

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

Monday, April 17, 2006
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 4:00 P.M. portion of this meeting
and a videotape of the 6:00 P.M. portion of this meeting
are on file in the Office of the City Clerk.**

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 p.m. in room B-8 due to a lack of quorum.

Call to Order

Mayor Sullivan called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:35 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

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

The City Clerk Announced No Late Communications Pertaining to the 4:00 P.M. Portion of the Meeting

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced no Late Communications regarding Study Session or Closed Session items had been received by her office following distribution of the agenda packet.

No Public Comments Regarding the 4:00 P.M. Portion of the Council Meeting

(City Council/Redevelopment Agency) Study Session Held – Economic Development Departmental Overview Given (100.30)

City Administrator Culbreth-Graft introduced Economic Development Director Stanley Smalewitz. Director Smalewitz initiated a PowerPoint report titled *What We Do*, which was included in the agenda packet. He introduced Jim Lamb, Business Development Project Manager for the City who described the programs currently facilitated by his division. Project Manager Assistant Carol Runzel described redevelopment projects, the redevelopment cycle, and the redevelopment toolbox. Senior Administrative Analyst Luann Brunson spoke regarding Housing and Urban Development (HUD) entitlement grants received by the City including Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and American Dream Downpayment Initiative (ADDI). Real Estate Services Manager Steve Holtz described the affordable housing programs facilitated by the Economic Development Department.

Discussion ensued amongst Council and staff pertaining to the status of specific affordable housing units. Administrative Aide Linda Suraci described ownership projects in the City, consisting of a total of 343 affordable units. Project Manager Assistant Terri King described the rehabilitation loan program, stating the majority of loans benefit seniors on fixed incomes. In response to an inquiry from Council, Director Smalewitz explained that loan requests are ranked and loans are awarded corresponding to the need for rehabilitation.

Manager Holtz described other real estate services provided by the Economic Development Department. Real Property Agent Mike Heineke described the department's involvement in leases and license agreements. Director Smalewitz concluded the presentation by introducing the remaining staff members that were present, but hadn't spoken: Development Specialist Nova Punongbayan, Administrative Assistant Katie Von Holle, Administrative Secretary Kathi Nelson, and Doris Powell, who will join staff in May as a Project Manager Assistant.

Further discussion was held pertaining to assistance to seniors with property rehabilitation needs, widening of arterial streets and options for addressing the needs of effected residents, interviewing of potential retailers, and vacant sites on Edinger Avenue. Councilmember Bohr requested staff report back to Council with the status of five vacant sites. Mayor Pro Tem Coerper thanked staff for their efforts.

Motion to Recess to Closed Session – Approved

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

(City Council) Closed Session - Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; Renee Mayne, Chief Negotiator; and Irma Youssefieh, Human Resources Manager regarding labor relations matters - meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA, and Non-Associated.** Subject: **Labor Relations - Meet and Confer.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:22 p.m.

Present: Bohr, Green, Coerper, Sullivan, Hansen, Cook, and Hardy.

Absent: None.

No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

Pledge of Allegiance/Flag Salute – Led by Mayor Pro Tem Coerper

Invocation – Led by Mayor Sullivan

The City Clerk Announced Late Communications

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

Communication submitted by Dr. Michael A. Cohen dated April 12, 2006 and titled *RV Parking* stating his opinion that no changes are necessary to the RV Ordinance.

Communication submitted by Mickey (Mary M.) Mason dated April 12, 2006 and titled *RV Parking Ordinance* stating her opinion that no changes are necessary to the RV Ordinance.

Communication submitted by Ted & Judith Lewis dated April 12, 2006 and titled *Ordinance re: Recreational Vehicle Parking in Huntington Beach* stating that the law as written should be maintained.

Communication submitted by Murray McDole dated April 12, 2006 and titled *RV Parking Ordinance*, stating opposition to changing the current ordinance.

Communication submitted by Andy Ahrens dated April 13, 2006 and titled *Meeting 4-17-06 concerning RV ordinance* in opposition to any changes to the current RV parking ordinance.

Communication submitted by Bob Polkow dated April 14, 2006 and titled *Re: Agenda item G-2a, 17 April 2006* asking Council to take the alternative action denying changes to the RV parking ordinance as stated in the Request for Action dated April 6, 2006.

