

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

Monday, April 15, 2002
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 Cook called the regular meetings of the City Council and the Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
Absent: None

(City Council) Three Study Sessions Held – (1) Fire Department Staff Report Re: PCB Contamination on County-Owned Soil Adjacent to Terminus of Graham Street at Bolsa Chica Wetlands (520.40); (2) Overview of City’s New Utility Billing System (600.10); and (3) Presentation of Adopt-A-Storm Drain (1020.10)

(1) Fire Department Staff Report Regarding PCB Contamination on County-Owned Soil Adjacent to Terminus of Graham Street at Bolsa Chica Wetlands – Property Formerly known as Fieldstone Property (Now Owned by Hearthside Homes) (520.40)

Fire Chief/Information Systems Director Michael P. Dolder and Public Works Director Robert F. Beardsley regarding soil contamination adjacent to the terminus of Graham Street at the Bolsa Chica wetlands. (The property was formerly known as Fieldstone Property, and is now owned by Hearthside Homes.)

Chief Dolder furnished an oral report on PCB contaminated soil located in a 42-45 acre area at Graham Street, Warner Avenue, and the Bolsa Chica Wetlands. He stated that this is a county contaminated site and the borings (samples) taken were a result of a review by the State Department of Fish and Game. Chief Dolder reported that concentrations have been found throughout the state. He stated that PCB is a carcinogenic and is not an airborne substance.

Chief Dolder informed Council that this area has been fenced off for clean up by the State Department of Toxics (Department of Toxic Substance Control). He stated that the State Agency will also be notifying property owners within a one-mile radius of the hazardous area.

Council Member Green asked if the city is able to provide citizens with any more information after they are noticed by the State Department. Chief Dolder advised Council that there is no additional known facts at this time; but will supply data as soon as it is received.

Public Works Director Robert F. Beardsley reported on the plans being made for the repair of transformers and review of tract maps.

Council Member Dettloff questioned whether the state is required to do any testing in residential areas as well as the Fieldstone Property. Chief Dolder responded that the contaminated soil will be removed without further testing.

Chief Dolder reported that the parties who will be responsible for the cost of clean up is as of yet to be determined.

Council Member Boardman asked whether said contaminate travels. In response, Chief Dolder stated that PCB when found in soil is usually stationary. Council Member Boardman inquired regarding safety factors for children. She expressed concern that the tires on children's bikes traveling over the soil may become contaminated. Chief Dolder concurred that this is a risk factor.

Chief Dolder informed Council that this is an informational report to be updated as soon as his department gets further information from the County and State Agencies involved.

(2) Utility Billing Overview of City's New System - to Return as an Administrative Agenda Item for May 6, 2002 Council Meeting (600.10 AMX)

Fire Chief/Information Systems Director Dolder, City Treasurer Shari Freidenrich and Public Works Deputy Director Paul Emery presented a verbatim oral report based on the Power Point presentation, which was a Late Communication titled *Municipal Services Statement* distributed at the study session.

Chief Dolder spoke regarding what he sees to be the advantages of the proposed Utility Billing Program. He stated that by checking the meter every 30 days instead of 60 days, the city would have a better indication as to household usage and therefore will be able to have a more effective conservation program.

The staff made the recommendation to return with Utility Billing as an administrative agenda item for the May 6, 2002 City Council meeting.

(3) Presentation by the Public Works Department on the "Adopt-A-Storm Drain" Program (1020.10)

Public Works Department Environmental Engineer, Geraldine Lucas distributed a Late Communication packet containing collateral material titled *Adopt-A-Storm Drain*, and introduced Paul Polizzotto, a representative of the program.

Mr. Paul Polizzotto reported on how the "Adopt-A-Storm Drain" program operates at no cost to the community, generating eighty percent of revenue back to the city. He distributed a second Late Communication titled *Huntington Beach Proposed Signage Opportunities* (with three matrices for Plan A and B with Coastal Zone, and Plan C without Coastal Zone) to illustrate his point. Mr. Polizzotto stated other cities such as Hermosa Beach and Redondo Beach have adopted this program, which has been well received by support and advocacy groups, corporate sponsors, and individual citizens.

Council Member Dettloff stated how well this program would fit in with the infrastructure improvement program by demonstrating cost effective measures to handle pollution.

The Mayor thanked the presenters for their reports.

Motion to Recess to Closed Session – Approved

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

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

NOES: None

ABSENT: None

(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 **Scottsdale Insurance Co. v. City of Huntington Beach**, Orange County Superior Court Case No. 761735. Subject: **Scottsdale Insurance Co. 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 city is a party. The title of the litigation is **Logan W., a minor, by and through his Guardian ad Litem, Geoffrey W., Geoffrey W. and Jerilynne W., individually, v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 01CC05234. Subject: **Logan W., a minor/Geoffrey W., et al. v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore **regarding labor relations matters – meet and confer** with the following employee organizations: **HBMEO** and **HBFMA**. Subject: **Labor Relations – Meet & Confer**. (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 **Talbert & Beach, Inc. v. City of Huntington Beach**; U.S. District Court Case No. SACV-001096-AHS (EEx). Subject: **Talbert & Beach, Inc. 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 city is a party. The title of the litigation is **Howard Jarvis Taxpayers Assn., et al., v City of Huntington Beach, et al.**; Orange County Superior Court Case No. 818780. Subject: **Howard Jarvis Taxpayers Assn., et al., v. City of Huntington Beach**. (120.80)

Reconvened City Council/Redevelopment Agency Meeting - 7:00 P.M. - Council Chambers**City Council/Redevelopment Agency Roll Call**

Present: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

Absent: None

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on January 7, 2002 (Pursuant to Government Code §54957.1(a) (3) - Approved Dismissal of Case in the Matter of Talbert & Beach, Inc. v. City of Huntington Beach, USDCC No. SACV-001096-AHS (Eex) Re: Challenge to the City's Adult Business Ordinance (120.80)

City Attorney Gail Hutton reported out that on Monday, April 15, 2002 the City Council convened in closed session to discuss *Talbert & Beach, Inc. v. City of Huntington Beach*, United States District Court Case No. SACV-001096-AHS (Eex), regarding the challenge to the City's Adult Business Ordinance.

The City Council voted to accept the Plaintiff's offer to dismiss the case without prejudice, with each side to bear its own costs and attorney's fees.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

NOES: None

ABSENT: None

Pledge of Allegiance – Huntington Beach Search & Rescue Explorer Post.

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:

PowerPoint report from the City Treasurer for the Study Session on Utility Billing titled *Municipal Services Statement*.

Two communications from the Public Works Department on the "Adopt-a-Storm Drain" Study Session: A compilation of collateral material titled *Adopt-a-Storm Drain* and a matrix titled *Huntington Beach Proposed Signage Opportunities*.

Slide show presentation dated April 15, 2002 from Shari Freidenrich, City Treasurer, titled *February Treasurer's Report*.

Communication from C. Gary Puissegur dated April 15, 2002 requesting continuance on the administrative agenda item relative to prevailing wage rates.

Communication dated April 15, 2002 from the Economic Development Department transmitting a slide show presentation (slide show presentation titled *Proposed Southeast Coastal Redevelopment Project Report to City Council*). Communication titled *PowerPoint Presentation for Item F-2, Redevelopment Agency Transmitting its Report to Council on the Proposed Southeast Coastal Redevelopment Plan*.

Communications submitted to the City Clerk's Office on April 15, 2002 by Department of Administration transmitting local residents' support of removing the park designation at the intersection of Quarterhorse and Saddleback. Communications were received by the following: Jim and Elise Mowrey; Dennis and De Anna Holloway; Curt and Joanne Chivers; Warren and Fran Holthaus; Jay B. and Lynne B. Davis; Ralph and Marlene Weaver; James K. DelloRusso, M.D.; Dennis and Kathy D'Ambra; Lauren Damron; Khanh Pham and My Dang; Linda and Bob Pappoff; Gary Mykles; Kevin P. Conlisk; Kevin P. Conlisk and family; Paulette Wilhelmy; Paulette Wilhelmy and family; Dr. and Mrs. Cuong Viet Tran; David and Linda Fender; John P. and Helene N. Skratt; and Denise Menichiello.

Communication from the City Attorney dated April 15, 2002 titled *Implementation of Brindle/Thomas Settlement Agreement; Conveyance of Tract 306 Parcels and City Charter Section 612*.

Communication dated April 15, 2002 from Gerald L. Chapman, D.D.S. transmitting his opinion on topics needing discussion relating to this item.

Communication dated April 13, 2002 from John White transmitting his support of the recommended item as proposed regarding Varsity Drive. Communication titled *Public Works Commission Recommended Action Regarding Varsity Drive*.

Communication dated April 15, 2002 from Bob and Jean Polkow transmitting their support for the reduction in the number of Council Members from seven to five.

Communication from the City Attorney dated April 15, 2002 and titled *Agenda Item H-1b: Formation of Ad Hoc Police-Directed Towing Council Committee*.

Mayor's Award – By Mayor Debbie Cook to Tom Shaw, Fire Captain/Hazardous Materials, Huntington Beach Fire Department. Captain Shaw and his two "families," immediate and crew, were present to celebrate his award. (160.40)

Public Comments

Joe Bookout spoke in opposition to the designated neighborhood park in the Goldenwest-Ellis quarter section.

Cheryl Smith spoke in favor of the city's retention of the prevailing wage rates.

Joey Racano supported the Clean Water Act, requesting the ban of the Federal Section 301-H waiver for the Orange County Sanitation District. Mr. Racano spoke in opposition to the proposed Charter Amendment to reduce the number of Council members from seven to five to be elected by districts and not at-large.

Tom Moxley, Local 433, Iron Workers Union, spoke in opposition to the removal of the prevailing wage rates for reasons that it will lower the standard of living.

Dale Dunn, Vice President, Council on Aging, announced that the latest acquisition for the Senior Transportation Program is an 11-passenger van. He provided the contact for scheduling transportation is Bob Davis at 714-842-1433. Mr. Dunn stated that the Center needs more volunteer drivers.

Dean Albright named several former mayors and council members opposed to districting. Mr. Albright provided historical information, stating that 1937 was the first year when the proposed concept had been voted down.

Martha Morrow, Heritage of Huntington Shores Home Owners Association, informed Council that she is speaking in the capacity of President of the HOA to address the ordinance on the neighborhood park designation. She stated that she lives in closest proximity to the proposed park site. Ms. Morrow urged Council to vote to look for a different location for a public park.

Doug Williams, Local 433, urged the prevailing wage rate to be kept. He stated that studies done on non-prevailing compared to prevailing wage rates, show no discernible difference in cost.

Steve Skinas, Organizer, Local 433, spoke in opposition to elimination of the prevailing wage rate, whether by the City or the State of California. Mr. Skinas informed Council that he holds a Chair on a Committee with the Federal Labor Board.

Meryl Holt, Organizer, Iron Workers Local 433 spoke in favor of the prevailing wage rate.

Jim Dello Russo spoke regarding the Edwards Hill park issue, stating that he is in favor of a gated community.

David Ball, Iron Workers Local 433, stated he concurs with all the representatives who have spoken previously relative to the prevailing wage rate.

Debbie Borden stated that she is against the absence of prayer. Ms. Borden stated her belief that prayer should govern the city to make wise decisions.

Dave R. Voight spoke in favor of retaining the prevailing wage rate.

Paul Evans, Business Representative, United Association, Local 250, informed Council of his intent to speak as a taxpayer able to make a living due to the prevailing wage rates.

Chuck Scheid spoke relative to the prevailing wage rate agenda item. Mr. Scheid gave an instance regarding a contractor from the City of Irvine. Mr. Scheid distributed to Council a report supporting his findings.

Marvin Markham, retired electrician, announced that he had worked on a prevailing wage rate job for 44 years.

John P. Skratt expressed his opinion that the proposed park site, to which he is very opposed, is redundant and unnecessary. Mr. Skratt stated that the public park will have adverse effects if the quarter section becomes a through street.

Jim Adams, Representative, Los Angeles/Orange County Building & Construction Trade Council, stated several reasons why the payment of the prevailing wage rate is beneficial to the worker, the job being performed, and the community.

Sue Hanlon furnished reasons why she favored Council districts including that she believed districts would result in less expensive elections and obtaining more responsive representatives.

(Mayor Pro Tem Bauer briefly responded to Ms. Hanlon's comments.)

Tom Martin stated he has supported his family and sent his children through school while earning prevailing wages. He presented what he believes is an example of the result of using out-of-state, non-prevailing wageworkers; the power plant on Newland Street not yet completed, which had been approved on a "fast track" basis.

Gerald Chapman asked questions regarding the Quimby Act requirements as it pertains to the item on the agenda regarding the removal of the park designation at Golden West and Ellis Avenue. Dr. Chapman inquired if a schedule has been established for park fee development for the quarter section, as he could not ascertain if one had been prepared.

William Bond, Local 415, Iron Workers, stated he was single wage earner who can afford to live in the city due to the prevailing wage payment.

Martha Flynn spoke in support of the city continuing to pay the prevailing wage rate, stating that otherwise a substandard quality of work would result.

Arlene Dowski extended appreciation to Captain Shaw and the members of the Fire Department. She announced that she is in attendance with 33 other neighbors to present a petition to Council listing approximately 270 non-paid signatures of persons requesting assistance. Ms. Dowski distributed material relating to the need for safe ingress and egress to Rancho Huntington Mobile Home Park, citing a recent, nearly fatal traffic accident. Ms. Dowski suggested that Council consider a traffic control study to determine a resolution for entering/exiting and the installation of a holding pocket lane for safe merging, such as she stated is found at nearby Huntington Continental South.

(The Mayor requested the speaker to leave her name with the Public Works Director.)

Mike Elwell informed Council that he was able to purchase a home in the city due to prevailing wage rates. Mr. Elwell urged Council to preserve the standard; stating he could not otherwise continue to live in Huntington Beach and support his family.

Judy Maguire, Rancho Huntington Mobile Home Park, informed Council that prior to the accident on Brookhurst Street outside her residence, she had called the Department of Public Works and an employee seemed to be in favor of a turn pocket. She stated reasons why the installation of a holding lane would make entering and exiting the mobile home park safer.

Michael Nisbett, D.D.S., announced that he is a resident of Rancho Huntington Mobile Home Park and that he favors a turn pocket. Dr. Nisbett expressed his appreciation for Council's interest in the problem.

Tim Ryan, Attorney, stated that he believes the City Attorney's legal opinion on the agenda item relating to the park site at Goldenwest Street and Ellis Avenue is well thought out and that the outside attorney's report on the issue is unclear.

Bryan Erdeman stated he was working on a project in Huntington Beach and is a homeowner in Huntington Beach. Mr. Erdeman informed Council that he favors the city's continuance of the payment of the prevailing wage rate.

Robert Barrow, Local 427, stated his intent to remind Council that men, women, children and families will be adversely affected by a lowered wage rate.

Doug Chappell, International Brotherhood of Electrical Workers, stated that he is representing thousands of electrical workers. He informed Council that his union is in the midst of negotiations. He spoke in favor of the maintenance of prevailing wage rates. Mr. Chappell stated his opinion that the AES "fast track" power plant project is still not completed as a result of the refusal by the contractor to pay prevailing wage rates.

Steve Brown stated that he is speaking on behalf of 200 electricians to advise Council that in order to recruit skilled and trained workers, a prevailing wage rate is needed.

Ron Edwards Sr. appealed to Council that it would be a tragedy to reverse, and to cut the prevailing wage rate. Mr. Edwards cited instances when workers were called upon to clear a disaster, such as that occurred when the Governor needed the earthquake area cleared. Also mentioned was the callout by the Governor for the clearing of the Twin Towers site.

Mike Jacobs spoke regarding the gating and park issue at the Goldenwest and Ellis Avenue quarter section. Mr. Jacobs requested that a park not be developed for reasons of safety, as there are no sidewalks in this equestrian area.

Chantele Artman, Association of Builders and Contractors, spoke in favor of lowering the prevailing wage rate. Ms. Arman informed Council that studies have been done stating that prevailing wage payment is not preferable, and only about twenty percent of workers are unionized.

(Mayor Cook responded that Council has not taken a position on the matter.)

James Kerr, member of the Association of Builders and Contractors and Open Shop Merit Contractor, spoke regarding the differences between contractors who bid prevailing wages and those who do not. Mr. Kerr stated that all contractors, whether union, non-union or unaffiliated, have to pass specifications tests and comply with State of California standards.

David Guido, Open Shop Merit Contractor, provided reasons why he believes that the prevailing wage rate contractor does not provide any advantage over the non-prevailing wage worker.

Mark Ronis, Local 250, informed Council that he is a certified steamfitter working for a prevailing wage rate.

Joe Kisner stated that he believes the prevailing wage rate is a factor in keeping qualified workers building bridges, schools and other infrastructures in the community.

Ken Andersen spoke in support of the prevailing wage rate.

Curt Chivers spoke in opposition to the subject proposed park at the Goldenwest Street and Ellis Avenue site, for reasons that there are many other parks surrounding the area. He expressed his belief that the judge has already ruled in open court. Mr. Chivers stated his preference for a gate over a park.

Rick Eider informed Council that he represents two organizations: the United Food and Commercial Workers Union 324 and the Orange County Central Labor Council requested that Council consider the need for quality work on projects. He spoke relative to the Davis Bacon Act and spoke in favor of the prevailing wage rate. Mr. Eider also cited his work with the District Attorney relative to contractors circumventing the law and not paying overtime.

Ron Renish, Commercial Workers of America, informed Council that he had served as a Drug and Alcohol Counselor for the union. Mr. Renish presented reasons why reports relative to the City of Irvine's non-payment of the prevailing wage rate are not correct.

Dennis Flanagan stated that he wished to add vocal support to the opinion of the majority not to have park at the Goldenwest Street and Ellis Avenue.

John Getz stated that the non-payment of the prevailing wage rate would have a negative impact on the community as a number of citizens depend on the prevailing wage and put the money right back into the community.

Dan Kittredge requested Council support of the prevailing wage rate. Mr. Kittredge stated it has allowed his family to live in the city because it is a living wage; that people who work in the city are not required to have to live in Riverside.

Don McGee spoke regarding of Huntington Beach Tomorrow in terms of its being a watchdog committee and a guiding influence to the city. Mr. McGee spoke in opposition to Council districting.

Peter L. Nicholson spoke regarding the need for the prevailing wage rate stating that he is also a landscape contractor and has bid on prevailing and non-prevailing wages rate jobs. Mr. Nicholson stated that his father was a member of Local 200 who provided a high quality of living for his family.

Michael D'Angelo, Attorney for the Law Firm of Palmieri, et al., spoke in support of Council reconsideration of the agenda item relative to the Holly Seacliff Area of Benefit District. Mr. D'Angelo presented suggested modifications.

Norm Westwell spoke in support of not paying a prevailing wage rate for reasons that he is a taxpayer who is paying the wages. He requested that Council adopt his recommended "NormFed" currency intended to keep spending dollars locally and generate revenue for the city.

Richard Quevedo, Laborers' International Union of North America, spoke regarding the benefits to the community from upholding the prevailing wage rate payment by the city. He stated that he does not believe constructed buildings will be structurally safe if the prevailing wage rate is not applied.

Russ Nicholson, Representative of Local 200, claimed he represents the only State approved apprenticeship program in California. Mr. Nicholson cited the benefits of paying the prevailing wage rate to workers.

James McGuire, Iron Workers Local 433, stated that he has worked both sides, prevailing, and non-prevailing wage rate. Mr. McGuire stated that he has health insurance and is able to teach apprenticeship programs.

Judy Bookout stated that by withholding clapping during public comments, people at home will not be able to know how the speakers are perceived. She spoke against a park in the designated area of Goldenwest Street and Ellis Avenue.

Dave Sullivan thanked Council for the continuance of the public park agenda item, so that the authors of Measure C are able to meet. Dr. Sullivan stated that he and the other two attendees at the meeting, one of whom is an attorney, disagreed with the City Attorney's opinion as to whether there was a legal requirement to build the park at Goldenwest Street and Ellis Avenue. He stated that he agreed with Mr. Scheid's report on the prevailing wage rate and urged Council discontinue paying it as soon as possible. Dr. Sullivan spoke regarding street sweepers making \$80,000 per year.

Steve S. Sullivan stated that he is an electrician who perhaps should be a street sweeper. He spoke relative to the Davis Bacon Act and in favor of the city retaining the prevailing wage rate. Mr. Sullivan stated that non-union workers are able to do quality work; however paying prevailing wage rate allows a good standard of living.

Matt Vining, Vice President, Local Union 44 – International Brotherhood of Electricians informed Council that he favors retaining the prevailing wage rate, and requests Council not to rescind it.

Lupe Rodriguez, Local Laborers' Union 652, Santa Ana, stated her hopes of a Council decision in support of the prevailing wage rate. She spoke regarding the importance of obtaining quality work.

William N. Fagin, Local Unions 504 and 831, Trade Show Installations, stated that the quality of living will be affected by the lack of a prevailing wage rate. He stated that he has worked for both types of contractors and that the safest work is done by union workers. Mr. Fagin informed Council of the trade shows that are allowed to bring in people to do their own work and how accidents have occurred.

Janet Doe spoke in opposition to the proposed public park in her neighborhood. She informed Council the Goldenwest and Ellis quarter section has good access to many parks. Ms. Doe spoke regarding safety issues, stating that the community would like to have gates because there are no sidewalks in the area, and there are speed problems affecting children's safety.

(City Council) Announcement Made by Council Member Grace Winchell of Appointment of Mark Fiduccia to the Finance Board (110.20)

Council Member Winchell announced her appointment of Mark Fiduccia to the Finance Board.

The City Council unanimously consented with all present, none absent, to direct the City Clerk to record in the official Council minutes the Council appointment made by Council Member Winchell of Mark Fiduccia to the Finance Board.

(City Council) Announcement of the Success of the Visit by the Huntington Beach Delegation to Sister City, Anjo, Japan (150.30)

Mayor Cook reported on the success of the recent visit by the city's representatives to the Sister City of Anjo, Japan. The Mayor stated how the Japanese counterpart commended the city for the fact that the city election officials are comprised of women in the majority.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's February 2002 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for February 2002.

City Treasurer Freidenrich presented the PowerPoint slide report that had been announced earlier by the City Clerk as a Late Communication.

A motion was made by Boardman, second Winchell 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 February 2002*, 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: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Continued Open from March 18, 2002 – Approved Recommendation to Continue Open to May 20, 2002 – Public Hearing to Consider Approval of Zoning Map Amendment No. 01-03 of Subareas A through D (General Plan Consistency) – Continued Open to Consider Approval of Introduction of Ordinance Nos. 3543, 3544, 3545, and 3547 (450.20)

Mayor Cook announced that this was the time scheduled for a public hearing continued open from March 18, 2002, which is being recommended for approval to remain continued open to May 20, 2002.

