

**Adjourned Regular and Regular Meeting
Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, October 20, 2003
4:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Boardman called the adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Hardy (Houchen arrived at 4:20 p.m. during Closed Session)

Absent: None

The City Clerk Announced Late Communications

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

Communication from Eileen Murphy dated October 17, 2003 in support of all agreements using taxpayer's money have the City Clerk's signature of attestation on the agreements like the agreements that go before Council.

Communication to City Council from City Clerk dated 10/20/03 providing reasons and examples as to why the City Clerk's Office is requesting the City Council to direct that the City Clerk attest to City Employee's signatures on in-house prepared agreements that are not reviewed by Council the same as the City Clerk by Charter attests to agreements signed by the Mayor.

Public Comments

Russell Reinhart, representative of the Police Officer's Association addressed Council in favor of the CalPers (State of California Public Employees Retirement System) Insurance System and requested Council to consider submitting a variety of plans.

Chuck Scheid inquired as to the order of closed sessions and open sessions; he also questioned the content of the closed session.

Motion to Recess to Closed Session – Approved

A motion was made by Coerper, second Cook to recess to Closed Session on the following item:

(City Council) Closed Session – Pursuant to Government Code Section 54957 motion to recess to Closed Session to consider personnel matters. **Subject: Consideration of City Administrator Candidates.** (120.80)

The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Houchen

Reconvened City Council/Redevelopment Agency Adjourned Regular Meetings at 4:30 p.m. in Room B-8

Mayor Boardman reconvened the Study Session portion of the adjourned regular meetings at 4:30 p.m.

City Council/Redevelopment Agency Roll Call

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

Absent: None

(City Council/Redevelopment Agency) Study Session No. 1 Held - Discussion Held Regarding City Administrator Recruitment Process (.)

The City Council discussed the process to be followed in recruiting for the position of City Administrator.

Mayor Boardman stated that a closed session would be held only to discuss a particular person for appointment as the new City Administrator; that general discussion on the type of person Council would like, or the process to be used for recruitment could not be discussed in closed session.

Councilmember Sullivan questioned this closed session as it pertains to discussing a particular person.

City Attorney Jennifer McGrath stated the closed session complied with the Brown Act.

Mayor Boardman announced it had been decided to go outside to select a new City Administrator.

Councilmember Sullivan commented that this was the procedure followed the last time a recruitment for City Administrator was under consideration and that in-house candidates would also be considered, as was the case when current City Administrator Ray Silver was subsequently appointed.

A motion was made by Coerper second Houchen to recruit outside the city to select a new City Administrator.

The motion carried by the following roll call vote:

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

NOES: Green

ABSENT: None

Mayor Boardman outlined her ideas for the process and timeline to recruit for a new City Administrator.

Discussion was held between Council and City Administrator Ray Silver.

The City Council concurred with Mayor Boardman on the following process: (1.) City Administrator Ray Silver is to work with staff to develop a Request for Proposal (RFP) for the City Administrator's position to be out by the end of November and will be given to the City Council members. (2.) A consultant is to be selected in January 2004 with interviews in January, February, March and April. On April 30, 2004 the recruitment will close, candidates will be screened and the proposed hire date will be in early May.

Adjournment – City Council/Redevelopment Agency - At 5:00 p.m. the Adjourned Regular City Council Meetings adjourned and the Regular City Council/Redevelopment Agency Meetings commenced with all members who were present at the Adjourned Regular Meetings roll call and Councilmember Houchen who arrived at 4:20 p.m. during Closed Session.

(City Council/Redevelopment Agency) Study Session No. 2 Held – Presentation Made by the City Attorney's and City Administrator's Offices Re: an Overview of the City's Professional Services Agreement Process – Councilmember Jill Hardy to Return to Council at the November 3, 2003 Meeting with New Procedure (.)

The City Attorney's and City Administrator's Offices presented an overview of the City's Professional Services Agreement process.

Communication from Administration and the City Attorney's Office titled *Study Session Material for October 6, 2003 City Council Meeting Professional Services Agreements Process* was included in the agenda packet.

