Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach

Monday, August 1, 2005
5:15 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:15 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 5:15 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Pro Tem Sullivan called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:15 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan, Green, Bohr
Absent: Hardy (Mayor Hardy requested permission to be absent pursuant to Resolution No. 2001-54), Cook

Motion to Recess to Closed Session – Approved

A motion was made by Bohr, second Coerper to recess to Closed Session on the following items. The motion carried by consensus of all present, Hardy and Cook 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; 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)

(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Appointment of Director of Information Services.** (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 **Henry Cuadras v. Village Way Management, et al.;** Orange County Superior Court Case No. 03CC14163. Subject: **Henry Cuadras v. Village Way Management, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Appointment of Deputy City Administrators.** (120.80)

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

City Council/Redevelopment Agency Roll Call

Present: Hansen, Coerper, Sullivan, Green, Bohr
Absent: Hardy (Mayor Hardy requested permission to be absent pursuant to Resolution No. 2001-54), Cook

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

Mayor Pro Tem Sullivan 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 Councilmember Bohr

Invocation – Led by Rabbi Myerson

The City Clerk Announced No Late Communications

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

Public Comments

Doug Traub, President and CEO of the Huntington Beach Conference and Visitors Bureau, spoke regarding the trademarking of Surf City USA and recent media coverage. Mr. Traub also presented one of the media reports that compared Huntington Beach to Santa Cruz, and was recently aired on CBS.

Alan Gandall spoke regarding the Wardlow School site property status reported on in recent newspaper articles. Mr. Gandall voiced his opinion that the property donation falls short of the goal, and suggested seven acres would be more desirable.

Karen Ward thanked the Councilmembers for their efforts relating to the surplus school sites and stated her concern about moving the fields to the back of the park. Ms. Ward stated her opinion that open space near front of the park would be better for residents.

Bob Smith, 36-year resident of southeast Huntington Beach, stated his concerns about the proposed Poseidon desalination plant. Mr. Smith urged Councilmembers to vote "No" when the item comes before Council.

Eileen Murphy, affiliated with Residents for Responsible Desalination, voiced her opinion that the Poseidon Environmental Impact Report (EIR) is inadequate and urged Council to vote "No" on its approval. Ms. Murphy also referred to a correspondence previously distributed to Council concerning relevant facts.

Laurel Sobie, affiliated with Southeast Huntington Beach Neighborhood Association, spoke in opposition to the proposed desalination plant, asking Council to consider citizens before making a decision on the Poseidon project.

Steve Homer, Chairman of Southeast Huntington Beach Neighborhood Association, stated concerns relative to the proposed Poseidon project, including with a pipeline and the effects its installation may have on a berm on the Ascon-Nesi property. Mr. Homer urged Council to vote "No" on the EIR.

Larry Porter, affiliated with Ocean Outfall Group, asked Council to thoroughly review the Poseidon EIR for inadequacies. He also gave examples of what he referred to as untruths in the EIR, asking Council not to certify the EIR on September 6th.

Chris Jepsen, 32-year resident spoke regarding the Poseidon EIR stating inadequacies including those related to de-watering, a perceived conflict with the Ascon-Nesi cleanup, subsidence, and the effect on local neighborhoods.

Tim Geddes, resident of southeast Huntington Beach, spoke regarding perceived inadequacies of the Poseidon EIR. He also referred to information presented in a recent Huntington Beach Independent issue and asked Council to be careful not to be misled by that information.

Jan Vandersloot asked Council to deny certification of the Poseidon EIR. He referred to two documents which he stated should be included in the EIR for Council analysis: 1) AES Huntington Beach Generating Station Entrainment and Impingement Study Final Report released April, 2005 and 2) Draft Staff White Paper Resource Reliability Environmental Concerns of Aging Power Plant Operations and Retirements - by California Energy Commission.

Steve Stafford spoke regarding the Consent Calendar item that refers to the Ascon Landfill Emergency Action Workplan stating concerns about substances in the berm. Mr. Stafford also stated his opinion that an Environmental Impact Report was lacking for a project near the school.

Councilmember Hansen clarified proactive Ascon-Nesi site emergency measures, which are scheduled to take place prior to the rainy season.

Glen Brooks, 27-year resident, thanked Council for maintaining the City's facilities. He stated his concerns regarding a neighborhood near Atlanta and Newland and recent Verizon sidewalk alterations. Mr. Brooks asked Council to consider the quality of the Verizon alterations.

Councilmember Green asked the previous speaker to contact Acting Public Works Director Paul Emery to further discuss his concerns.

Clem Dominguez urged Council to pass a resolution or place an initiative on the ballot regarding eminent domain. He asked Council to alternatively support Senate Bill SCA 015 (McClintock). Mr. Dominguez also stated his opinion that the surf contest should occur later in the summer to insure better waves, and voiced his opinions on the public safety contracts on the agenda.

Milton Swimmer, of the J.H. Snyder Company, requested that the Consent Calendar item that addressed the Assignment and Assumption Agreements for Bella Terra be postponed to August 4, 2005.

(City Council/Redevelopment Agency) Deferred to Date Uncertain - Assignment and Assumption Agreements for Bella Terra Associates, LLC for the Transfer of the Site and the Operation of the Parking Structure (600.30)

The City Council considered a communication from the Acting Director of Economic Development/Acting Assistant Executive Director transmitting the following **Statement of Issue:** The redevelopment of Huntington Center (Bella Terra) is occurring under the terms of the Owner Participation Agreement (OPA), dated October 2, 2000, between the Redevelopment Agency of the City of Huntington Beach and Huntington Center Associates, LLC. Huntington Center Associates, LLC, is proposing the sale of the property to Bella Terra Associates, LLC. For this transaction to occur, all parties must obtain Agency approval of the assignment of the OPA and City approval of the assignment of Funding and Construction Agreement regarding the City of Huntington Beach Community Facilities District No. 2003-1.

A motion was made by Coerper, second Green to defer this item to a date uncertain at the request of a representative from J.H. Snyder Company, LLC. The motion carried by the following roll call vote:

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

Mayor's Award - Mayor Pro Tem Dave Sullivan called on Fire Chief Duane Olson who presented the Mayor's Award for July to Kevin Fetterman, an outstanding individual in the Fire Department. Chief Olson announced the many committees and projects Firefighter/Paramedic Fetterman is a powerful contributor to including as a trainer for the Academies, a teacher in the County, a member of the Terrorist Early Warning Group, a member of the Hazmat Team, and a presenter of the Weapons of Mass Destruction Program. (160.40)

(City Administrator's Report) Penny Culbreth-Graft Reported on the 2005/2006 Budget and the Capital Improvement Program Report (100.30)

City Administrator Culbreth-Graft reported that the 2005/2006 Budget and the Five Year Capital Improvement Program were on the dais in front of each Councilmember. She announced the Budget should be online within a day or two and the Capital Improvement Program would be posted later on the website. Dr. Culbreth-Graft also announced both reports are scheduled for formal Council presentation August 15, 2005 and for public hearing on September 6, 2005.

(City Council) Public Hearing Held - Adopted Resolution Number 2005-48 Amending Resolution Number 2004-49 for Revision of the City's FireMed Fee Schedule for Emergency Medical Services (340.20)

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

Public hearing for the purpose of considering revisions to the City's FireMed user fee schedule. All proposed revisions are cost recovery in nature.

It is proposed that a new rate schedule be adopted which will require higher fees to be paid by persons, or their respective insurance companies, that use the City's Emergency Medical Services system.

The types of fees under consideration for revision include emergency ambulance transportation, specific medications, and related paramedic supply charges. The Huntington Beach Fire

Department is proposing a revised user fee schedule that recovers the increased cost of these items or services.

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

Fire Chief Olson presented a PowerPoint slide report titled *Revision of the City's FireMed Fee Schedule for Emergency Medical Services,* which had been included in the agenda packet.

Mayor Pro Tem Sullivan declared the public hearing open.

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

Council discussion followed relative to the number of defibrillators in the department, additional training for EKG monitors, the method used to determine County of Orange Health Care Emergency Medical Services Agency (OCEMSA) rates, and the impact on ambulance services.

A motion was made by Hansen, second Bohr to adopt Fee **Resolution Number 2005-48** – *"A Resolution of the City Council of the City of Huntington Beach Modifying the Fees Charged by the Fire Department of the City of Huntington Beach for Ambulance Transportation Set by Resolution Number 2004-49"* for Emergency Medical Services. The motion carried by the following roll call vote:

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

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Environment Board Appointments of Bill Glasgow for a Term to Expire June 30, 2007 – Craig Justice and Michele Soutner for a Term to Expire June 30, 2008

(City Council/Redevelopment Agency) Assignment and Assumption Agreements for Bella Terra Associates, LLC for the Transfer of the Site and the Operation of the Parking Structure

(City Council) Project Specifications and Award Construction Contract to Nobest, Inc. for the Reconstruction of Moonlight Circle, Oaktree Circle, and Hillsboro Circle – MSC-428

Consent Calendar – Items Approved

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

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

(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of June 20, 2005 and July 5, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved the Children's Needs Task Force Appointment of Students Stephanie Morley and Lesley Stahl for Terms from August 1, 2005 to June 30, 2006 - Reappointment of Student Katherine Do for a Term of August 1, 2005 to June 30, 2006 – Appointment of Robert Hart for a Term of August 1, 2005 to July 30, 2009 (110.20) - **1.** Approved the appointment of students **Stephanie Morley** and **Lesley Stahl** to the Children's Needs Task Force for a term of August 1, 2005 to June 30, 2006; and **2.** Approved the reappointment of student **Katherine Do** for a term of August 1, 2005 to June 30, 2006 and **3.** Approved the appointment of **Robert Hart** for a term of August 1, 2005 to July 30, 2009. Submitted by the Community Services Director. Funding Source: Not applicable. Councilmember Green spoke regarding conversations with interested students and highlighted the recommendations.

(City Council) Adopted Resolution No. 2005-46 Confirming Reports of Cost for 2005 Weed Abatement on Private Property Within the City (520.80) – 1. Adopted **Resolution No. 2005-46** – *"A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property Within the City – 2005 Season,"* and 2. Directed that all charges listed thereon be certified to the Orange County 2005-2006 Property Tax Roll. Submitted by the Acting Public Works Director. Funding Source: A special assessment totaling $10,065.28 will be charged to the Orange County property tax roll and reimbursed to the City's General Fund by the County of Orange as part of the ordinary collection process.

(City Council) Adopted Resolution Number 2005-47 Adopting the National Incident Management System (NIMS) and its Principles and Policies (510.20) – Adopted **Resolution Number 2005-47** - *"A Resolution of the City Council of the City of Huntington Beach Adopting the National Incident Management System."* Submitted by the Fire Chief. Funding Source: None Required.

(City Council) Awarded Professional Services Contract between the City and Kleinfelder, Inc. for On-Call Professional Testing and Inspection Services (600.10) – Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Kleinfelder, Inc for Inspection and Testing Services* for an amount not to exceed $1 million. Submitted by the Acting Public Works Director. Funding Source: Funds are available within budgeted capital improvement projects. Additional Council authorization will be requested for unbudgeted projects, as necessary.

(City Council) Received and Filed the Report on Emergency Coastal Development Permit - Administrative Permit No. 05-04 (Ascon Landfill Emergency Action Workplan located at the southwest corner of Hamilton Avenue and Magnolia Street) (520.10) – Received and filed report on *Emergency Coastal Development Permit-Administrative Permit No. 05-04 (CDP-AP)* Ascon Landfill site. Submitted by the Planning Director. Funding Source: Not applicable. (The emergency action is needed to protect public safety and welfare from a potential berm failure at the Ascon site and is in response to an "Imminent or Substantial Endangerment (ISE) Determination" issued on May 13, 2005, by the California Department of Toxic Substances Control (DTSC). The emergency CDP-AP is valid for 60 days, during which time the applicant, Project Navigator, Ltd., will be required to apply for a regular CDP.)

(City Council) Approved the Environment Board Appointments of Bill Glasgow for a Term to Expire June 30, 2007 – Craig Justice and Michele Soutner for a Term to Expire June 30, 2008 (110.20)

The City Council considered a communication from the Planning Director transmitting the following **Statement of Issue:** There are three vacancies on the Environmental Board as a

result of resignations. Transmitted for City Council consideration are the appointments of Bill Glasgow, Craig Justice, and Michele Soutner to the Environmental Board as recommended by Council liaisons Sullivan and Bohr.

Councilmember Bohr requested this item be removed from the Consent Calendar to recognize above-named citizens for giving their time and efforts to the City's benefit.