Communication submitted by Jean Polkow dated April 17, 2006 and titled *Agenda item G2a 17 April 2006* stating her opposition to any changes to the current RV parking ordinance.

Communication submitted by Steve Slavik dated April 17, 2006 stating his support for the proposed changes to the RV parking ordinance.

Communication submitted by Ted Carlton dated April 13, 2006 and titled *RV Parking* asking for a minimum of five days at a time for RV parking.

Communication submitted by Raymond E. Gott dated April 14, 2006 and titled *Proposed Change to RV Ordinance* stating his opposition to the proposed changes.

Communication submitted by Frank Morrell dated April 14, 2006 and titled *HB Parking Restrictions* stating his opposition to proposed new restrictions.

Communication submitted by Jim Barker dated April 17, 2006 and titled *RV Parking Ordinance* requesting Council make no changes to the current ordinance.

Communication submitted by Ken Brown dated April 17, 2006 and titled *RV Parking from Ken Brown*. The attachment was in a format that could not be opened.

Communication submitted by Merrilee Madrigal, Director, HB River Park Foundation dated April 17, 2006 and titled *Agenda Item H-2a: Support FHBP's Donation to Lease 5 Acres South of Le Bard Park* which includes copies of letters from First Team Realty and the Department of the Army, as well as ten pages of photos of the Le Bard Park area.

The Following Communications Were Submitted During the Meeting:

Two communications submitted by Peter Petrelis in opposition to making changes to the current RV parking ordinance: 1) dated April 15, 2006 and titled *To All City Council Members*, and 2) undated and untitled.

Communication submitted by Dick Lenell dated April 17, 2006 and titled *Speaker: Dick Lenell, Address to Huntington Beach City Council on RV Ordinance*.

Two communications submitted by Reid Jacobson, undated and untitled: 1) a copy of a petition, and 2) a copy of his speaker comments regarding 6561 Dohrn Circle.

Four photographs submitted by Ronald Adamowecz depicting damage, reportedly by tree roots, to a wall on Brush Drive.

Communication submitted by Theresa Chaque, undated, titled *Brush Drive gutters the next day after it rained on 4/14/06*, which includes copies of photographs of streets and curbs on Brush Drive.

Presentation – Mayor Sullivan called on Jean Nagy from the Huntington Beach Tree Society and Elaine Craft from the Huntington Beach Chamber of Commerce Women in Action and presented to them a proclamation celebrating Arbor Day. (160.40)

Ms. Craft announced this is the 27th consecutive year for the Arbor Day celebration. Ms. Nagy invited volunteers to help plant trees on April 22nd from 8:30-11:00 a.m. at the Shipley Nature Center and the Equestrian Center, with the ceremony beginning at 11:00 a.m.

Presentation – Continued to May 1, 2006 - Mayor Sullivan to call on Huntington Beach Human Relations Task Force Chair Alan Chancellor and Task Force Member Ken Inouye to present a proclamation naming May as Asian/Pacific American Heritage Month. (160.40)

Presentation – Mayor Sullivan called on Huntington Beach Art Center Director Kate Hoffman who presented the Arts Orange County "Arts Organization of the Year" to the City Council. (160.40)

Mayor's Award – Mayor Dave Sullivan was joined by Accounting Manager Robert Sedlak to present the Mayor's Award to Jeff Frankel, Printing Services Technician in the Finance Department. (160.40)

Manager Sedlak spoke of Mr. Frankel's long term, excellent service to the City. Jeff began his employment with the City in 1972 and has printed the City Council agendas for the past 35 years.

(City Council) Mayor Sullivan Asked Police Chief Small to Give an Update on the RV Parking Ordinance.

Chief Small described input he had received from citizens, and stated he was prepared to withdraw his recommendation to change the maximum number of consecutive days.

Councilmember Hardy asked the Chief for a recommendation of maximum RV parking permit days per year. Chief Small recommended 100 days maximum per year.

Public Comments

Jean Nagy voiced her support for cycling in Huntington Beach and requested Council consider safety for cyclists. She gave examples of how other cities have made improvements in the interest of safety for cyclists. She suggested Council pick one route leading to the beach, narrow the street, and add a curb and trees to create an ideal bike path. Ms. Nagy inquired about Measure M dollars and the potential for using funds to improve bike paths.

