Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach

Monday, May 16, 2005
4:30 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:30 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 Patricia Albers to 4:30 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:30 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan (arrived at 4:40 p.m.), Hardy, Green, Bohr, Cook
Absent: None

The City Clerk Announced A Late Communication

Pursuant to the Brown (Open Meetings) Act, Senior Deputy City Clerk Dale Jones announced a Late Communication regarding an agenda item that had been received by the City Clerk's office following distribution of the agenda packet:

Communication submitted by Public Resource Management Group, LLC (PRM) dated May 16, 2005 and titled *Presentation to the City of Huntington Beach For: Cost Allocation and User Fee Study.*

(City Council/Redevelopment Agency) Study Session Held – Presentation Given by the Consultant, Public Resource Management (PRM) Regarding Cost Allocation and User Fee Study (310.10)

Finance Officer Dan Villella introduced Brad Wilkes and Erin Payton from Public Resource Management (PRM). Mr. Wilkes gave an overview of the study and its goals and objectives. He then clarified the Cost Allocation Plan (CAP), the inclusion of indirect costs, and the benefits of CAP information – including Federal/State Grant reimbursement and SB 90 claims. Ms. Payton gave an explanation of the user fee charts.

Council inquiries followed regarding current PRM clients, specific fees studied in the report and recommendations to change or maintain them, depreciation, and if the numbers in the report are current. Mr. Wilkes and Ms. Payton responded to all inquiries.

Mayor Pro Tem Sullivan informed Council of his experience with reports of this type.

Motion to Recess to Closed Session – Approved

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

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Dennis De Lautour v. City of Huntington Beach;** WCAB Case Nos. ANA 0305751, 0305752, and 0305711; Claims Nos. COHB-95-0066, 96-0100, and 93-0071. Subject: **Dennis De Lautour 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 **Bert Adkins v. City of Huntington Beach;** WCAB Case Nos. AHM 0099783, 0099766, 0099718, RIV 0003722; LBO 0345221; Claim No. COHB 95-0027. Subject: **Bert Adkins 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 **Andino v. Orange County Sanitation District, et al;** Orange County Superior Court Case No. 05CC00054. Subject: **Andino v. Orange County Sanitation District, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Director of Administrative Services, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, and SCLEA.** Subject: **Labor Relations – Meet & Confer.** (120.80)

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

City Council- Redevelopment Agency Roll Call

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

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

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

Pledge of Allegiance – Led by Mayor Jill Hardy

Invocation – Led by Reverend Bruce Templeton, First Christian Church of Huntington Beach

The Senior Deputy City Clerk Announced Late Communications

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

Communication submitted by Public Resource Management Group, LLC (PRM) dated May 16, 2005 and titled *Presentation to the City of Huntington Beach For: Cost Allocation and User Fee Study.*

Communication submitted by Mayor Jill Hardy dated May 16, 2005 titled *F-1 – Intergovernmental Relations Recommendations.*

Communication submitted by Marinka Horack dated May 14, 2005 titled *Last Minute H Item – Bolsa Chica Annexation Issue at May 16 City Council Meeting.*

Communication submitted by Lois Vackar dated May 15, 2005 titled *Sneaky H Item.*

Communication submitted by Julie Bixby dated May 13, 2005 titled *Item H-1a on 5/16/05 Agenda.*

Communication submitted by Mark Bixby dated May 13, 2005 titled *Bolsa Chica/Brightwater Annexation.*

Communication submitted by Eileen Murphy dated May 14, 2005 titled *Agenda for City Council Meeting of May 16, 2005.*

Presentation - Mayor Jill Hardy called on Ian Collins, Chair of the Children's Needs Task Force who announced the Youth Character Awards. The following seventeen youths were honored: Alison Baskin, Justin Blaustein, Blair Boies, Devon Cason, Naomi Castellano, Heather Faland, Cole Harrington, Kathryn Hopfensperger, Madelyn Hopfensperger, Devon Kelley-Hickman, Ashlyn Kettler, Mikhail Korotkin, Breanne Lockard, Jessyca Medina, Jessica Midden, David Monroe, and Tehya Silva. (160.40)