Communication dated October 6, 2003 submitted by the City Administrator and City Attorney titled *City Clerk's Proposed Changes to Professional Service Agreement Process – Municipal Code Section 3.03* in opposition to the City Clerk's request to attest to all agreements that are done in-house was included in the agenda packet. (Submitted as a Late Communication at the October 6, 2003 meeting.)

Communication from the City Clerk dated October 1, 2003 titled *Request to City Council to Assist City Clerk's Office to Maintain Professional Services Agreements in the Office of the City Clerk as Required by City Charter* requesting Council to include a direction that the agreements be prepared to include the City Clerk's *Attestation* Line which was included in the agenda packet. (Submitted at the October 6, 2003 meeting.)

Report from City Clerk dated October 15, 2003 and titled *Reasons for the City Council to Approve the City Clerk's Request to Attest to the Signatures of City Employees Entering Into City Contracts, Just As the City Clerk per City Charter Attests to the Signature of the Mayor on Contracts that are Approved on the City Council Agenda –It Makes No Difference if the Council Delegates to a City Employee; the City Council is Responsible for Execution of Contracts*, which was included in the agenda packet.

During the meeting a communication (not dated) titled *Process Improvements Contemplated in Study Session Report* describing types of contracts was distributed by the City Administrator.

Also submitted during the Study Session were the following two communications:

Communication submitted from the City Attorney dated October 17, 2003 titled *Professional Services Agreements; Contract Signatures; City Clerk's Memorandum Dated October 15, 2003* in opposition to the proposed modification of Professional Services Agreement process.

Communication from the City Attorney distributed at the Study Session portion of the meeting (undated), a page from Black's Law Dictionary titled *Black's Law Dictionary, 5th Ed.* defining the word, "attest".

The City Administrator reported on the reasons he did not think it necessary for the City Clerk to attest to in-house Professional Services Agreements.

The City Attorney distributed a page from Black's Law Dictionary showing definitions of the word "attest."

The City Clerk reported on the problems of missing contracts, incomplete and late contracts, which she believe would be rectified by having in-house contracts bear the attestation of the City Clerk, just as contracts that are approved on the City Council agenda do.

It was decided that Councilmember Hardy would return to Council at the November 3, 2003 Council meeting with a procedure to improve the city's Professional Services Agreements process, without the inclusion of the requirement for attestation by the City Clerk.

Motion to Recess to Closed Session – Approved

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

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

(City Council) Closed Session – Pursuant to Government Code Section 54957 motion to recess to Closed Session to consider personnel matters. **Subject: Consideration of City Administrator Candidates.** (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a

potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Southern California Water Company has notified the City it intends to purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa. **Subject: Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (120.80)

(Redevelopment Agency) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the agency is a party. The title of the litigation is **Mulligan v. Redevelopment Agency**; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. **Subject: Mulligan v. Redevelopment Agency (400.50)**

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(c) (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) Number of Potential Cases: one. **Subject: City of Huntington Beach v. County of Orange.**

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (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 **City of Huntington Beach v. Huntington Beach Police Officers Association**; United States District Court, Case No. SA 01-1125 GLT. **Subject: Gun Range** (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 **Peter Leiby, et al. v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 693484. **Subject: Peter Leiby, et al. v. City of Huntington Beach, et al.**

Reconvened City Council/Redevelopment Agency Meeting – 7:40 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Absent: None

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on Monday, October 20, 2003 Pursuant to Government Code §54957.1(a) (2) Re: Mulligan v. Redevelopment Agency; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. Subject: Mulligan v. Redevelopment Agency – Approved Settlement Agreement of Claims by Abdelmuti (400.50)

City Attorney Jennifer McGrath announced that on Monday, October 20, 2003 the City Council convened in closed session to discuss the matter of **Mulligan v. Redevelopment Agency; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. Subject: Mulligan v. Redevelopment Agency.** City Attorney Jennifer McGrath delivered to the City Clerk on October 23, 2003 the related communication titled *Report of Action Taken Pursuant to Government Code Section 54957.1 October 20, 2003, City Council/Agency Closed Session* which reflected her oral statement.

The communication dated October 20, 2003 reads as follows: On Monday, October 20, 2003, the City Council convened in closed session to discuss the matter of **Mulligan v. Redevelopment Agency**, Orange County Superior Court Case No. 740099; Court of Appeal No. G028980.

The Agency voted to authorize the Chairperson to sign and the Agency Secretary to attest to the Agreement settling all claims by Abdelmuti for \$112,000. The Agency previously authorized the Agency Counsel to settle this dispute for up to \$115,000 on July 1, 2002.

The Council voted as follows: 6 Ayes; 1 No.

Ayes: Boardman, Coerper, Cook, Green, Hardy, and Houchen. No: Dave Sullivan

Pledge of Allegiance – Led by Mayor Connie Boardman

Moment of Silence Observed

Mayor Boardman requested observation of a “moment of silence” to reflect upon issues before the Council this evening.

The City Clerk Announced Late Communications

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

Communication from Eileen Murphy dated October 17, 2003 in support of all agreements using taxpayer's money have the City Clerk's signature of attestation on the agreements like the agreements that go before Council.

Communication from the City Clerk dated October 20, 2003 titled *Recent In-House Contracts that are incomplete – Lacking exhibits, dates, insurance and signatures. These Contracts were approved by the City Administrator and City Attorney for Official Filing in the City Clerk's Office. The City Clerk's Office is mandated by the City Charter to maintain all written contracts.* This communication provides reasons and examples as to why the City Clerk's Office is in favor of City Council direction that the City Clerk attest to City Employee's signatures on in-house prepared

agreements that are not reviewed by Council the same as the City Clerk by City Charter, attests to agreements signed by the Mayor.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted during the Study Session portion of the meeting, distributed by the City Administrator (undated) titled *Process Improvements Contemplated in Study Session Report* describing types of contracts.

Communication submitted during the Study Session portion of the meeting, from the City Attorney dated October 17, 2003 titled *Professional Services Agreements; Contract Signatures; City Clerk's Memorandum Dated October 15, 2003* in opposition to the modification of Professional Services Agreement process.

Communication from the City Attorney distributed at the Study Session portion of the meeting (undated) a page titled *Black's Law Dictionary, 5th Ed.* defining the "attest".

Communication from Steve Stafford submitted during the Public Comments portion of the meeting dated September 24, 2003 titled *(17th St. & Adams) Watch Out for the BUS, It's driving in the GUTTER, It's gonna hit you!* in support of street improvements for public safety.

Presentation made by Mayor Boardman of a proclamation to Rainbow Disposal for their extraordinary contribution to the Downtown area trash collection and their donation of 100 plus new trash receptacles. Ron Shenkman and other representatives from Rainbow Disposal attended to accept the presentation. (160.40)

Presentation made to Mayor Boardman and City Administrator Ray Silver from the Orange County Register in recognition of the City of Huntington Beach being named "Best City to Live In," and "Best Parade/Community Festival." Huntington Beach was also given high honors for "Best Downtown" and "Best Trails." Representatives from the Orange County Register presented the awards. (160.40)

Mayor's Award presented by Mayor Connie Boardman and Community Services Director Jim Engle to Community Services Supervisor Dottie Hughes in the Community Services Department. Community Services Director Jim Engle described the tremendous dedication and outstanding work ethic performed by Dottie Hughes for more than 20 years on behalf of the City of Huntington Beach. (160.40)

Public Comments

Debbie Borden offered an Invocation for the Council Meeting stating she wished to offer a prayer as there is not an Invocation on the agenda.

Don McGee stated that he believes the efforts to keep banner towing from over the beach had helped somewhat this summer. Mr. McGee addressed issues regarding State and Federal politics.

Mark Bixby presented a PowerPoint report on the Shea Property including the "Bubbling Issue". He also detailed wetland vegetation and near-endangered species.