Elaine Keeley, Chairman of the Allied Arts Board, thanked Council for their continued support of the Art Center. She gave examples of the numerous events and opportunities to experience the arts at the Center.

Doug Turner spoke regarding information he obtained on the internet that he said referred to the Golden Bear venue and the commercialization of downtown Huntington Beach. He invited interested individuals to visit Perq's nightclub to view Golden Bear paraphernalia.

Reid Jacobson, 27 year resident, asked the City to issue a Cease and Desist Order on what he referred to as an illegal convalescence care facility at 6561 Dohrn Circle. He submitted a petition signed by residents of Dohrn Circle, stating they would follow up with a class action lawsuit if no relief was given in the matter.

Councilmember Hansen asked Mr. Jacobson to fill out a blue speaker contact card. Councilmember Cook described some communications with residents of Dohrn Circle.

Karen Taylor Riggs made comments pertaining to impeachment and the President. She voiced her concern with the war in Iraq and the growing list of casualties.

Doug Herrema, Brush Drive resident, asked Council to repair the street according to the original proposal. He also spoke favorably of the crepe myrtle bushes that have been planted.

Ronald Adamowecz, spoke in favor of repairing the street and removing the trees on Brush Drive. He stated the trees are already damaging asphalt and concrete that was installed in the past few months.

Chris Varga stated his opinion that a vote should be taken on the Brush Drive issue to determine the preference of the current residents. He asked Council to revisit the methods that determine the order in which streets are repaired in the City, stating Brush Drive is in better condition than some. Mr. Varga further stated that the crepe myrtles are not blooming, and he would prefer a different type of tree.

Robert Valeski, Brush Drive resident, thanked Councilmember Hansen for placing the related item on the agenda. He stated he supports repairing the entire street rather than making spot repairs. Mr. Valeski urged Council to vote in favor of the Recommended Action.

Steve P. Carey voiced his opinions on the RV parking ordinance, stating handicapped citizens have not previously been represented in the discussions. He described vehicles designed for severely handicapped individuals and asked Council to create an initiative to contact these individuals by mail for their thoughts.

Theresa Chaque, Brush Drive resident, thanked Council for its approval of the compromise solution to make spot repairs on Brush Drive. She presented pictures of trees and residents in the neighborhood and voiced her concerns that the crepe myrtles are leafless. She stated her opinion that the standing water is not a problem and that many of her neighbors are still opposed to removing the trees.

Bob Polkow compared the RV owners in Huntington Beach to an endangered species and voiced his opposition to additional restrictions to RV parking.

Peter Petrelis thanked Councilmembers and Police Chief Small for considering the viewpoints of RV owners. He stated his opinion that the current RV ordinance is working well to discourage RV storage on the streets. He suggested the only change to the ordinance be to allow a maximum of 110-120 days of permitted parking within a 12-month period.

Councilmember Green asked Mr. Petrelis for clarification on his viewpoint. Mr. Petrelis responded, suggesting further input be obtained from RV owners.

Dick Lenell, member of the RV Owners Group of Huntington Beach, referred to a communication he had submitted to Council. He voiced his opinion that the ordinance has been a success, and that no further changes are necessary. He clarified for residents that the City would not allow storage of RVs on City streets.

Andy Weiss stated his opinion that the RV parking ordinance restrictions affect a small percentage of the City's population. He questioned the validity of complaints made against RV owners, and urged Council to leave the ordinance unchanged.

Michael Cohen, 25 year resident, voiced his opinion that the existing RV parking ordinance is sufficient.

Murray McDole stated his opinion that the RV parking problems have been resolved and asked Council to leave the ordinance unchanged.

Karl E. Wysocki stated his support for the Police Chief's revised recommendations to the RV parking ordinance made earlier in the meeting.

Jeanne Nevins voiced concerns about parking RVs on street sweeping days, stating her neighbor was cited for parking on another street. She stated the 100 day annual maximum would be acceptable for her, but that she was reluctant to speak for others.

Gary Einck, 47 year resident, urged Council to deny any changes to the RV ordinance.