Applicant: City of Huntington Beach, Planning Department.

Request: To rezone four subareas of properties to make the zoning designations consistent with the current General Plan land use designations as follows:

Subarea A (McCallen Park/Boy's and Girl's Club): Rezone from RM-O (Residential Medium Density with Oil District Overlay) to OS-PR (Open Space-Park and Recreation). Location: 2309 Delaware Street (west side, south of Yorktown Avenue).

Subarea B (Church of Jesus Christ of Latter Day Saints): Rezone from RM (Residential Medium Density) to PS (Public-Semipublic). Location: 19191 17th Street (west side, north of Clay Avenue).

Subarea C (Water Division Office/Yard): Rezone from IL (Limited Industrial) to PS (Public-Semipublic). Location: 19001 Huntington Street (southwest corner of Huntington Street and Garfield Avenue).

Subarea D (Seniors Center): Rezone from OS-PR (Open Space-Park and Recreation) to PS (Public-Semipublic). Location: 1706 Orange Avenue (northwest corner of 17th Street and Orange Avenue).

Environmental Status: This item is covered under Final Environmental Impact Report No. 94-1.

A motion was made by Dettloff, second Green to **continue** Zoning Map Amendment No. 01-03 to the May 20, 2002 City Council meeting. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Continued Administrative Public Hearing Open to May 6, 2002 to Consider Adoption of Resolution No. 2002-30 and to Consider Approval of Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Cook announced that this was the time scheduled for an administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

City Attorney Gail Hutton provided an oral report, stating that administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting.

Mayor Cook requested removal of one of the violating properties from the administrative citations list until she has had opportunity for further discussion with Mr. Garrold Gott.

City Attorney Hutton stated that the administrative public hearing is a quasi-criminal issue, and reported on the matter.

Upon City Attorney Hutton's request, Deputy City Attorney Jennifer McGrath spoke regarding the appellate process and the citizen's appeal rights.

Council Member Boardman addressed the fact that said individual appealed to both the Mayor and Code Enforcement regarding his case.

Council Member Houchen stated that she is comfortable with postponing the entire procedure pending the subject in question.

A motion was made by Houchen, second Dettloff to open and **continue the administrative public hearing open to May 6, 2002** for consideration of the adoption of Resolution No. 2002-30 to approve certification of Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
 NOES: None
 ABSENT: None

Consent Calendar – Item Removed for Separate Discussion

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

(City Council) Professional Services Contract Between the City and Maximus, Inc. for Executive Recruitment Services for the Position of Human Resources Manager (600.10)

Consent Calendar – Items Approved

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

AYES: Green, Bauer, Dettloff, Cook, Houchen, Winchell, Boardman
 NOES: None
 ABSENT: None

(City Council) Approved Appropriation of Funds for the Police Facility and Civic Center Chiller Emergency Replacements (Air Conditioning Repair/Maintenance) (320.45)

Authorized the Finance Director to appropriate \$88,000 for the replacement of the needed components in the Police Facility and Civic Center air conditioning systems. Submitted by the Public Works Director. Funding Source: Funds are not available in the current budget. The amount of \$88,000 will be appropriated from the General Fund Unappropriated Fund Balance to Civic Center Maintenance, Contracts for Repair and Maintenance.

(City Council) Approved City Council Position on Legislation Pending Before the Sate Legislature, and/or Congress as Recommended by the City Council Intergovernmental Relations Committee (120.70) – The City Council Intergovernmental Relations Committee has reviewed the legislation below and recommended that the City Council take a position on the following items and authorized the Mayor to send letters reflecting those positions to the legislators: **1. SUPPORT – AB 2863 (Longville, Daucher)** Housing Element; **2. SUPPORT – AB 2073 (Canciamilla)** Assessment of Power Generation Facilities; **3. OPPOSE – AB 1890 (Horton)** Civil Service Employees/Personnel Commission Representation; **4. SUPPORT – SB 1688 (Margett)** Supplemental Firefighting Equipment Fund; **5. SUPPORT – AB 2233 (Wright)** Firefighting Equipment Bond Act; **6. SUPPORT – SB 1874 (Johnson)** OCTA Restructuring; **7. SUPPORT – AB 2569 (Cardoza)** Emergency Telephone Users Surcharge; **8. SUPPORT – SCA 10 (Speier)** Library Bond – Lower Vote Requirement for Library Bonds to 55%; **9. SUPPORT – SB 1916 (Figuro)** Local Coastal – Non-point Pollution with the letter to request a revision in the language to note the responsibility of non-coastal cities in resolving the non-point pollution problem; **10. SUPPORT – AB 1892 (Harman)** Orange County Sanitation District; **11. OPPOSE – SB 1518 (Torlaksen)** Recycled Water; **12. OPPOSE – AB 2521 (La Suer)** Traffic Signals; **13. OPPOSE – AB 1800 (Kehoe)** Motor Vehicles – Disabled Persons; **14. SUPPORT –**

AB 2351 (Canciamilla) Water Quality – Civil Liability; and **15. SUPPORT – SB 1619 (Romero)** Hazardous Electronic Scrap. Submitted by Council Member Shirley Dettloff, Chairperson, Intergovernmental Relations Committee on behalf of Mayor Debbie Cook and Mayor Pro Tem Ralph Bauer. Funding Source: Not Applicable.

(City Council) Authorized Replacement of Damaged Fire Department Staff Vehicles – Approve Fund Appropriation (320.45) – Approved and authorized the appropriation of \$43,000 from the undesignated, unappropriated fund balance of the Equipment Replacement Fund and transfer to the Equipment Replacement Fund (55340102.85050). Submitted by the Fire Chief/Information Systems Director. Funding Source: See above.