A motion was made by Bohr, second Green to approve the appointments to the Environmental Board of **Bill Glasgow** for a first term to expire June 30, 2007 and of **Craig Justice** and **Michele Soutner** for a first term to expire June 30, 2008 as recommended by Council liaisons Sullivan and Bohr. The motion carried by the following roll call vote:

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

(City Council) Approved Project Specifications and Award Construction Contract to Nobest, Inc. for the Reconstruction of Moonlight Circle, Oaktree Circle, and Hillsboro Circle – MSC-428 (600.90)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** Bids have been received for the reconstruction of Moonlight Circle, Oaktree Circle, and Hillsboro Circle, MSC-428. Staff is requesting authorization to award the construction contract to Nobest, Inc., the lowest responsive and responsible bidder. Funding Source: Measure M Funds in the amount of $390,000 have been designated for this purpose, Account No. 21390004.82300. The engineer's estimate for this project was $335,000.

Councilmember Coerper requested this item be removed from the Consent Calendar to inquire about the qualifications of the bidder. City Administrator Penny Culbreth-Graft and Acting Public Works Director Paul Emery reported.

A motion was made by Coerper, second Green to: **1.** Approve the project specifications; and **2.** Accept the lowest responsive and responsible bid submitted by Nobest, Inc., in the amount of $323,006.33 for MSC 428; and **3.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2005-49 Approving Memorandum of Understanding (MOU) Between the City and the Huntington Beach Fire Management Association (FMA) for January 1, 2005 through June 30, 2006 (720.20)

City Administrator Penny Culbreth-Graft presented a slide report titled *Proposed Changes in Terms and Conditions of Employment Between City of Huntington Beach and Fire Management Association (FMA),* which had been included in the agenda packet.

A motion was made by Coerper, second Bohr to adopt **Resolution No. 2005- 49** *"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 January 1, 2005, through June 30, 2006."* The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2005-50 Approving Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Management Association (PMA) for January 1, 2004 through June 30, 2006 (720.20)

City Administrator Penny Culbreth-Graft presented a slide report titled *Proposed Changes in Terms and Conditions of Employment Between City of Huntington Beach and Police Management Association (PMA),* which had been included in the agenda packet.

A motion was made by Bohr, second Hansen to adopt **Resolution No. 2005- 50** *"A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Police Management Association (PMA) and the City of Huntington Beach for January 1, 2004, through June 30, 2006."* The motion carried by the following roll call vote:

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

(City Council) Accepted Annual Sewer Service Charge Performance Audit and Approved Introduction of Ordinance No. 3720 for Sewer Charge Modifications Amending Huntington Beach Municipal Code Chapter 14.55 (1000.20)

Acting Public Works Director Paul Emery gave an oral report and introduced Senior Administrative Analyst Ken Dills. Analyst Dills presented a PowerPoint slide report titled *Sewer Service Fund Performance Audit,* which had been included in the agenda packet.

Discussion ensued amongst Council and staff regarding Consumer Price Index (CPI) adjustments, cost allocation charges and the total fund increase.

A motion was made by Coerper, second Bohr to:

1. Accept the Sewer Service Charge Performance Audit;

and

2. Approve Introduction of **Ordinance Number 3720** after the City Clerk reads by title – "An Ordinance *of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Annual CPIU Adjustment for Sewer Service"* Relating to Rates, Charges, and Annual CPIU (Consumer Price Index for all Urban Consumers.)

The motion carried by the following roll call vote:

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

(City Council) Councilmember Green Commented on Recent Huntington Beach Events and Media Coverage (120.85)

Councilmember Cathy Green commented on recent events in the City and the resulting positive media coverage.

(City Council) Councilmember Coerper Asked Police and Fire Chiefs for Reports on Weekend Events and Complimented Staff (120.85)

Councilmember Gil Coerper asked Police Chief Ken Small and Fire Chief Duane Olson for reports on the weekend events and complimented the Public Safety staff for their efforts.

(City Council) Councilmember Hansen Commended City Staff on Success of Events (120.85)

Councilmember Don Hansen commended Public Safety, Community Services, and other City staff on the success of the prior Sunday's event.

(City Council) Mayor Pro Tem Sullivan Reported on Dedication of Inflatable Band Shell in Central Park and Thanked Rotary Clubs (120.85)

Mayor Pro Tem Dave Sullivan reported on the dedication of an inflatable band shell in Central Park and recognized the efforts of the Rotary Clubs involved.

Adjournment – City Council/Redevelopment Agency

Mayor Pro Tem Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:50 p.m. to Monday, August 15, 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 Pro Tem-Chair

INTENTIONALLY
LEFT
BLANK