David Wickersham voiced his support for the Police Chief's suggested amendments to the Recommended Action pertaining to the RV parking ordinance.

Fred Shafer, resident since 1972, thanked Council for its efforts in creating the current RV parking ordinance. He stated his opinion that the parking permits work very well, and asked Council not to make any changes.

Ted Lewis, 19 year resident, voiced his support for the current RV parking ordinance and thanked Council and the Police Chief for their efforts.

Larry Stuppy thanked Councilmembers and the Mayor for their service to the community. He voiced concerns for handicapped individuals and documents required to obtain medical use RV parking permits. He also stated concerns with handicapped individuals' ability to park in other areas with their RVs. He recommended no changes to the ordinance other than amendments benefiting handicapped individuals.

Gerald A. Jones thanked the Police Chief for his time and efforts and voiced his support for the latest amendments to the RV parking ordinance recommended by the Chief.

Ken Brown, 30 year resident, thanked Council for the annual Memorial Day events and voiced his opinion that no changes to the RV parking ordinance are necessary. He stated concerns with traffic violations and lack of traffic enforcement on Brookhurst Street in the mornings.

Marjorie Niland asked Council to pass an ordinance banning vicious dogs in the City. She stated concerns for infants and young children in particular.

(City Council) Motion to Bring Introduction of Ordinance No. 3735 Forward for Discussion.

A motion was made by Coerper, second Hardy to bring introduction of Ordinance No. 3735 forward for discussion. The motion carried by the following roll call vote:

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

(City Council) Approved Introduction as Amended Ordinance No. 3735 Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Recreational Vehicle Parking Time Limits (560.20)

A motion was made by Hardy, second Hansen to deny introduction of Ordinance No. 3735. (The motion was subsequently replaced by a Substitute Motion.)

Chief Small reported most of the problems of street storage of recreational vehicles (RVs) in the City have been resolved by the existing ordinance. He described one problem whereby a small number of residents use the permit system 14-16 days per month, every month, to store RVs. He stated the complaints received are related to the size and the bulk of the RVs. He recommended amending the Recommended Action to allow residents to obtain permits for a maximum of 16 days per month, 8 consecutive days, 100 days per 12-month period. He also clarified that he will ensure that police staff will not ticket RVs that have permits and move to a different street on street sweeping days.

A motion was made by Bohr, second Cook to **(Substitute Motion)** approve the Recommended Action as amended by the Police Chief as follows: Section 1, 10.44.065 Exceptions, (a) 1. change the word "**twelve**" to "**sixteen**"; (a) 2. change the word "**three**" to "**eight**"; and add (a) 3. **no more than 100 days in any twelve month period.** (Vote to follow)

Councilmember Hansen suggested no changes be made to the current ordinance, stating that some individuals will use the maximum permit days available regardless of amendments made to the ordinance.

Mayor Pro Tem Coerper commented on ADA requirements. He inquired if the RV ordinance has the same requirements and about parking for handicapped individuals in the downtown area. Chief Small responded, stating the requirements are similar, but the majority of State-issued placards are for passenger vehicles, not RVS. He stated he does not recommend allowing individuals with handicapped placards to be exempt from the RV parking ordinance, but rather are considered for medical exemptions on a case-by-case basis. Regarding downtown parking, the Chief explained that the City complies with the State Vehicle Code, and further clarified that the current issue is with individuals using permits to store vehicles rather than for trip preparation. Mayor Pro Tem Coerper voiced his support for the Substitute Motion.

Councilmember Green asked for clarification on street sweeping exceptions and remedies for handicapped individuals. Chief Small explained that adjoining streets are often not swept on the same day, allowing RV owners to move their vehicles a street away from their homes on street sweeping days. He suggested handicapped residents contact him to discuss their individual needs.

Councilmember Hardy asked for clarification on exceptions to the ordinance pertaining to daily use permits. Chief Small explained he has personally reviewed many of the applications for daily use. Councilmember Hardy stated she supports the Substitute Motion.

Mayor Sullivan stated his reasons for supporting the Substitute Motion, including the potential for the amendments to help resolve some of the complaints.