Presentation - Mayor Jill Hardy called on Community Services Commission Chair Nick Tomaino who presented the annual Youth Sports Grants to Huntington Beach High School Baseball Booster Club, North Huntington Beach Girls Softball, Huntington Beach High School Softball Boosters, Edison High School Baseball Boosters, Marina High School Boys Soccer Boosters, Seaview Little League, Robinwood Little League, Ocean View Little League, South Huntington Beach Girls Fastpitch Softball, Huntington Beach Football Boosters/Jr. All American Football, and Therapeutic Riding Center of Huntington Beach. (160.40)

Presentation - Mayor Jill Hardy called on Police Chief Ken Small who announced the results of the 21st Annual Baker to Vegas Challenge Cup Relay. The Huntington Beach Team placed 2nd in their division. Chief Small gave special recognition to Team Captain, Police Officer Gary Gosper. (160.40)

Mayor's Award - Mayor Jill Hardy called on Acting Director of Public Works Paul Emery who presented the Mayor's Award to Leadworker Geoff Peterson in the Signs and Markings section, Transportation Division. Mr. Peterson started with the City in 1982 and is currently responsible for the fabrication and maintenance of most City signs including all of the 30,000 traffic control signs. (160.40)

(City Council) Councilmember Hansen Announced Duck-A-Thon 2nd Place Winner (120.85)

Councilmember Hansen announced Mayor Hardy's duck came in 2nd at the Duck-A-Thon held on May 14th to benefit the Community Care Health Center.

Public Comments

Steve Jelnick, resident of southeast Huntington Beach, voiced his opinions on the proposed desalination plant, stating concerns with beach pollution.

Alan Chancellor, Chair of the Huntington Beach Human Relations Task Force, invited the public to a "Diversity in Our Community" meeting to be held on May 26, 2005 from 6:30 – 8:30 p.m. in the Council Chambers. Mr. Chancellor announced that panel presentations would explore motivation for, and ways to combat, hate crimes and that further information may be obtained by calling 714-374-5307.

Gerald Chapman spoke on behalf of the Bolsa Chica Land Trust stating that the item on the agenda regarding annexation of the Bolsa Chica is premature since the appeals process has not ended. Mr. Chapman suggested changes to the language in the staff recommended action.

Herb Duysings stated concerns about potholes in City streets and inquired about the repair schedule. Mr. Duysings also voiced his opposition to any increase in taxes to fund the purchase of school sites or for Fire Department salary increases.

Nancy Donaven informed Council of her opposition to the proposed desalination plant and refuted that the plant can bring revenue to the City. She announced a website, HBDesalfacts.org for further information. Ms. Donaven additionally stated her opinion that the agenda item that addresses annexation of Bolsa Chica is premature.

Paul Arms, President of the Orange County League of California Voters, voiced his opinion that the Bolsa Chica annexation agenda item should have been noticed to Bolsa Chica Land Trust Board Members. Mr. Arms asked Council to attend the next Land Trust Board Meeting in order to discuss future plans for Bolsa Chica.

Flossie Horgan, Co-founder of the Bolsa Chica Land Trust, stated her opinion that the Bolsa Chica annexation agenda item is premature. Ms. Horgan informed Council that the deadline to purchase the lower bench was extended to December 2005, and urged Council to delay consideration of annexation.

Larry Porter announced that he is a member of Residents for Responsible Desalination and spoke in opposition to the proposed desalination plant, citing pollution concerns. Mr. Porter urged Council to visit two websites, PoseidonResources.com and HBDesalfacts.org. to learn more.

Alan Gandall spoke in support of the Consent Calendar item regarding public lands in the vicinity of the Wardlow and Lamb School sites and thanked Council for their assistance. Mr. Gandall also congratulated the Police Department Baker to Vegas Team.

Dave Guido, President of Huntington Beach Tomorrow, spoke in favor of the Consent Calendar item regarding public lands in the vicinity of the Wardlow and Lamb School sites and the preservation of open space in general.

