Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach

Monday, November 7, 2005
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

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 4:03 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

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

Public Comments

Eileen Murphy inquired about water utility companies and if the Study Session No. 1 topic applies to Poseidon Resources.

Public Works Director Robert F. Beardsley responded to the speaker's inquiry, clarifying that Poseidon is a private, not public utility.

The City Clerk Announced a Late Communication

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

Communication submitted by the Finance Department dated November 7, 2005 titled *Presentation to the City of Huntington Beach for: Cost Allocation and User Fee Study.*

(City Council) Study Session No. 1 Held – The Urban Water Management Planning Act of 1983 Requires that Water Utilities that Supply Over 3,000 Acre-Feet of Water per Year or have 3,000 or more Customers Submit an Urban Water Management Plan Every Five Years. Huntington Beach Last Adopted a Plan in December 2000. The Plan Must be Presented at a Public Hearing (Scheduled for the November 21, 2005 Council Meeting), Adopted by Resolution and Submitted to the State Department of Water Resources (DWR) by December 31, 2005. DWR in turn Compiles the Information in the Plans and Submits a Report to the Legislature. (1000.90)

E-1

Public Works Director Robert F. Beardsley gave an introduction to the topic. Utilities Manager Howard Johnson gave a PowerPoint report titled *City of Huntington Beach 2005 Urban Water Management Plan,* which was included in the agenda packet. Councilmembers inquired about imported water and projected future water needs. Manager Johnson reported, and stated the City is able to meet demands until the Year 2030. Mayor Pro Tem Sullivan inquired regarding pumping percentages from the basin in drought years. Manager Johnson reported, and spoke further regarding water quality, reliability planning, water use provisions, demand management measures, the shortage contingency plan, and water recycling. Councilmember Green inquired about the methods for protecting water quality, and Manager Johnson responded regarding the monitoring of wells. Councilmember Green inquired about the advantages of conservation and fees. Mayor Pro Tem Sullivan inquired about the Green Acres Plan, and Manager Johnson reported on pipeline obstacles. Councilmember Hansen inquired about Metropolitan Water District's plans for increased imported water supplies, and commented on percentages of water from the Delta versus the Colorado River. Councilmember Coerper thanked Utilities Manager Johnson and staff for their report.

(City Council) Study Session No. 2 Held – Joint Study Session between the City of Huntington Beach City Council and the Investment Advisory Board (IAB) – Review of Annual Report on Investments to the City Council (October 2, 2004 to September 30, 2005) (310.20)

Investment Advisory Board Roll Call

Present: James Steinkirchner, Chair; Ed Bush; Monica Hamilton; Diann Shelton
Absent: Bob Glass, Joe Foye, Brian Olson

City Treasurer Shari Freidenrich introduced Deputy City Treasurer Jim Slobojan and thanked the Board for its efforts. The Boardmembers introduced themselves and stated their qualifications. Chair Steinkirchner gave a PowerPoint report titled *Joint Study Session IAB/City Council,* which was included in the agenda packet. Bill Blackwill, Senior Vice President with Citigroup, gave an oral report on the investment outlook in a rising interest rate environment, including a market overview and economic forecast. He also spoke regarding investment strategies for the City. Councilmember Coerper inquired about departments' use of budgeted funds, and Treasurer Freidenrich responded, noting review of quarterly reports. Mayor Pro Tem Sullivan thanked the IAB for their efforts on behalf of the entire Council.

(City Council) Study Session No. 3 Held – Presentation of 'Cost Recovery Study Findings' Made by Outside Consultant, PRM. Presentation included a Discussion of the City's True Cost of Providing Services, as well as Recommended Fee Changes for all Fee-Related Activities. (160.10)

Finance Officer Dan Villella introduced the topic and the consultants from PRM. Brad Wilkes, Principal, introduced the PRM team present at the meeting. Mr. Wilkes referred to a handout, which was submitted as a Late Communication. He then spoke about the purpose of the presentation, goals including identification of full cost of City services, the objectives and the methodology. Consultant Erin Payton presented three tables related to total costs, source of funds, and user fee revenue analysis. Mayor Pro Tem Sullivan inquired about estimations of costs of services and how figures were obtained. Mr. Wilkes reported on data collection methods and software checks and balances. Mayor Pro Tem Sullivan further inquired about consultant follow-up on study projections and cost of living increases. Mr. Wilkes reported on

the level of detail in the report. Councilmember Green inquired about fee comparisons with neighboring cities. Mr. Wilkes gave examples of comparable fees in other cities, stating that most fee categories are not identical. Further discussion was held regarding "per hour" charging methods and the labor-intensive nature of using this method. Mayor Pro Tem Sullivan thanked the consultants for their report.