City Clerk Flynn asked for clarification on the specifics of the motion. At the request of Council, Chief Small clarified the amendments are to page G2a.5 of the agenda packet (page one of the ordinance) as follows: Section 1, 10.44.065 Exceptions, (a) 1. change the word "twelve" to "sixteen"; (a) 2. change the word "three" to "eight"; and add (a) 3. no more than 100 days in any twelve-month period.

Councilmember Green inquired about the complaints received per month and voiced concern about changing the ordinance if it has been in effect less than a year. Chief Small stated seven to fifteen households submit complaints per month, and further emphasized his reasons for supporting the 100-day maximum per year for permits. He clarified the effective date of the original ordinance was May 2005.

Councilmember Bohr commented on the adoption of the existing ordinance, stating the maximum amount of permitted days are higher than what was requested by most RV owners.

Council then voted on the Substitute Motion. The **Substitute Motion** carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Cook, and Hardy
NOES: Hansen

(City Council) Mayor Pro Tem Coerper and Councilmember Green Reported on Measure M – Mayor Pro Tem Coerper Announced Upcoming "3/1" Events.

Mayor Pro Tem Coerper spoke about Measure M and the League of California Cities' recent unanimous adoption of the Draft Plan. Councilmember Green commented that bike and pedestrian trails are included in the funding plan. Mayor Pro Tem Coerper also commented on the "3/1" Committee's golf tournament being held on May 22nd, and the "Dine In" scheduled for June 16th. He asked citizens to continue to support the Marines and their families. He also announced his son has returned from Iraq and is next assigned to train Army personnel in Louisiana.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's February 2006 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for February 2006*. (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for February 2006.

City Treasurer Freidenrich gave a PowerPoint presentation titled *February Treasurer's Report*, which was included in the agenda packet.

A motion was made by Coerper, second Hardy to review and accept the Monthly Investment Report entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for February 2006*, 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, Coerper, Sullivan, Hansen, Cook, and Hardy
NOES: None
ABSENT: Bohr (Councilmember Bohr was out of the room at the time of the vote.)

Consent Calendar – Items Removed for Separate Discussion

(City Council) Resolution No. 2006-13 Declaring Surplus Water Exists for Temporary Water Service Connection Not to Exceed Nine Months in Duration to the Harriett M. Wieder Regional Park (Located Adjacent to Edwards/Ellis Tract No. 15690) for the Establishment of Native Plant Mix for the Park.

(City Council) Project Plans and Specifications and Award Contract in the Amount of \$262,870 to Nobest, Inc. for the Traffic Signal at the Warner Avenue Fire Station, CC-1264.

Consent Calendar – Items Approved

A motion was made by Coerper, second Hardy to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of April 3, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Accepted and Approved the Annual Sanitary Sewer Facilities Fund Compliance Report for Fiscal Year 2004/2005 (1020.70) - Approved the Annual Sanitary Sewer Facilities Fund Compliance Report. Submitted by the Public Works Director. Funding Source: No funding is required for this action.

(City Council) Approved Appropriation of \$100,000 and Authorized the City Administrator to Execute a Professional Services Agreement to Retain a Consulting Firm for the Review and Assessment of Entitlement/Development Processing Activities (600.10) - 1) Approved and authorized the City Administrator to execute a professional services agreement in an amount not to exceed \$100,000 for the Review and Assessment of Entitlement/Development Processing Activities; and 2) Appropriated \$100,000 from unreserved undesignated General Fund balance for professional services. Submitted by the Deputy City Administrator. Funding Source: Funds to be allocated to the Administration Business Unit 10030101.69300 (Professional Services) for professional services.

(City Council) Approved Acceptance of Securities (Faithful Performance Bond, Labor and Material Bond, and Monument Bond) From Makar Properties, LLC (Makallon Atlanta Huntington Beach, LLC) for the Pacific City Project Located at Pacific Coast Highway, First Street, Atlanta Avenue and Huntington Street (420.60) - Accepted bonds pursuant to the City Council's action and instructed the City Clerk to file the following bonds with the City Treasurer: a) Faithful Performance Bond number SU 5005652; and b) Labor and Material Bond number SU 5005652; and c) Monument Bond number SU 5005651. Submitted by the Public Works Director. Funding Source: Not applicable.

