative Item).

Council informed staff of their concerns regarding: 1) what positions the League of California Cities, employees, senators and legislators have on these bills; 2) that the intent on legislation changes the bills and should be brought back to the committee and to Council; and 3) in addition to the "support" and "oppose" option add a "watch" position.

Assistant City Administrator Workman reported relative to Mayor Pro Tem Green's question as to whether employees and the City had discussed the pending legislation.

Council directed staff to place League, staff and legislators positions and to schedule pending legislative items as Administrative Items on future agendas as well as provide update on progress of the bills.

A motion was made by Coerper, second Green to approve the following recommended actions on the subsequent 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 427 (2003-2004) Longville - Local transportation sales taxes – Deletes the 20-year limit on the existing local transportation sales tax.

SUPPORT - AB 498 (2003-2004) Canciamilla - State government: prudent state reserve placing a requirement on the state for a prudent reserve.

SUPPORT - AB 608 (2003-2004) Daucher - State regulations: appeal providing a procedure for cities and counties to challenge the imposition of regulation by state agencies.

SUPPORT - AB 637 (2003-2004) Harman - State-mandated local programs providing for a (non-voting) local representative on the State Mandates Commission and easing the requirements for reimbursement.

SUPPORT - AB 694 (2003-2004) Levine - Use tax: vehicles, vessels, and aircraft eliminating an exemption from sales tax for vehicles, vessels, and aircraft when purchased outside the state and that remain outside the state for 90 days.

OPPOSE UNLESS AMENDED removing language regarding no reimbursement to local agencies regarding lost revenue - **AB 783 (2003-2004), Maddox and Mountjoy** - Property taxation: welfare exemption: course of construction

OPPOSE UNLESS AMENDED removing language regarding no reimbursement to local agencies regarding lost revenue - **AB 1073 (2003-2004), Dutton** - Sales and use taxes: exemptions: nonprescription drugs

SUPPORT ACA 11 (2003-2004) Levine - Local government: general obligation bonds: infrastructure projects allowing passage of infrastructure bonds with approval of 55% of the voters.

SUPPORT - SB 17 (2003-2004) Escutia - Property taxation: change in ownership allowing the State to specify those circumstances under which a non-residential, commercial or industrial, property changes owners.

OPPOSE - SB 407 (2003-2004) Torlakson - Local government financing requiring that revenues from the Motor Vehicle License Fee account be allocated to cities and counties on a quarterly rather than a monthly basis.

OPPOSE UNLESS AMENDED removing language regarding no reimbursement to local agencies regarding lost revenue - **SB 764 (2003-2004) Morrow** - Property tax: veterans' exemptions which stipulates that property tax veterans' exemptions are NOT a state mandate and therefore not reimbursable to cities and counties.

SUPPORT - SBX1 3 (2003-2004) Escutia - Property taxation: change in ownership

SUPPORT -SCA 9 (2003-2004) Perata - Appropriations limits: allowing an exception to the State's appropriation limitation in case of a natural disaster.

The motion carried by the following roll call vote:

AYES: Coerper, Green, Boardman, Cook, Houchen, Hardy.

NOES: None

ABSENT: Sullivan

Considerable discussion was held amongst Council, City Administrator Silver and Assistant City Administrator Workman regarding AB572, AB1324, SB414 and AB136. Staff responded with reasons why the city formed their opinion on the above mentioned bills stating; 1) adverse

impact on the city; 2) decrease the cities ability to do its job, 3) puts the city in a greater liability situation and 4) additional financial burden on the budget.

A motion was made by Cook, second Hardy to **OPPOSE - AB 572 (2003-2004) Yee** – Employment - Undisputable presumption that a discharge of an employee within 90 days of an action by that employee is retaliatory.

The motion carried by the following roll call vote:

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

A motion was made by Cook, second Hardy to **OPPOSE AB 1324 (2003-2004) Steinberg** - Workers' compensation: infectious diseases: adds dependents of the employee to those to be compensated. The motion **failed by a tie vote**, by the following roll call:

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

A motion was made by Cook, second Hardy to **SUPPORT SB 414 (2003-2004) McClintock and Poochigian** - Workers' compensation: injuries adding the requirement that a physician must certify that the injury arises as a result of and in the course of employment. The motion carried by the following roll call vote:

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

A motion was made by Cook, second Hardy to **OPPOSE - AB 136 (2003-2004) Kehoe** - Workers' compensation – Disability provides that a firefighter is entitled to a disability leave of absence with pay for up to two years. (Current law is one year.) The motion **failed by a tie vote**, by the following roll call:

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

(City Council) Approved the Non-Exclusive License Agreement between the City and the Children's Bureau of Southern California for the Operation of the Oak View Center Effective May 1, 2003 by Children's Bureau Staff with Oversight Provided by the Community Services Department (.)