Motion to Recess to Closed Session – Approved

A motion was made by Coerper, second Sullivan to recess to Closed Session on the following items. The motion carried by the consensus of all present, Hardy and Bohr 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 **City of Huntington Beach v. State of California, Coast Community College District, City of Tustin, City of Stanton, et al.,** Orange County Superior Court Case No. 05CC00118; **and related actions: City of Huntington Beach v. Huntington Beach Police Officers Association;** United States District Court Case No. SA 01-1125 JVS; **and Scottsdale Insurance Company v. Huntington Beach Police Officers Association, and the related counterclaim, American States Insurance v. City of Huntington Beach,** United States District Court Case No. SA 03-1143 JVS. Subject: **City of Huntington Beach v. State of California, Coast Community College District, City of Tustin, City of Stanton, and related cases (Gun Range)** (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 Deputy City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEA and SCLEA.** Subject: **Labor Relations – Meet & Confer.** (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Review of Contract Terms for Deputy City Administrator.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:15 P.M. – Council Chambers.

Mayor Pro Tem Sullivan announced the passing of Art (Danny) Mendez, fifteen year City employee, and dedicated the meeting to his memory.

Mayor Pro Tem Sullivan announced notices of absence from Mayor Hardy and Councilmember Bohr pursuant to Resolution No. 2001-54.

City Council/Redevelopment Agency Roll Call

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

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on November 7, 2005 Pursuant to Government Code §54957.1 Regarding City of Huntington Beach v. State of California, Coast Community College District, City of Tustin, City of Stanton, et al.; Orange County Superior Court Case No. 05CC00118; and related actions: City of Huntington Beach v. Huntington Beach Police Officers Association; United States District Court Case No. SA 01-1125 JVS; and Scottsdale Insurance Company v. Huntington Beach Police Officers Association, and the related counterclaim, American States Insurance v. City of Huntington Beach, United States District Court Case No. SA 03-1143 JVS. (120.80)

City Attorney Jennifer McGrath reported that on Monday, November 7, 2005, the City Council convened in closed session to discuss the matter of *City of Huntington Beach v. State of California, Coast Community College District, City of Tustin, City of Stanton, et al.;* Orange County Superior Court Case No. 05CC00118; and related actions: *City of Huntington Beach v. Huntington Beach Police Officers Association*; United States District Court Case No. SA 01-1125 JVS; *and Scottsdale Insurance Company v. Huntington Beach Police Officers Association,* and the related counterclaim, *American States Insurance v. City of Huntington Beach*, United States District Court Case No. SA 03-1143 JVS.

Council voted to authorize the following actions:

1. That the City Council authorize the Mayor to sign and the City Clerk to attest to the settlement agreement in the amount of $55,000 with the United States of America regarding the Huntington Beach Gun Range. This payment amounts $0.055 per round fired, assuming the United States fired 1,000,000 rounds. This amount is less than the $0.12 per round fired, as was the payment calculation for all the other settlements to date. (A draft of the settlement is attached; the final version of the agreement is subject to the approval of the City Attorney, consistent with the terms as approved by the Council.)

2. In exchange for the payment to the City, the City will:

   (a) Dismiss with prejudice its suit against the United States.

   (b) Apply with the United States for Court approval of the settlement agreement. If granted, Court approval would bar anyone (including the POA) from suing the United States regarding the cost of cleaning up the Gun Range.

   (c) If the Court denies the application, the United States would defend itself against any third-party claims from POA or otherwise. The City will not defend and indemnify the United States, as it has done in other settlement agreements. (This is a favorable provision, achieved in exchange for the lesser payment.)

The Council voted as follows: 5 Ayes; 0 Noes; 0 Abstentions. Mayor Jill Hardy and Councilmember Keith Bohr were absent at vote.