(City Council) Councilmember Coerper Announced Meeting of 3/1 Marine Battalion Support Committee (120.20)

Councilmember Coerper announced that a meeting is scheduled for May 20, 2005 on the 4th floor of City Hall for "3/1" Committee members and Councilmembers.

(City Council) Public Hearing Held - Accepted as Adequate and Complete the Downtown Parking Master Plan Annual Review and Monitoring Report and Forwarded to the California Coastal Commission (Documenting Building Activity and Land Use Changes from June 1, 2003 to June 1, 2004 in the Downtown Specific Plan Generally Bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) (440.30)

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

Applicant: City of Huntington Beach Planning Department

Request: Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2003 and June 1, 2004

Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street)

Environmental Status: Notice is hereby given that this item is covered under Environmental Impact Report No. 82-2, approved in conjunction with the Downtown Specific Plan.

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

Councilmember Bohr announced that he would abstain from this item due to potential conflict of interest, and left the room.

Planning Director Howard Zelefsky gave an overview of the item and introduced Associate Planner Ron Santos. Mr. Santos presented a PowerPoint slide report titled *2004 Downtown Parking Master Plan Annual Review and Monitoring Report*, which was included in the agenda packet.

Mayor Hardy declared the public hearing open.

Steve Ray spoke on behalf of the Planning Commission and recommended Council approve the item as recommended. Mr. Ray reported on the shared parking concept as it applies to the downtown area, the Pacific City project, the potential closing of part of Main Street, and parking structure revenue.

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

A motion was made by Hansen, second Cook to accept as adequate and complete the June 1, 2003 to June 1, 2004 annual review and monitoring report of the Downtown Parking Master Plan and forward to the Executive Director of the California Coastal Commission. The motion carried by the following roll call vote:

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

Consent Calendar – Items Removed for Separate Discussion

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

(City Council/Redevelopment Agency) Minutes

(City Council) Mid Year Budget Adjustments for Fiscal Year 2004-2005 and Transfer of $5.368 Million from the General Fund to the Capital Improvement Project (CIP) Fund – Transfer of Existing Professional Services Appropriations in the City Attorney's Budget to Personnel Services for the Hiring of Two New Deputy City Attorneys

(City Council/Redevelopment Agency) Revised Affordable Housing Agreement between the City and Mainstreet Townhomes LLC (located Southwest corner of Main and Holly Streets)

(City Council) Resolution Number 2005-38 Relating to the Inadequacy of Public Lands in the Vicinity of the Wardlow and Lamb School Sites to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes (Wardlow School is located at 9191 Pioneer Drive; Lamb School is at 10251 Yorktown Avenue)

(City Council) Resolution Number 2005-36 Approving the Fiscal Year 2005-2006 Refuse Rate Increase and Accept Additional Downtown Collection Donated by Rainbow Disposal for July 1 through December 31, 2005

Consent Calendar – Items Approved

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

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

(City Council) Adopted Resolution Number 2005-35 Authorizing the Signatures of Shari L. Freidenrich, Dan T. Villella, Valaya Chitchakkol and James Slobojan for Execution of Financial Transactions in the Name of the City (Repeals Resolution Number 2000-103 and Any and All Others in Conflict) (630.50) – Adopted **Resolution Number 2005-35** – *"A Resolution of the City Council of the City of Huntington Beach Authorizing the Manual and/or Facsimile Signatures of Shari L. Freidenrich, Dan T. Villella, Valaya Chitchakkol and James Slobojan"* as persons authorized to execute financial transactions in the name of the City of Huntington Beach. Submitted by the City Treasurer. Funding Source: Not applicable.

(City Council) Approved Professional Services Contract between the City of Huntington Beach and EIP Associates for Professional Planning Services to Prepare an Environmental Impact Report (EIR) for a Proposed 204-Unit Multi-Family Residential Project at 21471 Newland Street (South of Lomond Drive, North of the Terminus of Hamilton Avenue) (600.10) – **1.** Approved the *Professional Services Contract Between the City of Huntington Beach and EIP Associates for Professional Planning Services to Prepare an Environmental Impact Report for the Newland Street Residential Project* in the amount of Two Hundred Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars ($273,793.00), as prepared by the City Attorney, and authorized the Mayor and City Clerk to sign; and **2.** Appropriated funds in the amount of Two Hundred Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars ($273,793.00) for the Professional Services contract between the City and EIP Associates, for which the developer will fully reimburse the City. Submitted by the Planning Director. Funding Source: The funding source will be an initial deposit of Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars ($73,793.00) placed with the City by WL Direct Huntington Beach, LLC, the project proponent, the remaining Two Hundred Thousand Dollars ($200,000.00) is to be paid in subsequent quarterly payments by the project proponent, as billed by the City, until completion of the project. Thus, there will be no fiscal impact. (See Agenda Item to follow.)

(City Council) Approved Reimbursement Agreement between the City and Project Applicant, WL Direct Huntington Beach, LLC for Costs Incurred for Professional Planning Services in Connection with a Proposed, 204-Unit Multi-Family Residential Project at 21471 Newland Street (South of Lomond Drive, North of the Terminus of Hamilton Avenue) (600.10) Approved the *Reimbursement Agreement Between the City of Huntington Beach and WL Direct Huntington Beach, LLC for Costs Incurred for Professional Services* and authorized the Mayor and City Clerk to sign. Submitted by the Planning Director. Funding Source: The proposed Reimbursement Agreement between the City and WL Direct Huntington Beach, LLC requires the developer to defray the costs of professional planning services by making an initial deposit of Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars ($73,793.00) with the City. The remaining Two Hundred Thousand Dollars ($200,000.00) is to be paid in quarterly payments by the developer until completion of the project.

(City Council) Approved the Project Plans and Specifications and Awarded Construction Contract to Sancon Technologies, Inc. for the Fiscal Year 2004/2005 Sewer Rehabilitation Project; CC-1270 (Located within Reporting Districts 442, 453 and 463 in the Southeast Area) (600.60) – **1.** Approved the project plans and specifications; and **2.** Accepted the lowest responsive and responsible bid submitted by Sancon Technologies, Inc. in the amount of $1,272,887.20 for the 2004/05 Sewer Rehabilitation Project; CC-1270; and **3.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director. Funding Source: Funds for this project are budgeted through the Sewer Service Fund, Sewer Line CIP (Capital Improvement Project) Account No. 51189002.82600. The Engineer's cost estimate was $1,500,000.

(City Council) Adopted Resolution Number 2005-37 Requesting the Orange County Transportation Authority (OCTA) to Allocate from the Combined Transportation Funding Program (CTFP) for the Beach Boulevard Widening at Edinger Avenue Project; CC-1105 (Southeast Corner) (800.45) – Adopted **Resolution Number 2005-37** – *"A Resolution of the City Council of the City of Huntington Beach Requesting the Orange County Transportation Authority to Allocate Combined Transportation Program Funds for Beach Boulevard Widening at Edinger Avenue."* Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of $500,000 have been budgeted in the Orange County Transportation Authority (OCTA) Grant Fund, Beach/Edinger Improvements, Street Improvements Account No. 87390003.82300. This amount includes up to $452,519 in reimbursable CTFP grant funds.

(City Council) Adopted Restated and Revised Resolution Number 2005-3 Approving Street Name Change from Alcala Circle to Veleta Circle (New Housing Tract 15549 off Pacific View Drive, in Front of the Waterfront Hilton and Hyatt Regency Hotels, Grid 462) (800.70) – Adopted **Resolution No. 2005-3** – *"Restated and Revised Resolution of the City Council of the City of Huntington Beach Providing for the Change of the Street Name of Alcala Circle to Veleta Circle."* Submitted by the Police Chief. Funding Source: Any costs associated with changing the street sign can be absorbed in the existing fiscal year 2004-2005 Police Department budget. The identified cost is related to changing the one street sign and is estimated to be $26.00. (Revises Resolution Number 2005-3 approved 1/3/05.)

(City Council) Approved Amendment Number 1 to the Professional Services Contract between the City and Willdan to Authorize New Expenditure Required by Verizon Inc. for Fiber-To-The-Premises (FTTP) Project Management and Inspection Services and Authorized the Appropriation of Funds (600.10) – **1.** Approved and authorized the Mayor and City Clerk to execute *Amendment No. 1 to Professional Services Contract between the City of Huntington Beach and Willdan for Development Processing Services;* and **2.** Appropriated $800,000 from the General Fund to fund the services; and **3.** Authorized the expenditure of an additional $800,000 for professional services from Business Unit 10085251. Submitted by the Acting Public Works Director. Funding Source: Appropriate $800,000 from the General Fund undesignated balance to Public Works, Development Services. Professional Services Account 10085251.69365. Revenues received from Verizon will offset the expenditures.

(City Council/Redevelopment Agency) Minutes Continued to June 6, 2005 Meeting (120.65)

The City Council considered a communication from the City Clerk transmitting the minutes of the City Council/Redevelopment Agency Regular Meetings of April 18, 2005 and Adjourned Regular Meetings of April 25, 2005 as written and on file in the Office of the City Clerk.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to ask that the minutes be continued to the next regular meeting and a review be made of his votes on the April 18, 2005 public hearing item related to Zoning Text Amendment No. 03-02.

(City Council) Approved Mid Year Budget Adjustments for Fiscal Year 2004-2005 and Approved Transfer of $5.368 Million from the General Fund to the Capital Improvement Project (CIP) Fund – Approved Transfer of Existing Professional Services Appropriations in the City Attorney's Budget to Personnel Services for the Hiring of Two New Deputy City Attorneys (320.10)

The City Council considered a communication from the Finance Officer transmitting the following **Statement of Issue:** (1) An existing financial policy requires that fifty percent (50%) of the general fund balance in excess of the seven percent (7%) reserve requirement be transferred to the Capital Improvement Project (CIP) Fund. (2) City Attorney's staffing level is unable to meet the increasing demands for legal advice and litigation. Funding Source: (1) Transfer $5.368 million from the General Fund undesignated fund balance; and (2) Transfer $75,000 from the City Attorney's professional services operating account to the salaries account.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to inquire about Redevelopment Agency and Equipment Replacement transfers. City Administrator Culbreth-Graft gave clarification on these items.

A motion was made by Sullivan, second Green to **1.** Approve the transfer of $5.368 million from the General Fund undesignated fund balance to the CIP fund; and **2.** Approve the transfer of existing professional services appropriations in the City Attorney's budget to Personnel Services for the hiring of 2 new Deputy City Attorneys. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved Revised Affordable Housing Agreement between the City and Mainstreet Townhomes LLC (located Southwest corner of Main and Holly Streets) (600.30)

The City Council considered a communication from the Planning Director transmitting the following **Statement of Issue:** Transmitted for your consideration is a request by Mainstreet Townhomes LLC to approve a revised affordable housing agreement for a 20 unit attached townhome project located at the southwest corner of Main and Holly Streets. The amended agreement will restrict three townhomes to moderate income (120% of Orange County Median) households for a period of 30 years in accord with the Holly Seacliff Specific Plan affordable housing requirements. The original affordable housing agreement for the property was for three units restricted to median income households (100% of Orange County Median) for 60 years. Staff recommends that the City Council review and approve the revised affordable housing agreement.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to ask for clarification on the revisions made and the applicability to the Holly-Seacliff Development. Planning Director Howard Zelefsky reported.

A motion was made by Sullivan, second Green to approve the *Revised and Restated Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)* by and between the City of Huntington Beach City Council/Redevelopment Agency and Mainstreet Townhomes LLC, and authorize the Mayor/Agency Chair, Executive Director and City Clerk to sign and execute (Attachment No. 1). The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution Number 2005-38 Relating to the Inadequacy of Public Lands in the Vicinity of the Wardlow and Lamb School Sites to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes (Wardlow School is located at 9191 Pioneer Drive; Lamb School is at 10251 Yorktown Avenue) (650.10)

The City Council considered a communication from the Community Services Director and Planning Director transmitting the following **Statement of Issue:** The City of Huntington Beach has received notice from the Fountain Valley School District of its intention to dispose of surplus real property commonly referred to as Wardlow School site and Lamb School site and located at 9191 Pioneer Drive and 10251 Yorktown Street in Huntington Beach, respectively. Under the Naylor Act, the City must pass a resolution if it intends to negotiate with the school district to acquire all or part of either or both school sites.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to highlight to citizens the efforts being made by the City.

A motion was made by Bohr, second Cook to adopt **Resolution Number 2005-38** – *"A Resolution of the City Council of the City of Huntington Beach Relating to the Inadequacy of Public Lands in the Vicinity of Wardlow Elementary School and Lamb Elementary School to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes"* which informs the Fountain Valley School District of the city's intention under the Naylor Act to negotiate in good faith with the district to acquire all or part of Wardlow School and/or Lamb School for public open-space purposes. The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution Number 2005-36 Approving the Fiscal Year 2005-2006 Refuse Rate Increase and Accepted Additional Downtown Collection Donated by Rainbow Disposal for July 1 through December 31, 2005 (810.40)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** 1. The Refuse Collection and Disposal Services Franchise Agreement with Rainbow Disposal Co., Inc. (Rainbow) requires an annual review of residential rates. Adjustments to the residential curbside rates are made in accordance with this review and with an established formula. 2. Rainbow has offered to continue its donation of one additional collection of trash from the downtown sidewalk containers for the six-month period from July 1, 2005 through December 31, 2005. Funding Source: A rate increase of $0.53 per residential unit per month will be implemented and paid to Rainbow. There is no impact to the Refuse Fund as the full amount of the increase is paid to Rainbow.

Mayor Pro Tem Sulllivan requested that this agenda item be removed from the Consent Calendar to inform Council of the methods used to calculate refuse collection rates, to commend Rainbow Disposal for its fairness, and to inquire about the recycling of newspapers.

A motion was made by Sullivan, second Coerper to **1.** Adopt **Resolution Number 2005-36** – *"A Resolution of the City Council of the City of Huntington Beach Establishing Residential Curbside Refuse Collection Rates;"* and **2.** Accept Rainbow's offer to donate one additional trash collection from the downtown sidewalk containers on each Friday, Saturday, and Sunday as normally scheduled between July and December of 2005. The motion carried by the following roll call vote:

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

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

The City Council considered a communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue:** Approve a City Council position on legislation pending before the Federal, State or Regional Governments as recommend by the

City Council Intergovernmental Relations Committee, and authorize the Mayor to communicate the City of Huntington Beach's position to the elected members of the State or Federal Legislators, Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.

Mayor Hardy announced an update to Senate Bill 926 (Florez), noting that it had been amended as noted in her Late Communication (announced earlier by the City Clerk) and that the IRC is recommending Council oppose it.

Mayor Pro Tem Sullivan spoke regarding "safe harbor" language in the Federal Energy Bill, suggesting Council delay action on this item.

Councilmembers Green and Cook stated their support for the IRC recommendation to oppose the proposed "safe harbor" language in the Federal Energy Bill.

A motion was made by Cook, second Bohr to:

1. **OPPOSE** proposed "safe harbor" language in the Federal Energy Bill that would exempt fuel manufacturers from responsibility and liability for MTBE (methyl tertiary butyl ether) and Ethanol contamination of groundwater;

and

2. **CONTINUE SUPPORT AND SPONSORSHIP – AB14 (Harman)** Condo Conversions – as Amended on April 25, 2005;

and

3. **OPPOSE – SB 926 (Florez)** Sewer Sludge **as Amended on 5/9/05**.

The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance Number 3712 Amending Huntington Beach Zoning and Subdivision Ordinance Chapter 241 Relating to Conditional and Temporary Use Permits, Variances, and Waiver of Development Standards (450.20)

After the Senior Deputy City Clerk read by title, a motion was made by Coerper, second Hansen to adopt **Ordinance Number 3712** – *"An Ordinance of the City of Huntington Beach Amending Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Conditional and Temporary Use Permits, Variances; and Waiver of Development Standards."* (Approved for introduction as amended on May 2, 2005.) The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance Number 3714 Repealing the Local Gift Ban Ordinance and Alleviating Dual Standards Between the State and City Regarding the Huntington Beach Municipal Code Chapter 2.05 Relating to Gifts to Public Officials (120.10)

Mayor Hardy announced that she would be abstaining from this item due to a potential conflict of interest and then left the room.