The City Council considered a communication from the Community Services Director, the Economic Development Director and the Special Projects Manager requesting Council approval for the city to enter into a Non-Exclusive License Agreement with the Children's Bureau of Southern California for the operation of the Oak View Center.

Janeen Laudenback, Acting Superintendent of Community Services – Recreation Human & Cultural Services presented a PowerPoint report titled *Oak View Center Operational Transfer*, which was included in the agenda packet.

Council received clarification from staff regarding; 1) the care of the facilities; 2) cost to the city; 3) CPAB recommendation; 4) the ability to enhance social services; and 5) to expect the same level of service or better.

A motion was made by Houchen, second Green to approve the Non-Exclusive License Agreement between the City of Huntington Beach and Children’s Bureau of Southern California.

The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3601 - Amending the Contract with the California Public Employee’s Retirement System (CalPERS) to Provide (1.) Section 21548 Pre-Retirement Optional Settlement 2 Death Benefit and (2.) Section 21574 (Fourth Level of 1959 Survivors’ Benefits) for Local Miscellaneous Members - the Municipal Employees’ Association (MEA) and Management Employees’ Organization (MEO) (.)

After the City Clerk read by title, a motion was made by Coerper, second Green to adopt **Ordinance No. 3601** - *“An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract Between the City Council and the Board of Administration of the California Public Employees’ Retirement System Regarding the Provision of Pre-Retirement Optional Settlement 2 Death Benefits and Fourth Level of 1959 Survivor Benefits For Local Miscellaneous Members.”*. (Introduction approved March 3, 2003) The motion carried by the following roll call vote:

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

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

After the City Clerk read by title, a motion was made by Green, second Coerper to adopt **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.”* (Introduction approved March 17, 2003)

The motion carried by the following roll call vote:

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

(City Council) Removed from Agenda Introduction of Ordinance No. 3603 - Amending Title 5 of the Huntington Beach Municipal Code Relating to Business Licenses and Regulations (No Proposition 218 Vote Required on Changes) – Rescheduled for April 21, 2003 Council Meeting (.)

Ordinance No. 3603 – *“An Ordinance of the City of Huntington Beach Amending Title 5 of the Huntington Beach Municipal Code Relating to Business Licenses and Regulations.”* (The City Treasurer’s staff report included in the agenda packet sets forth that these amendments to Title 5 of the Business License ordinance do not trigger a Proposition 218 vote, and further sets forth that said changes do not increase the amount of any taxes currently identified in the ordinance.)

(City Council) Implemented the Blue Star Program Participating to Support Armed Forces Personnel Serving the United States in the War with Iraq (.)

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: On Thursday, March 20, 2003, the United States entered into war with Iraq. Regardless of our opinions about this war, I believe we need to support the young men and women who are risking their lives during the war. The purpose of this H-Item is to show support for these young people and their families by implementing the “Blue Star” program. Under this program, Huntington Beach families with members serving in the Armed Forces receive a Blue Star poster to display in their window as a visible sign of their sacrifice and service. The program was originally used during World War I and II, but was later discontinued.

Assemblyman Dennis Mountjoy, Fifty-Ninth District, California State Legislature, has been encouraging all Californian cities to participate in the program as a salute to our service men and women. The city of Monrovia has already implemented a program.

A sample of the poster is attached for your review. I propose that the City print the posters which will be made available free of charge through the City Administrator’s Office.

A motion was made by Coerper, second Houchen to approve the City’s participation in this program and authorize printing of the posters for distribution to Huntington Beach families with family members serving in the Armed Forces. The motion carried by the following roll call vote:

AYES: Coerper, Green, Boardman, Cook, Houchen, Hardy.

NOES: None

ABSENT: Sullivan

(City Council) Authorized Mayor to Send a Letter on Behalf of the City to the State Coastal Conservancy Chair in Support of Funding Requested by the Huntington Beach Wetlands Conservancy for a Grant for the Acquisition of 46 Acres at the Huntington Beach Wetlands (.)

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: The Huntington Beach Wetlands Conservancy has applied for a grant from the State Coastal Conservancy for the acquisition of 46 acres at the Huntington Beach Wetlands. Acquisition of this property will create the potential to establish over 180 acres of restored salt marsh and coastal dune habitat. I have been requested by the Conservancy to send a Letter of Support from the City.

Mayor Boardman stated that no city funds will be used.

A motion was made by Cook, second Green to authorize the Mayor to send a letter on behalf of the city to Mr. Paul Morabito, Chair of the Coastal Conservancy, in support of the funding request by the Huntington Beach Wetlands Conservancy. The motion carried by the following roll call vote:

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

(City Council) Appreciation Extended for Timely Agenda Items

Councilmember Jill Hardy thanked the city staff for submitting the agenda items timely.

(City Council) Reminder to Change Batteries in Smoke Detectors

Mayor Connie Boardman reminded everyone that now is the time to change batteries in your smoke detectors.

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 21, 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