Pledge of Allegiance – Led by Webelos Troop Den 16, Pack 101

Invocation – Led by Reverend Michael Slater

The City Clerk Announced Late Communications

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

Communication submitted by the Finance Department dated November 7, 2005 titled *Presentation to the City of Huntington Beach for: Cost Allocation and User Fee Study.*

Communication submitted by Duane Olson, Fire Chief dated November 4, 2005 titled *PowerPoint Presentation of Fire Captain Gary Finney's Recent Experience in Louisiana after Hurricane Katrina.*

Presentation – Mayor Pro Tem Dave Sullivan called on Recreational Superintendent Janeen Laudenback who introduced representatives from the Adult Day Services of Orange County. Dr. and Mrs. Thompson accepted a proclamation for 25 years of service to the community, and invited the public to visit the facilities (160.40)

Presentation – Mayor Pro Tem Dave Sullivan called on Judge Rick King who gave a presentation on the Orange County Grand Jury and current recruitment efforts. Judge King described the duties of the Grand Jury, the selection process, and asked interested individuals to apply by calling 714-834-6747 or visiting ocgrandjury.org. (160.40)

Presentation – Mayor Pro Tem Dave Sullivan called on Fire Chief Duane Olson who accepted checks for Project SHIP (Senior Home Inspection Program) from Ron Shenkman, on behalf of Rainbow Disposal and Fountain Valley Regional Hospital. Fire Chief Olson spoke regarding the goals of the program and the services provided. Mr. Shenkman presented checks for $3,000 from Rainbow Disposal and $1,000 from Fountain Valley Regional Hospital. Funds are used in part to purchase smoke detectors and batteries. (160.40)

Presentation Mayor Pro Tem Dave Sullivan called on Orange County Register representatives Brian Howell and Linda Walters who presented the City with the Orange County Register Reader Awards. The City was awarded First Place in the following categories: Best Place to Walk, Jog and Bike; Best Parade; and Best Place to Live in Orange County. (160.40)

Public Comments

Thomas Cota, Representative with the Department of Toxic Substances Control, gave an update on the cleanup project at the Ascon-Nesi site. He asserted that the results of the recent analysis of air monitoring do not detect any compounds of concern for neighboring communities. He stated a feasibility study would be prepared in November that addresses cleanup of the entire site.

Councilmember Coerper inquired if Councilmembers or City staff may inspect the site. Mr. Cota responded, stating that individuals may contact him for visits to the site.

Councilmember Green asked for further clarification on air monitoring of health risks, and Mr. Cota reported, stating that the chemicals detected were not at concentration levels that would result in a health risk.

Councilmember Hansen inquired about alternatives to remediation. Mr. Cota reported on various alternatives.

Councilmember Coerper inquired about location of the monitors, and Mr. Cota reported on the areas chosen for placement of the monitors.

Gerald Chapman distributed to Council and staff a calendar from the Bolsa Chica Land Trust. He asked individuals to purchase calendars as holiday gifts. Mr. Chapman announced individuals should call 714-846-1001 or visit the website, bolsachicalandtrust.org for further information.

Arthur Rosen reported a friend/neighbor of his passed away due to illness. He voiced concerns about what he stated is the family's inability to obtain permission from the City to place a memorial on the pier. Mr. Rosen stated he would like to meet with staff to discuss opportunities for placing memorials on the pier.

Councilmember Coerper asked the previous speaker to fill out a blue card with his contact information and stated he would set up a meeting with the individual to discuss the issue.

City Administrator Penny Culbreth-Graft reported on previous comprehensive discussions on the topic, and the issues with pursuing this project based on space and accessibility limitations.

Paula Michaud voiced her appreciation for living in Huntington Beach, noted awards given to the City by the Orange County Register, and stated support for existing prevailing wages. Ms. Michaud stated that eliminating prevailing wages will affect her family negatively, and asked Council not to cut her wages.

Dean Albright spoke regarding his attendance at the Consumer Electronics Show (CES) in Las Vegas. He voiced his opinion that the hi-tech industry should have more representation in Huntington Beach, suggesting the Montgomery Wards site be used to pursue this goal. Mr. Albright referred to a flyer he distributed to Council with information on MicroCenter.

Jim Adams, Representative for L.A./O.C. Building and Construction Trades Council, offered to review the scope of work for the Consent Calendar item pertaining to the Shipley Nature Center Trails.

Paul Cross congratulated Council and the City on the restoration of the Bolsa Chica Wetlands. He asked Council to remember the goals of the restoration, and to also restore the Talbert Marsh. Mr. Cross thanked Councilmembers for their service to the community.

Topper Horack gave a PowerPoint report displaying images of construction equipment and materials he said were consistent with the scope of work the seawater desalination project would require. Mr. Horack also voiced concerns with air quality, stating his opinion that it cannot be mitigated.

Steve Stafford voiced his concerns regarding the agenda item pertaining to the release of the cash bond to CIM Group and asked Council to vote "No." Mr. Stafford alleged impropriety on the behalf of a former Assistant City Administrator.

Councilmember Hansen stated for the record his opinion that comments made by the previous speaker are inappropriate for Public Comments.

Tim Geddes asked Council what the meeting format would be when the seawater desalination project returns to the agenda. He suggested segregating Public Comments. Mr. Geddes also commented on a newspaper report, which he said quoted Councilmember Hansen speaking of the pipelines in the City of Costa Mesa.

Sergeant First Class Brad White, legislative board member with the National Guard of California, invited residents to participate in a statewide toy drive, *Operation Christmas for Our Troops II.* He thanked the City for its support of the Marine Battalion and encouraged further support of other branches of the military.

Councilmember Coerper asked SFC White what citizens could do to help, and thanked the speaker for his efforts. SFC White announced the website, yellowribbonamerica.com, and toy drive locations as well as other opportunities to participate.

Councilmember Green inquired if gift certificates are preferred to toys, and SFC White responded in the affirmative.

Larry Porter, affiliated with Ocean Outfall Group, urged Council to deny approval of the Conditional Use Permit (CUP) and the Statement of Overriding Considerations for the Poseidon Resources project. Mr. Porter voiced his opinion that there is not a need for the desalination plant.

Mayor Pro Tem Sullivan announced that the discussion of the Conditional Use Permit for the Poseidon Desalination Project has been continued to December 19, 2005.

John Earl, on behalf of Residents for Responsible Desalination, asked that the public hearing for the seawater desalination plant be reopened. Mr. Earl also voiced his opinions regarding comments made previously by a Councilmember.

Marinka Horack spoke in opposition to the Poseidon Seawater Desalination Plant stating failure of the Tampa Bay facility. She referred favorably to an article in the Huntington Beach Wave written by Jeff Overley and published in July. She voiced concerns about the AES plant and pipeline construction. Ms. Horack asked Councilmembers to vote "No" on the Poseidon project.

(City Council) Councilmember Coerper Gave an Update on "3/1" Committee Events (110.10)

Councilmember Gil Coerper gave an oral update on the 3/1 Marine Battalion Committee, stating that the 501(c)(3) status will soon be in effect. He also reported on a Halloween party at Camp Pendleton, donations of clothing washers and dryers, and other citizen efforts.

(City Administrator's Report) – eCivis Grants Locater Service – A Brief Demonstration and Information Was Given on How Huntington Beach Community-Based Organizations Can Participate in Using this Grants Search Tool. (160.10)

Senior Administrative Analyst Pat Dapkus gave an overview of the eCivis product and results. Account Manager Wesley Burt gave a demonstration of the locator service. City Administrator Culbreth-Graft clarified that the purpose of the demonstration was also to encourage community groups to take advantage of the system. She announced interested individuals should call Pat Dapkus at 714-536-5579 or email her at pdapkus@surfcity-hb.org. Several Councilmembers commented favorably on the system.

(City Administrator's Report) – Fire Captain Gary Finney Shared a PowerPoint Presentation of His Recent Experience, Along with Three Other Huntington Beach Fire Department Firefighters, on Their Deployment to Louisiana and Mississippi. They Were Sent on a Disaster Recovery and Mitigation Mission by the Federal Emergency Management Association (FEMA) Following Hurricane Katrina. (160.10)

Fire Chief Olson introduced four firefighters who were selected from among many volunteers. Captain Finney presented a PowerPoint report titled *Hurricane Katrina,* which detailed the teams' experiences in Slidell and Biloxi.

City Administrator Culbreth-Graft thanked firefighter volunteers for their efforts, and Council for their support. Councilmember Hansen thanked the firefighters for their 30-day sacrifice and commented on the need for citizens' disaster preparation for the first 3 to 5 days after a disaster.

Councilmember Green thanked the firefighters for their efforts and inquired about a report to Citizens Emergency Response Team (CERT). Captain Finney confirmed that he would meet with CERT. Councilmember Green also commented on the accommodations for volunteers, the wildlife, and the efforts to assist people in need.

Councilmember Coerper thanked the firefighters for their efforts. Mayor Pro Tem Sullivan also thanked the firefighters and their coworkers who attended the Council meeting in support.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's September 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for September 2005* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for September 2005.

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

Mayor Pro Tem Sullivan inquired about what appeared to be a negative balance on one of the funds. Treasurer Freidenrich provided clarification on the fund.

A motion was made by Coerper, second Green to review and accept the Monthly Investment Report for September 2005, 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: Hansen, Coerper, Sullivan, Green, Cook
NOES: None
ABSENT: Hardy, Bohr

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Release of the Cash Bond for Tract 16406 to CIM Group for The Strand Project. Continued from the October 17, 2005 meeting.

(City Council) Modification to Shipley Nature Center Master Plan of Improvements to Include a Trail with a Boardwalk.

(City Council) Resignation of Cameron Abrams and Approve Appointment of Justin Weiler to the Human Relations Task Force with a Term to Expire December 31, 2007.

(City Council) Sole Source Procurement from Valley Power Systems for Purchase of Waukesha Brand Large Natural Gas Engines for Groundwater Wells, Booster Stations and Flood Control Stations.

(City Council) Three-Year Professional Services Contract Between The City of Huntington Beach and Labor Management Success (Renee Mayne) for Labor Negotiation Services.

(City Council) Appointments of Rick Campbell and Richard Lara and the Reappointment of Linda Couey to the Citizen Participation Advisory Board (CPAB) With Terms Ending in September 30, 2009.

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

(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Adjourned Regular Meeting of September 12, 2005, Regular Meeting of September 19, 2005, Adjourned Regular Meeting of September 26, 2005, Adjourned Regular Meeting of September 30, 2005, Regular Meeting of October 3, 2005, Special Meeting of October 4, 2005 and Regular Meeting of October 17, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed City Clerk's Quarterly Report Listing Professional Services Agreements Filed in the City Clerk's Office Between July 1, 2005 and September 30, 2005 (100.30) – Received and filed the *List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03* and submitted to the City Clerk's Office during the period July 1, 2005 to September 30, 2005. Submitted by the City Clerk. Funding Source: Not Applicable.

(Redevelopment Agency) Authorized Appropriation of Funding for Parking Structure Amenities and Police Substation Furniture and Equipment at Bella Terra (410.10) – **1.** Authorized appropriation of $62,175.23 (25% of the total amount for the Parking Structure Improvements of $248,700.90); and **2.** Authorized Executive Director to execute appropriate reimbursement agreement with DJM Capital Partners/Bella Terra Associates for parking structure improvements as noted herein; and **3.** Authorized appropriation of $45,000 for equipment and furniture for the Bella Terra Police Substation. Submitted by the Redevelopment Agency Deputy Executive Director. Funding Source: Unappropriated Redevelopment Agency Fund Balance to Business Unit 30580101.82800. Fiscal Impact Statement is attached.

(City Council) Approved Professional Services Contract with Tatum CIO Partners, LLP for Conducting an Information Services (IS) Assessment and Development of an Information Services Master Plan (Not to Exceed $148,350) – Postponed from meeting of July 18, 2005 (600.10) – Approved and authorized execution by the Mayor and City Clerk of the contract between Tatum CIO Partners, LLP and the City of Huntington Beach. Submitted by the Information Services Director. Funding Source: Current funding for this contract is available in FY 05/06 budget in Business Unit 10042101.69315.

(City Council) Increased Funding for MSC-426, Asphalt Overlay of Various Residential Streets due to Unanticipated Increase in the Cost of Asphalt Materials (600.90) – Approved additional funds in the amount of $30,000 to cover the increase in material cost. Submitted by the Public Works Director. Funding Source: Funds in the amount of $30,000 are available from Gas Tax Funds, FY 2005/06, Account No. 20785417.64620.

(City Council) Adopted Resolution No. 2005-70 Requesting Orange County Transportation Authority (OCTA) to Allocate Funds Through the Combined Transportation Funding Programs (CTFP) for Partial Construction Costs Related to the Brookhurst/Adams Intersection Improvement Project, CC-1162 (800.45) – Adopted **Resolution No. 2005-70** *"A Resolution of the City Council of the City of Huntington Beach Requesting The Orange County Transportation Authority Allocate Combined Transportation Program Funds for Brookhurst/Adams Intersection Improvement Project."* Submitted by the Public Works Director. Funding Source: Reimbursement of project expenditures in the amount of $245,220 will be credited to the OCTA Grant Fund 873. The balance of the grant, approximately $51,000 will be reimbursed upon completion of the project. Total project costs are estimated at $500,000, with matching funds budgeted in the Traffic Impact Fee Fund 206.

(City Council) Approved a Five-Year Lease Agreement with Vista Beach/Slater Center for the Oakview Police Substation Located at 17473 Beach Blvd. (600.10) – **1.** Approved the lease agreement by and between the City of Huntington Beach and Vista Beach/Slater Center for the use of real property located at 17473 Beach Blvd. for use by the Police Department for the Oakview Substation; and **2.** Authorized execution of the lease agreement by the Mayor and City Clerk. Submitted by the Police Chief and Economic Development Director. Funding Source: Funds are available in BJA 2003/2004, business unit 76170101.83000 equipment account, which will be transferred to 76170101.70100 lease account for the 11 months of lease payments totaling $16,500.

(City Council) Approved the Garfield and Delaware Intersection Improvement Project Land Purchase Between the City of Huntington Beach and Esther Contreras for the Real Property Located at 19002 Delaware Street (650.20) – **1.** Approved the Agreement for Purchase and Sale of Real Property and Escrow Instructions in the amount of $735,000 between the City of Huntington Beach and Esther Contreras for the real property located at 19002 Delaware Street; and **2.** Authorized execution of the agreement by the Mayor and City Clerk. Submitted by the Economic Development Director and the Public Works Director. Funding Source: Funds in the amount of $735,000 are budgeted in the Traffic Impact Fund, Street Widening, Land Purchase, Account No. 200690001.81100. Reimbursement in the amount of $600,000 will be requested from OCTA Growth Management Area (GMA) #6 upon completion of the acquisition.

(City Council) Adopted Resolution No. 2005-72 Authorizing Execution of Program Supplement Agreements 0B16 and 0B17 for a State Funded Project Related to the Safe Routes to School Grant Program for Improvements in the Vicinity of Marine View Middle School and Mesa View Middle School (600.20) – Adopted **Resolution No. 2005-72** *"A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works to Execute Program Supplement Nos. 0B16 and 0B17 to Master Agreement No. 000181 for Improvements in the Vicinity of Marine View Middle School and Mesa View Middle School."* Submitted by the Public Works Director. Funding Source: Estimated project costs of $230,500 are budgeted in Caltrans Grants, Safe Routes to School, Traffic Improvements 87890001.82700. The approved grant amount is $206,910, and matching funds in the amount of $23,590 are budgeted as a transfer from the Gas Tax Fund in 20785201.88205. The project is in the approved Fiscal Year 2005/2006 Capital Improvement Program.

(City Council) Adopted Resolution No. 2005-71 to Set Public Hearing for December 19, 2005 to Extend Deadline to Complete Beach Boulevard Underground Utility District No. 00-01 Yorktown Avenue to Pacific Coast Highway (350.20) – Adopted **Resolution No. 2005-71** *"A Resolution of the City Council of the City of Huntington Beach Calling a Public Hearing to Amend Underground Beach Boulevard Utility District No. 00-01."* Submitted by the Public Works Director. Funding Source: No City funds are required. The California Public Utilities Commission requires that public utilities set aside funding for Underground Utility Districts (Rule 20A). Pursuant to this requirement, Southern California Edison Company (SCE) has established a funding program for current and future Underground Utility Districts within the City as set forth in the Engineer's Report.

(City Council) Approved First Amendment to Agreement for Implementation of Unified Program Element Requirements for the California Accidental Release Prevention Program (Cal-ARP) Between the City of Huntington Beach and the County of Orange (600.25) – Approved and authorized the Mayor and City Clerk to execute the attached amendment to the agreement with the County of Orange for implementation of the unified program element requirements for the Cal-ARP Program. Submitted by the Fire Chief. Funding Source: A charge of $1,491 to the City's Water Fund (account 50685801.79025) will be required.

(City Council) Approved the Release of the Cash Bond for Tract 16406 to CIM Group for The Strand Project. Continued from the October 17, 2005 meeting. (420.60)

The City Council considered a communication from the Public Works Director transmitting the following **Statement of Issue:** The CIM group is requesting a refund of the funds submitted as a Cash Bond for improvement securities for Tract 16406, The Strand project. Funding Source: The Bond and Trust Fund, 706.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to inquire about the status of the Strand project.

Economic Development Director Stanley Smalewitz reported on meetings that included CIM and City staff. He stated his opinion that the project is now on track, and that more information will be available at the next Council meeting. Public Works Director Robert F. Beardsley reported on requirements to replace the cash bond.

Councilmember Hansen reported on a meeting he had with CIM, and stated good faith on all sides. Councilmember Coerper inquired about movement on the project, and a timeline. City Administrator Culbreth-Graft reported on resolution of some outstanding issues, and cooperation from the developer.

A motion was made by Coerper, second Hansen to release the Cash Bond No. T21926 and instruct the City Treasurer to issue a refund in the amount of $1,161,300 to CIM Group. The motion carried by the following roll call vote:

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

(City Council) Approved Modification to Shipley Nature Center Master Plan of Improvements to Include a Trail with a Boardwalk (920.60)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue:** In April 2004, City Council approved a Master Plan of Improvements for the Shipley Nature Center. Per the City's Memorandum of Understanding with the Friends of Shipley Nature Center, any changes to the Master Plan are subject to the approval of the City. The Friends have requested to add a trail with boardwalk that was not part of the original Master Plan. Funding Source: Not applicable. Recommended action is relative to modifying the Master Plan. Note: Friends would be responsible for construction of a boardwalk at a later date.

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to ask staff for an update on the rationale for the project. Community Services Director Jim Engle reported on the Friends of Shipley Nature Center's desire for a formal and safe trail.

A motion was made by Coerper, second Green to approve modification to the Shipley Nature Center Master Plan of Improvements to include a trail with a boardwalk per the plan attached to the staff report. The motion carried by the following roll call vote:

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

(City Council) Accepted Resignation of Cameron Abrams and Approved Appointment of Justin Weiler to the Human Relations Task Force with a Term to Expire December 31, 2007 (110.20)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue:** Due to the resignation of Cameron Abrams, there is a vacancy on the Human Relations Task Force.

Councilmember Cook requested that this agenda item be removed from the Consent Calendar to report on the excellent quality of the candidates.

A motion was made by Coerper, second Cook to accept the resignation of Cameron Abrams and approve the appointment of Justin Weiler to the Human Relations Task Force with a term to expire December 31, 2007, as recommended by City Council Members Debbie Cook and Gil Coerper. The motion carried by the following roll call vote:

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

(City Council) Approved Sole Source Procurement from Valley Power Systems for Purchase of Waukesha Brand Large Natural Gas Engines for Groundwater Wells, Booster Stations and Flood Control Stations (600.60)

The City Council considered a communication from the Public Works Director transmitting the following **Statement of Issues:** Administrative Regulation 229 requires City Council approval for all sole source procurements over $50,000. The Public Works Utilities Division is requesting approval of sole source procurement for purchase of Waukesha natural gas engines. Funding Source: Funds are budgeted in General Fund Account 10040214.83700, subledger 10085502, ($300,000) and General Fund Account 10040314.83700 ($1,115,000) for replacement of natural gas engines.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to ask staff to research if the amount paid by Huntington Beach is comparable to that which is paid by other cities. Councilmember Coerper inquired if engines are submergible. Public Works Director Beardsley reported that the engines are not submergible.

A motion was made by Sullivan, second Coerper to approve Sole Source Procurement from Valley Power Systems of Mira Loma, California, for the purchase of Waukesha natural gas engines. The motion carried by the following roll call vote:

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

(City Council) Approved Three-Year Professional Services Contract Between The City of Huntington Beach and Labor Management Success (Renee Mayne) for Labor Negotiation Services (600.10)

The City Council considered a communication from the Acting Deputy City Administrator transmitting the following **Statement of Issue:** Labor contract negotiations with all the employee associations will take place at various times during the next two to three years. A chief negotiator is needed to represent the City of Huntington Beach in these negotiations. Funding Source: Funding is budgeted in the FY 2005/2006 General Fund Budget for City Administration professional services contracts for labor negotiations ($123,500), business unit 10035303. Ongoing appropriations to this account will be needed in FY 2006/2007 and 2007/2008 General Fund Budgets.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to state his concerns with committing to a three-year contract in labor negotiations,

and suggested a one-year contract. Councilmember Coerper stated his opposition to a short-term contract.

A motion was made by Sullivan (no second) to approve a one-year contract.

Councilmember Hansen inquired about the cost of an annual contract and bid process. City Administrator Culbreth-Graft reported on costs incurred with short-term contracts. Councilmember Hansen stated his support for the recommended action.

A substitute motion was made by Hansen, second Coerper to approve and authorize execution by the City Administrator the three-year professional services contract between the City of Huntington Beach and Labor Management Success (Renee Mayne) for chief negotiator services. (vote to follow)

Councilmember Cook inquired about contract specifics and City Attorney McGrath reported.

Mayor Pro Tem Sullivan voiced an unfavorable opinion about the methods used in the past year by this negotiator.

Councilmember Hansen voiced his opinion of the process and stated satisfaction with the results of the negotiations.

Councilmember Green spoke regarding sacrifices made by City employees during the budget shortfall. She stated her support for the employee pay increases that resulted from the negotiations.

Mayor Pro Tem Sullivan clarified his objections to "percent of salary" benefits rather than pay increases.

Councilmember Coerper stated his opinion that the Council makes the decisions rather than the negotiator and voiced support for competitive pay in the City.

The substitute motion carried by the following roll call vote:

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

(City Council) Approved the Appointments of Rick Campbell and Richard Lara and the Reappointment of Linda Couey to the Citizen Participation Advisory Board (CPAB) With Terms Ending in September 30, 2009 (110.20)

The City Council considered a communication from the Acting Deputy City Administrator transmitting the following **Statement of Issue:** The Citizen Participation Advisory Board (CPAB) may have up to 15 members. There are currently two vacancies and one first-term expiration on the board. City Council is asked to approve the appointments of two new members and the reappointment of one member whose first term has expired and who wishes to serve a second term on the board.

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to highlight appointments.

A motion was made by Coerper, second Green to **1.** Approve the appointment of Rick Campbell and Richard Lara to the Citizen Participation Advisory Board (CPAB) for one term (four years), ending September 30, 2009, as recommended by City Council Members Coerper and Green; and **2.** Approve the reappointment of Linda Couey for a second term (four years), ending September 30, 2009, as recommended by City Council Members Coerper and Green. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3723 Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission Which Removes School District Residency Requirements of Certain Commission Members (920.80)

After the City Clerk read by title, a motion was made by Coerper, second Green to approve introduction of **Ordinance No. 3723** – *"An Ordinance of the City of Huntington Beach Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission."* The motion carried by the following roll call vote:

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

(City Council) Councilmember Coerper Reported on Dedication of Peter Green Park (120.85)

Councilmember Gil Coerper reported on his attendance at the Dedication Ceremony for Peter Green Park. He thanked Peter Green for his efforts in service to the City of Huntington Beach.

(City Council) Councilmember Green Announced Eagle Scout, Council on Aging Talk, and Thanked South Coast Apartment Association (120.85)

Councilmember Cathy Green announced new Eagle Scout Eric Brenner and Public Safety Awardees. She also thanked the South Coast Apartment Association for their work on Rodgers Senior Center at no cost to the City, and reported on a Council on Aging talk she attended.

Adjournment – City Council/Redevelopment Agency

Mayor Pro Tem Sullivan adjourned the regular meetings of the City Council and the Redevelopment Agency of the City of Huntington Beach at 8:54 p.m. to Tuesday, November 15, 2005, 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-Chair