After the Senior Deputy City Clerk read by title, a motion was made by Cook, second Bohr to approve introduction of **Ordinance Number 3714** – *"An Ordinance of the City of Huntington Beach Repealing Chapter 2.05 of the Huntington Beach Municipal Code Relating to Gifts to Public Officials."* The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance Number 3715 Amending Huntington Beach Municipal Code Chapter 13.48 Relating to Animals in the Park Pursuant to the Terms of the Agreement between the City and Southern California Edison (SCE) (500.10)

After the Senior Deputy City Clerk read by title, a motion was made by Coerper, second Cook to approve introduction of **Ordinance Number 3715** – *"An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park."* The motion carried by the following roll call vote:

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

(City Council) Considered the Annexation of the Unincorporated County Island Known as Bolsa Chica – Directed Staff to Prepare a Report Regarding Annexation (120.90)

The City Council considered a communication from Councilmember Cathy Green and Councilmember Keith Bohr transmitting the following **Statement of Issue:** On April 14, 2005, the California Coastal Commission determined that a proposal by Hearthside Homes to build 349 homes (Brightwater) in the unincorporated County Island known as Bolsa Chica was consistent with the Coastal Act. In the previous year, Hearthside Homes received approvals from the County of Orange for a tentative tract map and site development plan. These approvals are equivalent to the conditional use permit requirements of the city of Huntington Beach. Except for revisions, which may be necessary to comply with the Coastal Commission conditions of approval, Hearthside Homes has approved site plans, floor plans, and elevations for their project.

Since the Bolsa Chica is within the city's sphere of influence and a project has been approved, which is consistent with the Coastal Act, the city may wish to consider the pros and cons of annexing this County Island.

Councilmember Green reported, stating her reasons for bringing this item forward including the length of time required to pursue annexation. She clarified that she was interested in a study at this time.

Councilmember Bohr spoke regarding status changes since the last annexation study was done in 1999.

Discussion ensued amongst Council and staff relative to a funding mechanism and staff requirements for a study, the final disposition of the Bolsa Chica property, a time line for project approval, the potential impact on Fire and Police departments, differences between City and County fire codes, the potential to charge park fees to new property owners, and the interest in annexation on the part of the current landowner.

City Administrator Penny Culbreth-Graft stated that she would inquire if Hearthside Homes is interested in annexation.

Councilmember Hansen stated reasons for supporting the recommended action including preservation of the City's rights.

Mayor Hardy stated reasons for opposing the recommended action including concern for the method in which this item was added to the agenda. She also stated interest in a Study Session concerning the Local Agency Formation Commission (LAFCO) process.

Mayor Pro Tem Sullivan stated reasons for supporting the recommended action including his interest in getting answers to questions that have been raised on this topic.

A motion was made by Bohr, second Green to direct staff to prepare a report that would provide the following:

1. Fiscal analysis of annexation that provides the cost/benefit to the city of annexation prior to development versus annexation after development is complete.

2. An overview of the process and procedures required by the Local Agency Formation Commission (LAFCO) and the role the city would play in that process.

3. The effect annexation would have on city services and the policies that would guide the decision making process.

4. A legal analysis of the issues related to the Public Utilities Commission decision to permit Southern California Water Company to provide water to the Bolsa Chica and its implication for annexation.

The motion carried by the following roll call vote:

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

(City Council) Mayor Hardy Thanked Participants in "Every 15 Minutes" Program (120.85)

Mayor Jill Hardy announced a successful "Every 15 Minutes" program held on May 12th and 13th and thanked all of the participants.

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:27 p.m. to Monday, June 6, 2005, at 4:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

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

ATTEST:

City Clerk-Clerk

Mayor-Chair