(City Council) Approved Agreement Between The City of Huntington Beach and Aon Consulting and Insurance Services for Actuarial Services for the City's Supplemental Retirement Plan and Retiree Medical Plan (600.10) - Approved the "Professional Services Contract Between The City of Huntington Beach and AON Consulting and Insurance Services for Actuarial Services" required for the City's annual audit and for the preparation of the Comprehensive Annual Financial Report. Submitted by the Finance Director. Funding Source: The contract will be paid from appropriations made in Business Unit 70235202 Retirement Medical Supplement Fund in the 2005/06 budget.

(City Council) Adopted Resolution No. 2006-13 Declaring Surplus Water Exists for Temporary Water Service Connection Not to Exceed Nine Months in Duration to the Harriett M. Wieder Regional Park (Located Adjacent to Edwards/Ellis Tract No. 15690) for the Establishment of Native Plant Mix for the Park (1000.10)

The City Council considered a communication from the Public Works Director transmitting the following **Statement of Issue:** Municipal Code Section 14.16.180 requires that before the City may sell water to consumers outside the City limits, Council must first declare by resolution that a surplus of water exists in excess of that required

by the inhabitants of the City. PLC Land Company has requested a temporary water connection for the purpose of plant establishment for the portion of Harriett Wieder Park adjacent to Edwards/Ellis Tract 15690. The temporary water connection would not exceed nine (9) months in duration. Funding Source: Water delivery is funded through a variety of accounts under the Water Fund (506). These expenditures are offset by water sales revenue that is directed back into the Water Fund.

Councilmember Cook requested that this agenda item be removed from the Consent Calendar to ask for clarification on the funding. Public Works Director Robert F. Beardsley stated that PLC Land Company would pay for the water.

A motion was made by Cook, second Coerper to adopt Resolution No. 2006-13 - *A Resolution of the City Council of the City of Huntington Beach Declaring a Surplus of Water Exists for Temporary Water Service to Harriett M. Wieder Regional Park.* The motion carried by the following roll call vote:

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

(City Council) Approved the Project Plans and Specifications and Awarded Contract in the Amount of \$262,870 to Nobest, Inc. for the Traffic Signal at the Warner Avenue Fire Station, CC-1264 (600.55)

The City Council considered a communication from the Public Works Director and the Fire Chief transmitting the following **Statement of Issue**: The project was advertised and one bid was received on March 7, 2006. Staff recommends the award to Nobest, Inc., as the lowest responsive and responsible bidder for the contract. Funding Source: Total project costs are estimated to be \$340,000. Funds in the amount of \$235,000 are available in the Traffic Impact Fee Fund, Traffic Signals (20690007.82700) and funds in the amount of \$105,000 are available in the Fire Department's Capital Improvement Program for Fire Station Renovation (10065203.64355, 10065203.82200 and 50265402.82200). The engineer's estimate for construction was \$270,000, which includes the purchase of equipment, but not inspection, contingencies and supplemental expenses.

Councilmember Cook requested this agenda item be removed from the Consent Calendar to inquire about a pedestrian crosswalk. Public Works Director Robert F. Beardsley confirmed that a pedestrian crosswalk across Warner Avenue is included in the project.

A motion was made by Cook, second Hardy to 1) Approve the project plans and specifications for the Traffic Signal at the Warner Avenue Fire Station, CC-1264; and 2) Accept the responsive and responsible bid submitted by Nobest, Inc. in the amount of \$262,870; and 3) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3732 Amending Chapter 17.58 of the Huntington Beach Municipal Code Relating to Hazardous Materials (520.20)

A motion was made by Hardy, second Coerper to, after the City Clerk read by title, adopt Ordinance No. 3732 - *An Ordinance of the City of Huntington Beach Amending Chapter 17.58 of the Huntington Beach Municipal Code Relating to Hazardous Materials*. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3728 Amending Specific Plan No. 13 – The Crossings at Huntington Beach (Bella Terra) by Adding City Council Notification and Appeal Language to Sections 2.0 (Administration), 2.3 (Site Plan Review), and 2.4 (Parcel Maps) and Adding a Legal Description and Limit the Application of the Amendment to the Montgomery Ward’s Parcel (Phase 2) – (Zoning Text Amendment No. 05-03) (450.30)