(City Council) Accepted and Awarded Bid for the Miscellaneous Sewer Lining Project, Phase I; CC-1178 to Z.Z. Liner, Inc. – Approved Sample Construction Contract (600.60)
1. Accepted the lowest responsive and responsible bid submitted by Z.Z. Liner, Inc., in the amount of \$796,499; and 2. Authorized the Mayor and City Clerk to execute a construction contract with Z.Z. Liner, Inc. in substantially the same form as the attached sample construction contract. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$800,000 are budgeted in the Sewer Service Fund, Sewer Line Repairs Account.

(City Council) Authorized Sale of Huntington Beach Dyke Well Property to Orange County Water District (650.70) – 1. Authorized the Mayor and City Clerk to execute the *Agreement for Purchase and Sale of Real Property By and Between the City of Huntington Beach and the Orange County Water District* to sell the Dyke Well property to the Orange County Water District in the amount of \$117,050; and 2. Authorized the Mayor and City Clerk to execute the *Corporation Grant Deed*. Submitted by the Public Works Director. Funding Source: \$117,050 Revenue to be deposited in Water Fund -OCWD Account.

(City Council) Adopted Resolution No. 2002-32 Amending the Memorandum of Understanding between the City and the Huntington Beach Fire Management Association (HBFMA) (720.20) – Adopted **Resolution No. 2002-32** – “*A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for 12/22/01 Through 12/20/02.*” Submitted by the Assistant City Administrator and the Administrative Services Director. Funding Source: Fiscal Year 2001/2002 budget. The total annual cost \$35,000. The total cost for Fiscal Year 2001/2002 is \$28,000.

(City Council) Adopted Resolution No. 2002-31 Amending the Memorandum of Understanding between the City and the Huntington Beach Management Employees Organization (HBMEO) (720.20) – Adopted **Resolution No. 2002-31** – “*A Resolution of the City Council 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 12/22/01 through 12/20/02.*” Submitted by the Assistant City Administrator and the Administrative Services Director. Funding Source: Fiscal Year 2001/2002 budget - \$326,000. The total annual cost to implement the Memorandum of Understanding with the Huntington Beach Management Employees’ Organization is \$408,000.

(City Council) Approved Professional Services Contract between the City and Maximus, Inc. for Executive Recruitment Services for the Position of Human Resources Manager (600.10)

Council Member Boardman requested that this item be removed from the Consent Calendar. She stated that she can see the rationale for hiring an outside consultant for Police Chief executive recruitment services, but questioned why staff cannot perform an internal selection process for the Human Resources Manager.

Assistant City Administrator William Workman reported on several concerns relating to personnel matters, which he stated resulted in the decision to request to contract out for the proposed services. He included among the reasons a need to seek out an ideal candidate who possesses a strong labor relations background, Personnel Commission issues, and the shortage of staff.

A motion was made by Dettloff, second Green to approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Maximus, Inc. for Professional Recruitment Services for the Position of Human Resources Manager*. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Houchen, Winchell
NOES: Cook, Boardman
ABSENT: None

(City Council) Directed Staff to Maintain Current City Policy of Payment of Prevailing Wage Rates (Subsequent to Council Review of Staff Report and Pursuant to Mayor Pro Tem Ralph Bauer's Memorandum at March 4, 2002 Council Meeting) (800.10)

The City Council considered a communication from the City Administrator transmitting a report pursuant to the memorandum submitted by Mayor Pro Tem Bauer at the March 4, 2002 Council meeting requesting that staff "*Present information with regard to the necessity, or lack thereof, to pay prevailing wages. Such information should be designed to enable the City Council to adopt a policy concerning this matter.*"

The staff report sets forth:

- A brief history of prevailing wage;
- Explains its method of calculation;
- Examines its applicability to the city;
- Provides summaries of research into prevailing wage and its impact on construction projects and maintenance and service contracts;
- Briefly details arguments typically made for and against prevailing wage;
- Examines how other California charter cities have dealt with the issue;
- Examines prevailing wage impacts/requirements relating to the city's street sweeping and refuse collection contracts; and
- Presents information regarding living wage requirements.

Senior Departmental Analyst Pete Grant presented the PowerPoint slide report titled *Report of Prevailing Wage*, which was included in the agenda packet.

Mayor Pro Tem Bauer ascertained from Senior Analyst Grant that some cities have the option of handling construction projects with or without prevailing wage rates.

Discussion held centered on the fact that the street sweeping contract triggered the present prevailing wage rate issue.

Senior Analyst Grant briefly reported on the findings on the side-by-side comparison; the survey conducted with the contractor bid of prevailing wage versus the city crew.

Mayor Pro Tem Bauer spoke regarding a study conducted in the city of Santa Monica. He informed Council that said city is not a proponent of prevailing wage.

Council Member Dettloff suggested meeting with representatives of various unions and Public Works personnel to discuss quality of workmanship requiring the highest level of training. She stated her belief that the payment of the prevailing wage guarantees quality work. Council Member Dettloff promoted the need to protect the worker and recommended that the city continue paying the prevailing wage rate.

Council Member Green, after having inquired, learned that Art Jensen, the President of the Huntington Beach Municipal Employees Association (HBMEA) was not present. He referred to a communication from the HBMEA President, in which he stated Mr. Jensen gave four reasons for his support of the prevailing wage rate.

Council Member Green commended Senior Analyst Grant and made reference to Page No. F-1.11 of the staff report relative to twice-a-month street sweeping.

Council Member Boardman conveyed her interest in the aforementioned study, and stated her support of maintaining the present policy of providing the prevailing wage rates. She rebutted the claim made by Dr. Sullivan during the Public Comments portion of the meeting, that street sweepers are paid \$80,000 a year.

Mayor Cook provided history for the genesis of the street sweeping comparison study, stating that pollution required the need for twice-a-month services; that it is an unfunded mandate.

Mayor Pro Tem Bauer inquired regarding two outstanding issues in relation to the Overmyer Reservoir construction project.

Assistant City Administrator Workman responded that these matters will be discussed at a meeting in the near future.

A motion was made by Houchen, second Dettloff to direct staff to maintain the city's current policy of requiring prevailing wage rates. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

By unanimous consent of Council with all present, none absent, the following item was brought forward:

(City Council) Continued from 4/1/02 - Adopted Ordinance No. 3542 Repealing Ordinance No. 3287 (Relating to Designation of a Future Neighborhood Park Site Per Settlement and Release Agreement Approved between Brindle/Thomas, et al. and City-OCSC No. 750203) – Approved As Amended, the Replacement of Park Fund Expenditures (640.10)

The City Council considered adoption of Ordinance No 3542, which had been approved for introduction at the March 4, 2002 and continued from March 18, 2002 and April 1, 2002 for consideration of the adoption continued.

Mayor Cook recused herself from consideration of the above-captioned agenda item, as her residence is in the vicinity of the proposed park site. Mayor Pro Tem Bauer presided.

Council Member Boardman referred to Dr. Chapman's question made during the Public Comments portion of the meeting, inquiring if there were park fees involved, and if there are any provisions for reimbursement to be made to the property owners.

In response, Community Services Director Ron Hagan reported on capital improvement park acquisition and development funds.

Council Member Boardman suggested adding to the recommended action that any park funds expended should be replaced.

After the City Clerk read by title, a motion was made by Boardman, second Houchen to **1. Adopt Ordinance No. 3542** – *“An Ordinance of the City of Huntington Beach Repealing Ordinance No. 3287 Related to the Designation of a Future Park Site Within the Ellis-Goldenwest Specific Plan Area;”* and **2. Approve, as amended**, that any park fund expended should be replaced. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Houchen, Winchell, Boardman
NOES: None
ABSENT: None
ABSTAIN: Cook

(City Council/Redevelopment Agency) Adopted Resolution No. 334 – Approves and Authorizes Transmittal of Report to City Council on the Southeast Coastal Redevelopment Plan and Transmitting the Proposed Redevelopment Plan – Rosenow Spevacek Group, Inc. (RSG) (410.70)

The City Council considered a communication from the Deputy Executive Director informing the City Council that as a part of the Redevelopment Plan adoption process the Agency is to consider a resolution approving and transmitting to the Council its Report on the Southeast Coastal Redevelopment Plan.

The staff report sets forth that over the past several months of public discussions on the proposed Redevelopment Plan, staff has accumulated a series of specific redevelopment goals and expectations that have been incorporated into the draft Plan. The Plan itself is a legal document that describes the manner in which the Agency may use redevelopment and its financial resources in the future, and does not propose any specific actions at this time. Specific redevelopment activities would be determined as the Agency prepares its five year implementation plan, the draft of which is included within the attached Report to Council, and considers its annual budget and work program.

The Redevelopment Plan incorporates much of the public input provided over the past several months; specifically:

1. **No Merger with Existing Project Area;**
2. **Preservation of Wetlands and Open Space;** and
3. **Limitation on Potential Land Uses under Redevelopment.**

A joint public hearing on the proposed Redevelopment Plan is scheduled for May 20, 2002. The Report to the City Council incorporates the Agency's Preliminary Report, approved on January 22, 2002, as well as additional information required by Redevelopment Law. The purpose of the Report is to assist the City Council in its consideration of the Plan and its legally required findings and determinations. Specifically, the Report includes the following components (per Section 33352 of the California Community Redevelopment Law):

Communication dated April 8, 2002 and titled *Southeast Coastal Redevelopment Project Report to the City Council* was included in the agenda packet.

Communication dated January 22, 2002 and titled *Southeast Coastal Redevelopment Project Draft Redevelopment Plan* was included in the agenda packet.

Deputy Executive Director David Biggs delivered the PowerPoint presentation that had been announced earlier by the City Clerk as a Late Communication.

City Treasurer Freidenrich reported on the property tax revenue received from the Huntington Beach AES power plant.

A report was made regarding Migden's Assembly Bill 81, and the amended AAB 95, in relation to the capture of redevelopment funds.

Council Member Dettloff referred to Page No. F-2.112 of the staff report, inquiring about the prohibited uses for group residential. Deputy Executive Director Biggs responded that the latest revision of the draft Plan no longer prohibits said use, as reflected on the following page of the staff report, Page No. F-2.113.

A motion was made by Houchen, second Bauer to adopt **Resolution No. 334** – "A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving and Authorizing Transmittal of the Report to the City Council for the Southeast Coastal Redevelopment Project." The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

NOES: None

ABSENT: None

(City Council) Adopted Ordinance No. 3553 – Approves Zoning Text Amendment No. 01-09 Public-Semipublic 2 Acre Requirement – Amends Chapters 211C and 214.04 Relating to Commercial Districts and Public-Semipublic Districts (640.10)

After the City Clerk read by title, a motion was made by Winchell, second Houchen to adopt **Ordinance No. 3553** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Code by Amending Chapter 211C and 214.04 Thereof Relating to Commercial Districts and Public Semipublic Districts.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Approved Introduction of Ordinance No. 3555 – Adopts Speed Limit Ordinance – For Varsity Drive from Edwards Street to Talbert Avenue and for Gothard Street from Main Street to Garfield Avenue (580.60)

The City Council considered a Communication from the Public Works Director transmitting that posting speed limits on two street segments within the city will enable the Police Department to use radar for speed enforcement. Varsity Drive from Edwards Street to Talbert Avenue currently does not have a posted speed limit. Gothard Street from Main Street to Garfield Avenue has been reconstructed and requires an updated speed limit.

After the City Clerk read by title, a motion was made by Green, second Bauer to approve introduction of **Ordinance No. 3555** – *“An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Approved Introduction of Ordinance No. 3556 – Amends Bicycle License Fees in Conformance with Revised State of California Vehicle Code Section (640.10)

The City Council considered a communication from the Chief of Police transmitting that the city’s current fee structure for bicycle licensing requires updating in order to conform with recent California Vehicle Code changes. The proposed amendments align the city’s bicycle license fee schedule with the revised California Vehicle Code section.

After the City Clerk read by title, a motion was made by Dettloff, second Green to approve introduction of **Ordinance No. 3556** – *“An Ordinance of the City of Huntington Beach Amending Chapter 10.84 of the Huntington Beach Municipal Code Regulating Bicycles.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Approved, as Amended, the Formation of a Citizens' Committee to Study the Proposed Amendment to the Huntington Beach City Charter to Reduce the Number of City Council from Seven to Five Members to be Elected by Districts (620.30)

The City Council considered a communication from Mayor Pro Tem Ralph Bauer transmitting the following **Statement of Issue**: It is proposed to form a Citizens' Committee to deal with the charter amendment proposal to reduce the number of Council Members from seven to five and have Council Members elected by district.

Mayor Pro Tem Bauer stated that he wished to obtain an opinion from the City Attorney. He referred to the statements made by the speakers during the Public Comments portion of the meeting on the subject.

Mayor Pro Tem Bauer expressed his belief that there would be less representation with fewer Council Members. He reasoned that the substantial number of duties to be carried out - such as monitoring boards and commissions as liaison members - which can be barely done by seven, would be even more difficult for five members.

Council Member Dettloff stated that as a Coastal Commissioner, she is arguing against the reduction in the number of Council Members.

Council Member Green informed Council that he agrees with Mayor Pro Tem Bauer, but has reservations about the recommended action *to oppose* the proposed Charter Amendment.

Discussion ensued in contemplation of revising the recommended action *to study* the proposed Charter Amendment.

A motion was made by Green, second Houchen, to approve, **as amended**, to direct the City Attorney to provide information on how the Council can encourage the formation of a citizens' committee to **study** the proposed Council reduction proposal. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) No Action Taken to Form Ad Hoc Police-Directed Towing Council Committee - Tow Agreement Customer Service Standards to be Implemented as Originally Planned, by the City Attorney's Office and the Police Department (120.25)

The City Council considered a communication from Mayor Pro Tem Ralph Bauer submitting the following **Statement of Issue**: The City Council Towing Committee held numerous meetings from 1999 to 2001 regarding the Police-Directed Tow Ordinance and agreements. In October 2001, City Council adopted a revised ordinance and sample agreement. The Towing Committee was disbanded in December 2001 as part of the annual update.

At this time, the City Attorney's Office and Huntington Beach Police Department would like input regarding Customer Service Standards to be implemented with the tow agreement. It is anticipated that only one or two meetings will be required. Previous committee members assigned to this Council Committee were City Council Members Bauer, Houchen, and Green. I propose that they be reappointed at the Mayor's pleasure.

Police Chief Ronald Lowenberg reported that he has reviewed the Customer Service Standards for the Tow Agreement and finds it to be acceptable.

City Attorney Hutton reported on her proposal for said Customer Service Standards. She stated that if no action is taken on this agenda item, staff will implement the standards as originally planned.

Mayor Pro Tem Bauer agreed that he will not make a motion to bring back the defunct City Council Towing Committee.

As there was no action was taken on the matter, Council concurred unanimously, with no members absent, for Tow Agreement Customer Service Standards to be implemented by the City Attorney's Office and the Police Department.

(City Council) Approved Request for Reconsideration of the Council Motion Made at 4/1/02 Meeting to Deny the Formation of the Holly Seacliff Area of Benefit District and Approved, as Amended, to Direct Staff to Return at the May 6, 2002 Council Meeting for Reconsideration (MuniFinancial Corporation/ PLC, Developer) (350.30)

The City Council considered a communication from Council Member Pam Houchen submitting the following **Statement of Issue**: I would like the City Council to reconsider their denial of the Holly Seacliff Area of Benefit District made at the April 1, 2002 City Council Meeting.

The majority of the testimony from affected property owners indicated that they were not opposed to reasonable charges for roadway improvements, but took issue with proposed assessments for right of way acquisition.

I would like the City Council to consider forming an Area of Benefit District that would impose charges only for the Roadway Improvements listed in Table 4 of the MuniFinancial Final Report dated March 20, 2002 (Pages D-4-49 and D-4-50 of the April 1, 2002 RCA) and delete any proposed charges for right of way acquisition.

Further, in order to protect the City's infrastructure budget, I would propose that any fees collected from the District be split 50-50 with PLC, who constructed and paid for the roadway improvements and advanced all costs for City acquisition of right of way. PLC has indicated they are agreeable to amending the April 17, 2000 Settlement Agreement to this effect.

Table 4 of the MuniFinancial Final Report dated March 20, 2002 was included in the agenda packet.

Council Member Houchen reported on her recommended action. She announced that PLC representative Bill Holman was available to address the issue.

Council Member Winchell informed Council that she is agreeable to the proposal. She requested and received clarification on the amendment of the April 17, 2000 Settlement Agreement relative to the 50-50 fee collection split with PLC.

A motion was made by Houchen, second Cook to vote to reconsider the matter described above and approve, **as amended**, to direct staff to return at May 6, 2002 Council Meeting. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell,
NOES: Boardman
ABSENT: None

Adjournment – City Council/Redevelopment Agency

Mayor Cook adjourned the regular meetings of the City Council and the Redevelopment Agency of the City of Huntington Beach at 11:05 p.m. to Monday, May 6, 2002, 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