Mark Nanko spoke regarding an issue he had brought to Council previously concerning the gate situation, which he believes is dangerous at Crystal Island near Worthy Park. Mr. Nanko spoke regarding the sewage problem that has plagued his home and questioned why the developer was not in compliance and stated that the Homeowner's Association (HOA) should not have been cited.

Steve Stafford informed Council that the design of the gate at Crystal Island near Worthy Park made the sidewalk narrow where children walk and stated his belief that there are also problems with the driveway.

Mayor Boardman stated that the Department of Public Works will continue to work with the homeowners in the Crystal Island development.

(City Administrator's Report) Presentation Removed from the Agenda Regarding Police Chief's Recommendations Concerning Proposed Increase of Parking Fines (.)

Mayor Boardman announced the City Administrator's Report would be removed from the agenda.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's August 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for August 2003.

City Treasurer Freidenrich gave a PowerPoint presentation titled *August Treasurer's Report. Shari L. Freidenrich, CPA, CCMT, CFMA October 20, 2003*, which was included in the agenda packet.

A motion was made by Green, second Cook to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for August 2003*, 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: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Project Plans and Specifications and Authorize Advertisement of Bids for Traffic Signal Modifications at Brookhurst Street and Garfield Avenue; CC-1205 – Funding from Orange County Transportation Authority (OCTA)

(City Council) Resolution No. 2003-79 Authorizing Execution of State of California Federal Aid Funding Program Supplement Nos. M020 to M028 to Master Agreement No. 12-5181 under the Federal Highway Administration (FHWA) Program for the Yorktown Avenue, Warner Avenue, Magnolia Street, Warner Avenue, Springdale Street, McFadden Avenue, Gothard Street,

Graham Street and Hamilton Avenue Arterial Construction Improvements; – CC1150 to 1156, 1158 and 1159

Consent Calendar – Items Approved

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

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

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Meetings of July 21, 2003 and August 4, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Adopted Resolution No. 2003-78 Approving the Application for State Grant Funds from the Recreational Trails Program - Transportation Equity Act (TEA) for the 21st Century to Assist in Restoration by the Friends of the Shipley Nature Center (.)
Adopted Resolution No. 2003-78 - "A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds from the Recreational Trails Program."
Submitted by the Community Services Director. Funding Source: State of California, Recreational Trails Program.

(City Council) Approved the Citizen Participation Advisory Board (CPAB) Appointments of Patrick Burns, Diane Campbell, Angela Dahman, Michael Johnson, Laura Kile, Michael Moncrief; and Reappointments of Jackie Canigiani, James Hayden, Gerald Lipson, Patricia Jacobs-Pilette, and Charles Tyler for Second Terms – Terms to Expire September 30, 2007 (.) – 1. Approved the appointments of **Patrick Burns, Diane Campbell, Angela Dahman, Michael Johnson, Laura Kile, and Michael Moncrief;** to the Citizen Participation Advisory Board (CPAB) for one term (four years), ending September 30, 2007; and **2.** Approved the reappointments of **Jackie Canigiani, James Hayden, Gerald Lipson, Patricia Jacobs-Pilette, and Charles Tyler** for second terms (four years), ending September 30, 2007. Submitted by Economic Development Director as recommended by Councilmembers Gil Coerper and Jill Hardy, Liaisons to the Citizens Participation Advisory Board. Funding Source: Not applicable.

(City Council) Approved the Release of Securities for Tract No. 15471 Located s/o Heil Avenue, between Bolsa Chica Street and Graham Street - Accepted the Public Improvements (Developer, BHC Residential, LLC) (.) - 1. Accepted the improvements constructed and dedicated for public use with Tract No. 15471; and **2.** Accepted the Guarantee and Warranty Bond No. 929128420; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3.** Released the Faithful Performance/Labor and Material Bond No. 929128420 and Monument Bond No. 929128421 pursuant to California Government Code Section No. 66499.7(b); and **4.** Instructed the City Clerk to notify the builder, BHC Residential, LLC, of this action and the City Treasurer to notify the Surety, **National Fire Insurance Company of Hartford**, of this action; and **5.** Instructed the City Clerk to record the "Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved the Release of Securities for Tract No. 15535 Located n/s of Pacific Coast Highway between Beach Blvd. and Huntington Street - Accepted the Public Improvements (Developer, PCH Beach Resort, LLC) (.) - 1. Accepted the improvements constructed and dedicated for public use with Tract No. 15535; and 2. Retained the Faithful Performance Bond No. B34231950; the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to verify that the bond is filed with the City Treasurer; and 3. Released Monument Bond No. B34231951 pursuant to California Government Code Section No. 66499.7(b); and 4. Instructed the City Clerk to notify the developer, PCH Beach Resort, LLC, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and 5. Instructed the City Clerk to record the "Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved Project Plans and Specifications and Authorized Advertisement of Bids for Ellis Avenue Drainage Improvement Project from Chalk Lane to Newland Street; CC-1220 (.) - Approved the project plans and specifications and authorized the Director of Public Works to advertise for bids for the Ellis Avenue Drainage Improvement Project, from Chalk Lane to Newland Street, CC-1220. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Measure M Fund, Minor Street Improvements, Street Improvements Account. The engineer's estimate is \$60,000.

(City Council) Approved Project Plans and Specifications and Authorized Advertisement of Bids for Street Improvements under the Beach Boulevard Widening, s/o Edinger Avenue Project; CC-1105 - Funding from Orange County Transportation Authority (OCTA) (.) - Approved the project plans and specifications and authorized the Director of Public Works to advertise for bids for the Beach Boulevard Widening, south of Edinger Avenue Project, CC-1105. Submitted by the Public Works Director. Funding Source: Funded by a grant through the Intersection Improvement Program (IIP) in the Combined Transportation Funding Program (CTFP). The Orange County Transportation Authority (OCTA) approved a maximum amount of \$417,519. Funds are budgeted in OCTA Grant Fund, Beach/Edinger Improvements, Street Improvements. The engineer's estimate is \$230,000.

(City Council) Accepted Bid by R. J. Noble Company and Award Construction Contracts for Warner Avenue; CC-1150 (Sims Street to Bolsa Chica), Springdale Street; CC-1151 (Edinger Avenue to McFadden Avenue), and McFadden Avenue; CC-1152 (Goldenwest Street to I-405 Freeway) Rehabilitation Improvements (.) - 1. Accepted the lowest responsive and responsible bid submitted by R. J. Noble Company in the amount of \$696,103.78 for Warner Avenue, Springdale Street, and McFadden Avenue Rehabilitation Improvements; CC-1150, CC-1151 and CC-1152, respectively; and 2. Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Sufficient project funds budgeted in the Gas Tax, Arterial Rehabilitation, Street Improvements Account. Grant funds of \$331,721 are included in the budgeted funds. The engineer's preliminary estimate was \$793,682.

(City Council) Approved and Accepted Project Grant IN43016 from the State of California-Office of Traffic Safety (OTS) for California Seat Belt Compliance Campaign (CSBCC) – Authorize Expenditure of Funds (.) – 1. Approved and Accepted Project Grant titled *Office of Traffic Safety Grant Agreement Project Number IN43016*, between the State of California-Office of Traffic Safety and the City of Huntington Beach; and 2. Approved the appropriation of \$30,366 from the unreserved, undesignated General Fund balance, to be reimbursed by the grant from the Office of Traffic Safety; and 3. Authorized the expenditure of funds not to exceed \$30,366 to provide seat belt compliance enforcement. Submitted by the Chief of Police. Funding Source: This is a reimbursable grant funded by State of California-OTS in the amount of \$30,366 for November 1, 2003 to November 30, 2003. (Fiscal Impact Statement (FIS) 2004-02)

(City Council) Approved and Accepted Supplement Law Enforcement Services Fund Grant (SLESF) from the County of Orange - Approved Expenditure Plan for Fiscal Year 2003-2004 (.) – 1. Approved the spending plan for Fiscal Year 2003-2004 SLESF grant; and 2. Accepted the grant award of \$293,458 from the County of Orange SLESF for funding cycle year 2003-2004; and 3. Established a separate business unit for this funding; and 4. Authorized the Chief of Police to expend \$293,458, plus any accrued interest on technology associated with patrol related equipment as described; and 5. Appropriated \$293,458, plus any accrued interest to be expended on patrol related equipment. Submitted by the Chief of Police. Funding Source: No match will be required for this grant. (Fiscal Impact Statement (FIS) 2004-01)

(City Council) Approved State of California, Office of Criminal Justice Planning (OCJP) Grant for Violence Against Women/Domestic Violence Program Funding - Authorized Expenditure of Funds (.) – 1. Accepted the grant between the State of California, Office of Criminal Justice Planning and the City of Huntington Beach; and 2. Approved the appropriation of \$100,000 from the unreserved, undesignated General Fund balance, to be reimbursed by the grant from the Office of Criminal Justice Planning; and 3. Authorized the expenditure of funds not to exceed \$133,333 to pay for contract counseling services, a portion of a detective's salary and some operating costs related to domestic violence. Submitted by the Chief of Police. Funding Source: A 25% City match of \$33,333 is required, which has been included in the Police Department's 2003-2004 budget, under the General Investigations-General Fund, Account. The grant account business unit will be established. (Fiscal Impact Statement (FIS) 2004-03.)

(City Council) Approved Donation Agreement between the City of Huntington Beach and Golden West College of Two Fully Depreciated Police Vehicles to Golden West College Police Academy Program for Training Purposes of Recruits (.) – 1. Approved the donation of two (2) fully depreciated police vehicles to the Goldenwest College Police Academy Program for training purposes; and 2. Authorized the City Administrator to execute the agreement titled *Donation Agreement between the City of Huntington Beach and Goldenwest College*. Submitted by the Chief of Police. Funding Source: Not applicable.

(City Council) Accepted Bid and Awarded Construction Contract to Cora Constructors for Oak View Skate Park Plaza Project; CC-1216 (Oak View Neighborhood Enhancement Area) – Authorized Transfer of Funds (Community Development Block Grant (CDBG) Program) (.) – 1. Accepted the lowest responsive, responsible bid submitted by Cora Constructors in the amount of \$72,800 for the Oakview Skate Park Plaza Project, CC1216; and 2. Authorized the Mayor and City Clerk to execute a construction contract with Cora Constructors in substantially the same form as the attached sample construction contract.

Submitted by the Community Services Director, the Economic Development Director, and the Public Works Director. Funding Source: Budgeted funds include \$59,200 from Community Development Block Grant (CDBG) Fiscal Year 2001/2002 account (Oakview Skate Park). Additional funding of \$30,000 will be appropriated from the CDBG Unprogrammed Fund balance.

(City Council) Approved Professional Services Contract with Sapphos Environmental, Inc. for the Preparation of the Environmental Documentation Related to One Driveway Closure From the Central Library Parking Lot to the Huntington Central Park Sports Complex (Located w/o Goldenwest Street, e/o Gothard Street, and s/o Talbert Avenue)

(.) – 1. Approved and authorized the Mayor and City Clerk to execute the Professional Services Contract with Sapphos Environmental, Inc. titled *Professional Services Contract Between the City of Huntington Beach and Sapphos Environmental, Inc. for the Preparation of the Environmental Documentation Related to the Sports Complex* in the amount of \$53,401.00 for preparation of Environmental Documentation for the closure of one ingress/egress driveway from the Central Library parking lot to the Sports Complex; and 2. Authorized the Director of Planning to expend \$53,401.00 for Professional Planning Services to prepare Environmental Documentation, pursuant to the Contract with Sapphos Environmental, Inc., and to extend the duration of the contract as necessary. Submitted by the Planning Director. Funding Source: Existing appropriation from the **Community Service Park Fund for Professional Services Account**. This appropriation has been previously approved by the City Council.

(City Council) Approved Project Plans and Specifications and Authorized Advertisement of Bids for Traffic Signal Modifications at Brookhurst Street and Garfield Avenue; CC-1205 – Funding from Orange County Transportation Authority (OCTA) (.)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to request clarification regarding the protected, permitted left turn signal improvement.

Transportation Manager Bob Stachelski reported on the matter.

A motion was made by Sullivan, second Green to approve the project plans and specifications and authorize the Director of Public Works to request public bids for Traffic Signal Modifications at Brookhurst and Garfield, CC-1205. The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

(City Council) Adopted Resolution No. 2003-79 Authorizing Execution of State of California Federal Aid Funding Program Supplement Nos. M020 to M028 to Master Agreement No. 12-5181 under the Federal Highway Administration (FHWA) Program for the Yorktown Avenue, Warner Avenue, Magnolia Street, Warner Avenue, Springdale Street, McFadden Avenue, Gothard Street, Graham Street and Hamilton Avenue Arterial Construction Improvements; CC1150 to 1156, 1158 and 1159 (.)

Councilmember Sullivan requested that the agenda item relative to the Federal Funding Program Supplemental Agreements be removed from the Consent Calendar to inquire regarding the scope of work being done on the city limits at McFadden Avenue – Goldenwest Street to the I405 Freeway.

City Engineer David Webb responded that the City of Westminster is reimbursing a small portion, but the County has not yet picked up the remainder of the costs.

A motion was made by Sullivan, second Green to adopt **Resolution No. 2003-79** - "A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement Nos. M020, M021, M022, M023, M024, M025, M026, M027 and M028 to Agreement No. 12-5181 for Yorktown Avenue, Warner Avenue, Magnolia Street, Warner Avenue, Springdale Street, McFadden Avenue, Gothard Street, Graham Street and Hamilton Avenue Construction Improvements." Submitted by the Public Works Director. Funding Source: Matching funds for the grants are budgeted in the Gas Tax Fund. (**Project Limits: Warner Avenue** - Bolsa Chica to Sims Street; **Springdale Street** - McFadden Ave to Edinger Ave; **McFadden Avenue** - Goldenwest St. to I405 Freeway/City Limits; **Magnolia Street** - Atlanta Ave to Indianapolis Ave; **Gothard Street** - Ellis Ave to Heil Ave; **Hamilton Avenue** - Bushard St. to Santa Ana River; **Yorktown Avenue** - Bushard St. to Brookhurst St.; **Graham Street** - Warner Ave to Heil Ave; **Warner Avenue** - Graham Street to Springdale Street) The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Continued from October 6, 2003 - Approved an Owner Participation Agreement (OPA) between the Redevelopment Agency and KDF Communities, LLC for the Acquisition and Rehabilitation of the Hermosa Vista Apartments Affordable Housing Project Located at 15363 and 15425 Goldenwest Street at the n/w Corner of McFadden Avenue (Includes Regulatory Agreement) – Directed Staff to Provide a Report on the Total Number of Affordable Housing Units in the City (.)

The City Council/Redevelopment Agency considered a communication from the Economic Development/Deputy Executive Director transmitting the following **Statement of Issue**: The Redevelopment Agency is asked to approve an Owner Participation Agreement (OPA) between the Agency and KDF Communities, LLC. This agreement provides for a loan in the amount of \$3,325,000 of HOME Investment Partnership program funds and Agency Housing Set Aside funds for the acquisition and rehabilitation of Hermosa Vista Apartments, located at 15363 and 15425 Goldenwest Street.

Director Biggs presented a PowerPoint presentation titled *Hermosa Vista Apartments – Affordable Housing Loan Agreement*, which was included in the agenda packet.

Mayor Boardman asked for information as to the total number of affordable rental units there are in the city.

Director Biggs responded that he will provide a report.

A motion was made by Green, second Coerper to approve the following recommended actions:

City Council Recommended Action:

Temporarily waive the City's insurance requirements for the purpose of approving the Agency Loan. Direct staff to ensure that insurance requirements as described in the Owner Participation Agreement are met by KDF Communities, LLC by the close of escrow;

Redevelopment Agency Recommended Action:

1. Approve *Owner Participation Agreement by and among Redevelopment Agency of the City of Huntington Beach and KDF Communities, LLC* for \$3,325,000 using HOME Investment Partnership program funds and Agency Housing Set Aside funds for the acquisition and rehabilitation of Hermosa Vista Apartments, located at 15363 and 15425 Goldenwest Street;

and

2. Authorize execution and recordation of the OPA, all attachments, and other necessary related documents by the Agency Chairman, Executive Director, and Clerk when advised by the Agency General Counsel;

and

3. Authorize the wire transfer of \$3,325,000 to effect the closing of the acquisition escrow.

The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

(City Council) Adopted Ordinance No. 3619 Deleting the Huntington Beach Municipal Code Chapter 5.36 Relating to Pawn Brokers (The Regulation of Pawn Brokers by the State Preempts the Need for a Local Ordinance) (.)

The City considered a communication from Police Chief Kenneth Small regarding adoption of Ordinance 3619.

After City Clerk Brockway read by title, a motion was made by Green, second Coerper to adopt **Ordinance No. 3619** - *"An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 5.36 Relating to Regulation of Pawn Brokers.* The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

(City Council) Approved for Introduction Ordinance No. 3620 Amending Chapter 14.25 and Ordinance No. 3621 Amending Chapter 17.05 of the Huntington Beach Municipal Code Updating Water Quality Language Relating to the National Pollutant Discharge Elimination System (NPDES) Storm Water Requirements and Urban Runoff Management and Grading and Excavation Code (.)

The City Council considered a communication from the Public Works Director informing Council that the current Huntington Beach Municipal Code (HBMC) does not provide adequate legal authority to implement the revised National Pollutant Discharge Elimination System (NPDES) storm water requirements.

After City Clerk Brockway read by title, a motion was made by Green, second Coerper to approve for introduction the following ordinances:

1. **Ordinance No. 3620** - *“An Ordinance of the City of Huntington Beach Amending Chapter 14.25 of the Huntington Beach Municipal Code Relating to Storm Water and Urban Runoff Management;”*

and

2. **Ordinance No. 3621** - *“An Ordinance of the City of Huntington Beach Amending Chapter 17.05 of the Huntington Beach Municipal Code, Referred to as the Grading and Excavation Code.”*

The motion carried by the following roll call vote:

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

(City Council) Request the City Attorney to Prepare Documentation Re: Sexual Harassment Policy to Include City Council, City Board, Commission, Committee, and Task Force Members (.)

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: The City currently has a sexual harassment policy that applies to employees of the City. Administrative Regulation 412 (included in the agenda packet) describing this policy is attached. The City Council, and members of city boards, commissions, committees, and task forces do not currently fall under this policy.

Since the City Council and the board, commission, committee and task force members interact with citizens and employees, I believe it is important that they be covered under the City's policy in this area.

To that end, I am asking that the City Council request that the City Attorney prepare the appropriate documents to assure that the City Council and those who serve on City boards, commissions, committees and task forces are included under the City's sexual harassment policy.

Councilmember Sullivan requested the City Attorney to review the proposed document as it pertains to each proposed designee.

A motion was made by Green, second Coerper to request that the City Attorney prepare appropriate documentation to assure that the City Council and all those who serve on a City board, commission, committee, or task force included under the City's sexual harassment policy. The motion carried by the following roll call vote:

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

(City Council) Announcement Made by Mayor Connie Boardman of Brown Act Workshop to be Presented by City Attorney Jennifer McGrath (.)

Mayor announced a Brown Act Workshop to be presented by City Attorney Jennifer McGrath on November 5, 2003, 7 p.m. in the Council Chambers and all City Board, Committee and Commission Members are encouraged to attend.

(City Council) Announcement Made by Mayor Connie Boardman of City Website On-Line Availability of the Pacific City Development's Environmental Impact Report (EIR) (.)

Mayor announced that the Environmental Impact Report (EIR) for the Pacific City development is now available online on the city website.

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Wednesday, October 22 2003, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

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

ATTEST:

City Clerk-Clerk

Mayor-Chairman