A motion was made by Bohr, second Coerper to, after the City Clerk read by title, adopt Ordinance No. 3728 - *An Ordinance of the City of Huntington Beach Amending Specific Plan 13 (The Crossings at Huntington Beach Specific Plan) by Adding City Council Notification and Appeal Language to Sections 2.0 - Administration, 2.3 - Site Plan Review, and 2.4 - Parcel Maps (Zoning Text Amendment No. 05-03)*. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Cook, and Hardy
NOES: Sullivan, and Hansen

(City Council) Adopted Ordinance No. 3733 Deleting Chapter 5.52 of the Huntington Beach Municipal Code Relating to Motion Picture Theater Permits (420.10)

A motion was made by Coerper, second Hardy to, after the City Clerk read by title, adopt Ordinance No. 3733 - *An Ordinance of the City of Huntington Beach Deleting Chapter 5.52 of the Huntington Beach Municipal Code Relating to Motion Picture Theaters*. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3734 Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Contract Procedures by Amending Monetary Limits and Authority (600.05)

A motion was made by Coerper, second Hardy to, 1. After City Clerk reads by title, Adopt Ordinance No.3734 - *An Ordinance of the City of Huntington Beach Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Contract Procedures*; and 2. Direct the Central Services Manger to develop and/or implement a "centralized contract management program" to oversee and ensure compliance with all codes while still maintaining the safeguards to ensure budget control. The motion carried by the following roll call vote:

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

(City Council) Submitted By Councilmember Hansen – Reconsideration of Brush Drive Street Repairs (120.90)

The City Council considered a communication from Councilmember Hansen transmitting the following **Statement of Issue**: On February 6, 2006, staff presented a contract award recommendation for repairs to numerous streets on the residential street repair petition list. One of these streets, Brush Drive, between Waite Lane and Newland Street, has been on the list since 1995, finally receiving budget funding for repairs this fiscal year.

Once preliminary planning for the construction documents commenced and the property owners on Brush Drive were notified of the impending work, some of them became concerned over the anticipated removal of numerous city-owned parkway trees adjacent to their homes. These residents challenged the validity of the petition because it was over 10-years old; alleged that many of the original petitioners had moved; and claimed that most owners signing the petition did not understand the extent to which the damaged curb and sidewalk replacement would necessitate removal of the adjacent parkway trees. When the contract bids were presented on February 6, and after extensive discussion, Council directed staff to "...(a) effect satisfactory repairs to the sidewalks to mitigate immediate safety issues, (b) perform spot repairs to curbs and gutters where necessary for safety concerns, and (c) protect trees as much as feasible to accomplish the necessary safety repairs without leaving any tree in an unsafe condition."

Subsequent to the Council's action, the property owner who circulated the original petition requested that the City Council reconsider its action and proceed with the full repairs. This owner asserted that the adopted alternative direction, which he felt was recommended merely to satisfy a vocal minority of objecting residents, will lead to an inadequate result; is not responsive to the majority of the Brush Drive homeowners; and is unfair to the original petitioners.

Referring to the attached map, there are 50 properties along Brush Drive in the improvement area. Twenty-nine (29) of these properties have mature trees whose root systems are causing damage and are susceptible to removal. The remaining 21 properties either have no parkway trees or have recently planted parkway trees that are not at risk. Staff would expect to plant some 40 new replacement trees (with some corner lots receiving two trees) if the entire project were to be reconstructed as originally planned.

CITY OBLIGATION: The City Attorney has provided an opinion that there is no process in place by which the city or the adjacent property owners along Brush Drive may revoke a petition process. In fact, regardless of the existence of any petition, the city remains primarily responsible for public safety issues in the public rights of way.

Councilmember Hansen gave an oral report.

A motion was made by Hansen, second Sullivan to reopen discussion on Council's prior action and direction to staff concerning Brush Drive. The project should be reconsidered in light of reconstructing the entire street's curbs and gutters as (1) the only permanent solution to the street's drainage problems; (2) the only way to eliminate the liability exposure to the City from tree damage; and (3) the means to uphold fair and equitable treatment of the adjacent property owners who took the initiative to improve their street and have been waiting nearly 11 years for this project. (Vote to follow)

Mayor Sullivan voiced his support for the Recommended Action, but also suggested Council considers contacting and polling property owners by registered mail.

Councilmember Cook stated her opinion that street repairs should be based on need rather than petition. She also suggested using a tree more substantial than the crepe myrtles to replace the trees removed.

Councilmember Green stated her support for repairing the entire street.

Mayor Pro Tem Coerper inquired about the City's liability if only portions of the street are repaired. City Attorney McGrath explained that the City is responsible for any injuries due to dangerous conditions, and spot repairs could enhance a litigator's position. Mayor Pro Tem Coerper asked about substitutes for crepe myrtles, if removed shrubs would be recycled, and the estimated cost to repair Brush Drive. Director Beardsley stated a list of trees exist as options. He also explained that transplanting of trees and shrubs is costly, consequently removed shrubs would probably be destroyed. He stated the approximate cost to repair Brush Drive is \$405,000.

Councilmember Hardy spoke regarding the petition list and the reasons the method was initiated. She voiced concern with removing healthy crepe myrtles, and stated she supports the Recommended Action.

Councilmember Bohr voiced his opinion that repairs should be based on need rather than petitions, and that he supports taking an official vote of the affected residents on Brush Drive.

Councilmember Cook requested an amendment to the motion, allowing residents to give input on the selection of trees (not shrubs) to be planted as replacements for trees removed. The Maker and Second to the motion accepted the amendment.

A Substitute Motion was made by Sullivan, second Bohr to poll residents by certified mail. (The Substitute Motion was subsequently withdrawn)

Councilmember Green asked the City Attorney for her opinion on the matter. Attorney McGrath suggested Council strive to reduce the City's liability to the greatest extent possible. She stated spot repairs would require regular follow up inspections to evaluate conditions.

Councilmember Hardy inquired about tree petition voting percentages. Mayor Sullivan confirmed 30% of the residents opposing could prevent the project from moving forward, if Council used the same criteria for polling residents. Councilmember Hardy stated her opposition to the Substitute Motion.

Mayor Sullivan withdrew the Substitute Motion, in light of liability considerations.

Council then voted on the original motion, **as amended** to reconstruct the entire street's curbs and gutters and to allow residents to give input on selection of trees (from the list of approved trees) to be planted as replacements for trees removed and/or missing. The motion carried by the following roll call vote:

AYES: Green, Coerper, Sullivan, Hansen, Cook, and Hardy
NOES: Bohr

(City Council) Submitted By Councilmember Green – Donation From Friends of Harbors, Beaches & Parks to Lease Southern California Edison Property for LeBard Park (120.90)

The City Council considered a communication from Councilmember Green transmitting the following **Statement of Issue**: The city has received an offer from the Friends of Harbors, Beaches & Parks (FHBP) to donate \$30,000 as an initial fund from which lease payments could be made to Southern California Edison Company (SCE) for its five- acre parcel adjacent to the Santa Ana River, south of LeBard Park.

I would like staff to determine the feasibility of accepting funds from the FHBP to lease the SCE property as parkland. Staff would also need to look into the cost and conditions of a potential lease with SCE as well as the costs for development into a park, maintenance, and any possible mitigation, i.e., drainage. Staff should also make recommendations on potential funding sources beyond the donated funds for park development, lease and ongoing maintenance.

Councilmember Green gave an oral report and acknowledged Jean Watt, President of FHBP and Stephanie Barger, who were present in the audience.

Mayor Sullivan asked for clarification on the timing of the gift and Councilmember Green explained further steps necessary before the gift is awarded.

A motion was made by Green, second Hansen to direct staff to determine the impacts to the City of adding five acres of leased property to the City's park system, including additional costs for development, ongoing lease expense, mitigation of drainage, and maintenance. Potential funding options should also be provided for Council consideration. The motion carried by the following roll call vote:

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

(City Council) Mayor Sullivan Announced Shipley Nature Center Spring Festival, Junior Chamber and JC Foundation Event. (120.85)

Mayor Dave Sullivan announced the Shipley Nature Center Spring Festival scheduled for Saturday, April 29th from 9 a.m. to 2 p.m. He also announced on April 22nd, the California Junior Chamber of Commerce and the California JCs Foundation would be honoring outstanding Californians, including Councilmember Jill Hardy.

Adjournment – City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:55 p.m. to Monday, May 1, 2006, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair