

**MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American sign language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please call: **Building Maintenance Department (714) 536-5534**.

*72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.*

**ACTION  
AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY OF HUNTINGTON BEACH**

**MONDAY, FEBRUARY 5, 2001**

5:00 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**5:10 P.M. - Room B-8**

**Call City Council/Redevelopment Agency Meeting To Order**

**Roll Call** Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer  
***[Present]***

**Public Comments**  
***[None]***

**(City Council/Redevelopment Agency) Study Session – Overview of the Huntington Beach Conference and Visitor's Bureau (400.20) –**

Presentation to be made by the Economic Development Department.

***[Economic Development Director Biggs introduced Diane Baker, Executive Director of the Huntington Beach Conference and Visitor's Bureau. Ms. Baker presented a slide report which was contained in the Informational Folder entitled Huntington Beach Southern California's Coastal Playground. Ms. Baker informed Council that a shuttle operator has contacted the city and will provide shuttle service from Huntington Beach to Anaheim for \$10.00 round trip, without subsidy by the City. This service will begin June 30, 2001. John Gilbert, Chairman, Hilton Waterfront reported further. Discussion held among Councilmembers, Ms. Baker and Mr. Gilbert.***

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

**<http://www.ci.huntington-beach.ca.us>**

**Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action:** Motion to recess to Closed Session on the following items:

***[Approved 7-0]***

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; William Osness, Personnel Director; and Daniel Cassidy, Esquire of Liebert, Cassidy, and Frierson regarding **labor relations matters – meet and confer** with the following employee organization: HBPOA. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Osness, Personnel Director; and Richard Whitmore, Esq. of Whitmore, Johnson & Bolanos regarding **labor relations matters – meet and confer** with the following employee organization: HBMEO. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.8 to give instructions to the city's negotiators, Ron Hagan, Director of Community Services and Matt Lamb, Real Estate Manager regarding negotiation with **Zinn Group** concerning the purchase/sale/exchange/lease of the property located at 18800 Delaware Street, Huntington Beach, California. Subject: **Real Estate Negotiations re: 18800 Delaware Street (Pacifica Tower)** Instruction will concern: Price and Terms of Payment. (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 **James Marvin Davis v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 00CC09935. (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 **Chambers v. Ellerbe, et al.; and Related Action in Intervention**, Orange County Superior Court Case No. 796984. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(2)(B) to confer with its city attorney regarding pending litigation. The facts and circumstances that might result in litigation against the city or its current or former officers are that the Orange County Grand Jury is investigating whether city officials violated Water Code § 13271 and/or Health & Safety Code § 5411.5 by allegedly failing to report sewer leaks to the County Environmental Health Officer, the Regional Water Quality Control Board, or other officials. Subject: **In re: Grand Jury Investigation into Sewer Leaks**. (120.80)

***[City Attorney announced removal of Pacifica Tower from closed session.]***

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

**7:00 P.M. - Council Chamber**

**Reconvene City Council/Redevelopment Agency Meeting**

- \*\* **The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

**(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on January 16, 2001 (Pursuant to Government Code Section 54957.1(a)(3)(B)) – City Council Authorized Settlement Agreement In Re: Michael Lawrence Mills v. City of Huntington Beach – Workers' Compensation Cases and City Claims ( . )**

On January 16, 2001, the City Council convened in closed session to discuss the matter of *Michael Lawrence Mills v. City of Huntington Beach*, Workers' Compensation Case Nos. AHM 0029678, 0029679, 0029680, 0076206, 0076203, 0076204, 0073451, 0073480, and AHM Unassigned; City Claim Nos. COHB 93-0085, 91-0286, 88-0386, 96-0072, 98-0006, 99-0035 and 99-0119. A copy of the settlement agreement is included in the agenda packet. Council voted to authorize settlement at \$125,005.00. The Council voted as follows: 7 Ayes.

**[City Attorney Announced]**

**(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on January 16, 2001 (Pursuant to Government Coded Section 54957.1(a)(3)(B)) – In Re: Grand Jury Investigation into Sewer Leaks ( . )**

On January 16, 2001, the City Council, in closed session, took the following actions in reference to the pending Grand Jury investigation into sewer leaks in the City of Huntington Beach:

1. The City Council found, pursuant to Government Code § 995.8:
  - A. That any criminal action brought against Public Works Director Robert Beardsley, Maintenance Supervisor Don Noble, or former Public Works Director Les Jones for violation of Health & Safety Code § 4511.1 or Water Code § 13271 will be brought on account of an act or omission they made within the course and scope of their employment;
  - B. That providing City-paid defense counsel to any such criminal actions would be in the best interest of the City; and
  - C. That any actions or omissions of Messrs. Beardsley, Noble and Jones were in good faith, without actual malice and in the best interests of the City.

(Continued on Next Page)

2. The City Council voted to appoint Julian Bailey of Bailey and Brott to represent Robert Beardsley; Barry C. Groveman of Musick, Peeler & Garret to represent Les Jones; and Paul S. Meyer to represent Don Noble; and further authorized the Mayor to sign and the City Clerk to attest to the contracts with said firms; the form of said contracts shall be substantially in the form of the contracts attached hereto as Exhibit A (included in the agenda packet).
3. The City Council further authorized that the costs of defense counsel be paid from the Risk Management Budget Litigation Defense Account No. E-IC-AS-870-4-05-00.

The Council voted as follows: 7 Ayes.

***[City Attorney Announced]***

**Roll Call** Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer  
***[Present]***

**Flag Ceremony and Pledge of Allegiance** – ***[Brownie Troop 84]***

**Invocation** – ***[Led by City Administrator Ray Silver]***

**Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office on the morning after the Council meeting.

***[Late Communications announced on the following agenda items:  
5:00 p.m. study session; E-4; F-2; F-3 and H-1a]***

**B. PUBLIC COMMENTS**

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

**This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.**

3 minutes per person, time may not be donated to others.  
No action can be taken by Council/Agency on this date unless agendaized.

*Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium*

- (1) Speaker requesting election on proposed Charter Amendment (Agenda Item F-1) be placed on the November 2002 election to give time for study and clarification of measure.**
- (2) Speaker opposed to overbuilding in coastal zone, stating as example Waterfront expansion.**
- (3) Representative of Huntington Beach Wetlands Conservancy spoke regarding their organization's efforts and requested they be allowed to oversee the restoration of the Little Shell wetlands. Stated reasons for their previous support of city's position to develop it.**
- (4) Representative of Bolsa Chica Conservancy requested their organization be allowed to oversee Little Shell wetlands restoration.**
- (5) Speaker regarding primary & secondarily treated sewage stated Huntington Beach treatment needs full secondary treatment opposition to 301-H waiver and opposed to Groundwater Replenishment Program.**
- (6) Speaker opposing city's proposed Tree Program and requested close control of where trees are planted and what types of trees allowed (root structure – debris going to ocean, etc.)**
- (7) Speaker requesting special election not be called re: F-1 due to cost of special election. Spoke in opposition to notion that people are getting sick from ocean water in Huntington Beach.**
- (8) Representative of PacBell introduced himself to Council as PacBell's representative to the City.**

- (9) **Representative of Burlington Coat Factory stated what he believes are their issues with the City.**
- (10) **Speaker requesting if proposed action on agenda complies with deed restriction on Little Shell. He stated that the restriction does not allow private overseeing of Little Shell. If private oversight allowed he requested Bolsa Chica conservancy be allowed. Opposition to H-a stated.**
- (11) **Speaker requesting overlay be placed on Amelo & Breda Lanes as was done for the rest of the tract, not with a slurry coat as is planned.**

**[The Department of Public Works reported on the slurry seal and the overlay program. Spoke re: soils condition of street.]**

**[The Economic Development Director responded to Councilmember Bauer relative to the long-term lease agreement between the City and the Waterfront and the proposed 99-year lease agreement for the Grand Coast Resort for which the developer will build a conference center. Mayor Pro Tem Cook stated that this is not an agenda item and at such time as it is she would like to present information in rebuttal to statements of Councilmember Bauer relative to benefits of the Waterfront development.]**

- (12) **Representative of United Assoc. Local 250 spoke re: work that was not done right on the Orange County Sanitation District which his organization was asked to fix. He spoke re: AES not getting permits they should have.**
- (13) **Representative of United Assoc. Local 250 requested Council support their union craftsmen.**
- (14) **Speakers presented reasons opposed to Ocean View School District (OVSD) proposed construction of Springview Gym/Auditorium due to effect on neighborhood. Protested lack of notification by OVSD. Spoke in opposition to rental of facilities.**

**[The Planning Director stated when the city would have jurisdiction in above matter. The City Attorney reported.]**

- (15) Speaker spoke regarding what he believes are unnecessary charges to the city by Moore, Rutter & Evans. He distributed material to Council. He requested an evaluation and justification by Council.**
- (16) Speaker spoke in opposition to Councilmember Garofalo.**

**[The Department of Public Works reported on street slurry seal procedure and street overlay procedure.]**

- (17) President of Huntington Beach Mobilehome Owner's Association stated he believes that Mayor Garofalo should not vote on mobilehome issues due to his relationship with Ed Laird, Proponent of Agenda item F-1. He stated support for recall of Councilmember Garofalo.**
- (18) Representative of Burlington Coat Factory spoke regarding their plans to fit into the new Huntington Center.**
- (19) Speaker in opposition to ocean pollution and requested people listen to the views of Poseidon. He stated that he presented his written views to which he has not had a response.**

**C-1. Council Committee/Council Liaison Reports****C-1a. (City Council) Report on the January 18, 2001, Second Community Meeting of the City Council Southeast Area Committee (Mayor Pro Tem Debbie Cook, and Councilmembers Connie Boardman and Ralph Bauer) and the Southeast Huntington Beach Community Re: the Proposed Coastal Redevelopment Area Plan (Consent Calendar Agenda Item E-4) (410.05)**

Communication received from Councilmember Connie Boardman regarding the Southeast Coastal Redevelopment Plan discussed at the second community meeting between the City Council Southeast Area Committee members, city staff, and the Southeast Huntington Beach neighborhood. The Redevelopment Agency consultant, Rosenow Spevacek Group (RSG) provided an overview of the redevelopment process as a tool to be used for area improvements of the Ascon-Nesi Site, the AES Power Plant, and the CENCO property; and staff responded to homeowners' concerns on zoning requirements and the proposed Hamilton Avenue extension. The minutes of the January 18, 2001 meeting are included in the agenda packet.

The City Council agenda includes an item this evening (E-4) to approve a Survey Area as one of the initial steps to allow for the continued evaluation of redevelopment for the Southeast Coastal area.

***[Councilmember Boardman reported]***

**C-1b. (City Council) Approve Councilmember Ralph Bauer's Recommendation for Council to Appoint One Councilmember Each to Represent Two Southern California Association of Governments (SCAG) Committees on (1) Transportation and Communications and (2) Energy and Environment (120.20)**

Communication received from Councilmember Ralph Bauer, Council representative on Southern California Association of Governments (SCAG), informing Council that as the City of Huntington Beach holds an individual seat on SCAG, the City is entitled to have representatives on each of the SCAG committees. These are:

- Community, Economic, & Human Development
- Energy & Environment
- Transportation and Communications

As the City's representative to SCAG, Councilmember Bauer also sits on the Community, Economic, & Human Development Committee. Councilmember Bauer recommends that the Council approve appointing Councilmembers to the other two policy committees.

Both Committees meeting on the first Thursday of the month at 10:00 a.m.

- Transportation & Communications
- Energy & Environment

**Recommended Action:** Motion to:

1. Approve appointment of a Councilmember as the City's representative to SCAG's Transportation & Communications Committee;

***[Appointed Mayor Pro Tem Cook]***

and

2. Approve appointment of a Councilmember to SCAG's Energy & Environment Committee.

***[Appointed Mayor Julien Houchen]***

***[Approved 7-0]***

**C-1c. (City Council) Approve Intergovernmental Relations Committee Recommendations of Tier 1 and Tier 2 Project Funding Priorities to Receive the Highest Level of Focus as Recommended by (1) Morshed & Associates and (2) Ferguson Group for Presentation by the City's State and Federal Lobbyists at the 2001 Legislative Session (640.90)**

Communication received from Councilmember Shirley Dettloff, as Intergovernmental Relations Committee Chair and on behalf of Council Liaisons, Mayor Pro Tem Debbie Cook and Councilmember Ralph Bauer. The Council committee is transmitting for Council approval its recommendations of those projects to receive the highest level of focus by the Federal and State Lobbyists during the 2001 legislative session.

The Intergovernmental Relations Committee has reviewed the recommendations of Morshed & Associates and the Ferguson Group and is recommending that the City Council take the following action:

**Recommended Action:** Motion to:

1. Approve the projects to have the high level of focus for funding efforts by the Ferguson Group at the Federal level (Attachment 1);

and

2. Approve the projects to have the high level of focus for funding efforts by Morshed & Associates at the State level (Attachment 2).

***[Approved 7-0]***

**C-2. City Administrator's Report**

***(1) City Administrator reported on Agenda Item E-9***

***(2) The Department of Public Works introduced newly hired Deputy Director of Public Works Paul Emery***

**C-3. (City Council) Review and Accept City Treasurer's December 2000 Investment Summary Report (310.20)**

Communication from the City Treasurer transmitting the Monthly Investment Report for December 2000.

**Recommended Action:** Motion 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* for December 2000 pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

***[City Treasurer reviewed portions of report]***

***[Approved 7-0]***

**D. (City Council) Public Hearings – None**

**E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** – Approve and adopt the minutes of the City Council/Redevelopment Agency regular adjourned meetings of January 12, 2001 and regular meetings of January 16, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

***[Approved 7-0]***

- E-2. (City Council) Approve Community Service Department's Project Self-Sufficiency (PSS) 2001 Action Plan** (570.50) – Approve the Community Services Department's Project Self-Sufficiency 2001 Action Plan. Submitted by the Community Services Director. Funding Source: None. (The PSS 2001 Action Plan describes the mission, goals and objectives for the local program. The plan also describes the community interaction between the public and private sectors. The Action Plan has been amended as follows: The Project Self-Sufficiency Foundation has moved its Project Self-Sufficiency food pantry and has also begun a rental assistance program for three Project Self-Sufficiency families.)

***[Approved 7-0]***

***[Councilmember Boardman requested that budgetary information would be helpful for future PSS action plans.]***

- E-3. (City Council) Accept the Truck Wash Facility CC-1097 (Improvements Constructed by American Restoration & Renovation, Inc. at the Water Operations Yard, 19001 Huntington Street) and File a Notice of Completion** (600.80) – Accept the Truck Wash Facility CC-1097 at a final cost of \$170,374.70 and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office. Submitted by the Public Works Director. Funding Source: Water Division's Capital Improvement Budget.

***[Approved 7-0]***

- E-4. (City Council) Adopt Resolution No. 2001-3, A Resolution by the City Council of the City of Huntington Beach Designating Southeast Huntington Beach as a Redevelopment Survey Area for Project Study Purposes (Encompassing Magnolia and Newland Streets and Pacific Coast Highway and Excluding Huntington By-the-Sea Mobilehome Park)** (410.05) – Adopt **Resolution No. 2001-3** – "A Resolution of the City Council of the City of Huntington Beach Designating a Redevelopment Survey Area for Project Study Purposes." Submitted by the Economic Development Director. Funding Source: Not Applicable.

***[Adopted 5-2 (Boardman, Cook No)]***

- E-5. (City Council) Approve Final Tract Map No. 15816 of Tentative Tract Map No. 15816 with Bonds and Agreements (n/e Corner of Beach Boulevard and Atlanta Avenue) – Approve Subdivision Agreement between the City and Atlanta and Beach L.P.** (420.60) – **1.** Approve Final Tract Map No. 15816 and accept the offer of dedication, improvements, and bonds; and **2.** Approve the *Subdivision Agreement by and between the City of Huntington Beach and Atlanta & Beach, L.P., for Tract No. 15816* and authorize execution by the Mayor and City Clerk pursuant to findings and requirements set forth in Attachment No. 1 to the *Request for Council Action* as follows: **Findings for Acceptance of Final Map:** Final Tract Map No. 15816 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 15816 conditions of approval as approved by the Planning Commission. **Requirements:** **1.** Offer of dedication and improvements are subject to completion of requirements shown on the tentative map. **2.** The City Clerk is hereby instructed to file bonds with the City Treasurer (Attachment No. 6): **a.** Faithful Performance Bond No. 3SM 986 695 00; **b.** Labor and Material Bond No. 3SM 986 695 00; and **c.** Monument Bond No. 3SM 986 696 00 (**American Motorists Insurance Company**). **3.** Instruct the City Clerk not to affix her signature to the map nor release it for preliminary processing by the County of Orange for recordation until the following conditions have been complied with for the map: **a.** A deposit of fees for water, sewer, drainage, engineering, and inspections shall be provided; **b.** A Certificate of Insurance shall be submitted; **c.** Drainage for the subdivision shall be approved by the Department of Public Works prior to recordation of the final map; **d.** An approved Subdivision Agreement shall be submitted (Attachment No. 5); and **e.** Payment of Park and Recreation In-Lieu Fees. Submitted by the Planning Director. Funding Source: Not Applicable  
**[Approved 7-0]**
- E-6. (City Council) Approve Settlement Agreement and Release and Uniform Qualified Assignment with Related Documents in Doherty v. City of Huntington Beach, OCSCC No. 00C00677** (600.10) – Approve and authorize the Mayor to execute and the City Clerk to attest to the *Settlement Agreement and Release*, the *Uniform Qualified Assignment* and related documents in the settlement of the case entitled *Doherty v. City of Huntington Beach*. Submitted by the City Attorney. Funding Source: Risk Management Budget Litigation Account.  
**[Approved 7-0]**
- E-7. (City Council) Approve Standard Agreement between the City and the Franchise Tax Board (for a One-Time Exchange of Information on Business Licenses from January 2001 through December 2002)** (600.10) – **1.** Approve and authorize the Mayor and City Clerk to execute *Standard Agreement C2020090* between the City of Huntington Beach and the Franchise Tax Board; and **2.** Direct the City Treasurer and the Fire Chief/Information Systems Director to provide this information to the Franchise Tax Board. Submitted by the City Treasurer and the Fire Chief/Information Systems Director. Funding Source: None (revenue to the City). (The one time exchange of information is for reimbursement of up to \$40,000 from January 15, 2001 to December 31, 2002).  
**[Approved 7-0]**

- E-8. (City Council) Approve a Three-Year Contract Agreement between the City and Employment Systems, Inc. (ESI) to Lease Temporary Personnel to Provide Computer Services for Main Frame Maintenance/Hardware and Internal Data Systems Backup** (600.10) – Approve and authorize execution by the Mayor and City Clerk of the *Agreement to Provide Staffing Services Between the City of Huntington Beach and Employment Systems, Inc.* for computer services to perform mainframe maintenance and system backup services. Submitted by the Fire Chief/Information Systems Director. Funding Source: FY 2000/2001 Budget in the Non-departmental Information Systems Business System salary and benefit savings. Total during three-year period not to exceed \$277,648.  
**[Approved 7-0]**
- E-9. (City Council) Accept Bid and Authorize the Award of Contract – Terra-Cal Construction, Inc. for the Beach Boulevard Median Improvements; CC-1143** (600.10) – **1.** Accept the lowest bid submitted by Terra-Cal Construction, Inc. for the construction of the Beach Boulevard Median Improvements, CC-1143 and determine that the bid is responsible/responsive; and **2.** Approve and authorize the Mayor and the City Clerk to execute the construction contract between the City of Huntington Beach and Terra-Cal Construction, Inc. in the amount of \$859,800 for the construction of the Beach Boulevard Median Improvements, CC-1143; and **3.** Authorize the Director of Public Works to expend up to \$956,000, which includes the contract cost of \$859,000, estimated contingency of \$85,980 and \$10,220 in undesignated supplemental expenditures. Submitted by the Public Works Director. Funding Source: Federal Transportation Enhancement Activities (TEA FY 00/01) Grant, \$430,000. Matching funds of \$430,000, Measure M, Beach Boulevard Median Landscape Project. \$96,580 in Park, Tree and Landscape Program, landscape contract services and salary savings. Total project construction costs, \$956,000.  
**[Approved 7-0]**
- E-10. (City Council) Authorize Rejection of the Bids and Modification of the Scope and Readvertise the South Beach Phase One Construction Project, CC-1106** (600.10) – **1.** Reject the five bids received for South Beach Phase One, CC-1106 and direct the City Clerk to return all bid bonds; and **2.** Authorize the Director of Public Works to modify the scope as recommended by staff and readvertise the South Beach Phase One construction project, CC-1106 for bids. Submitted by the Community Services Director and the Public Works Director. Funding Source: American Trader Oil Spill Recovery Funds - \$3,800,000; City Certificates of Participation (COPs) - \$2,500,000; and Federal TEA Grant - \$500,000; Total - \$6,800,000.  
**[Approved 6-0-1 (Garofalo out of room)]**
- E-11. (City Council) Authorize the Expenditure of Existing Funds to Provide Additional Information Systems Staffing Through the Current Contract with Compuware Corporation** (600.10) – Authorize the expenditure of existing funds in the amount of \$260,000 to provide additional Information Systems staffing through the existing contract with Compuware Corporation until such time as budgeted vacant positions can be recruited, tested, and hired. Submitted by the Fire Chief/Information Systems Director. Funding Source: Information Systems (IS) budget of \$586,000 for positions which are currently vacant. These funds are available in Salaries and Benefits and will be transferred to Professional Services for expenditures. No additional funds are needed.  
**[Approved 7-0]**

- E-12. **(Redevelopment Agency) Approve as to Form: Third Amendment to Office Space Lease between Abdelmuti Development Company and Computer Memory Test Labs, Inc. (Oceanview Promenade, Suites 2G and 2H) – Main-Pier Redevelopment Project Area** (600.30) – Approve as to form the attached *Third Amendment to Office Space Lease* between Abdelmuti Development Company and Computer Memory Test Labs Inc., a California Corporation. Submitted by the Economic Development Director. Funding Source: Redevelopment Tax Increment.  
***[Approved 5-1-1 (Bauer No; Garofalo out of room)]***
- E-13. **(City Council) Approve Second-Term Reappointments to Human Relations Task Force – Kuperberg-Lee-Inouye-Lebow-Provencher-Slutsky-Thomas-Front and Four Remaining, Advertised Vacancies to be Filled Following Council Liaison Review** (110.20) – Approve the reappointments of Sid Kuperberg, Kim Phuong Lee, Ken Inouye, Jeff Lebow, Fred Provencher, Billie Slutsky, Charles Thomas, and Reggie Front with terms to expire January 31, 2005. Submitted by the City Administrator and recommended by City Council Liaisons Shirley Dettloff and Ralph Bauer. The remaining four vacancies will be filled following review of all applications by the City Council Liaisons. Funding Source: None required.  
***[Approved 7-0]***

F. Administrative ItemsF-1. (City Council) Accept the County Registrar of Voters Certificate as to Verification of Signatures on a Petition Called the *Property Rights Protection Measure* to Amend Section 803 of the City Charter (Mr. Ed Laird, Proponent) and Consider a Date for Election on Said Measure (620.30)

Communication from the City Clerk transmitting for City Council acceptance, the Certificate as to Verification of Signatures on a petition called the *Property Rights Protection Measure* to amend Section 803 of the Huntington Beach City Charter. The City Charter Amendment petition, called the *Property Rights Protection Measure* has been certified by the County Registrar of Voters to have sufficient number of valid signatures of registered voters to qualify for placement on the ballot at an election date to be determined by the City Council.

**Recommended Action:** Motion to:

Accept Certificate as to Verification of Signatures on Petition called *Property Rights Protection Measure* provided to the City Clerk from the County Registrar of Voters, dated January 11, 2001 **and consider adoption of one of the following two motions:**

**[Accepted Certificate 7-0]**

- ~~1. Motion to: Schedule on a future agenda, the subject of selection of an appropriate election date for this measure and provide the City Clerk with direction in this regard. Once the Council has selected a date of election, the City Clerk will present at a subsequent Council meeting the appropriate Resolutions "calling the election" to the City Council for adoption.~~

**OR**

2. Motion to: Do not defer decision on an election date and, on February 5, 2001, select a date from the dates presented under the *Analysis* section of this report and direct the preparation of the appropriate "call for election" resolutions for presentation to Council at a future Council meeting.

**[Selected election date of March 5, 2002 and directed City Clerk to present resolutions calling election – Approved 7-0]**

**F-2. (City Council) Approve and Authorize Execution of 3 Agreements: (1) A License Agreement with the Waterfront Hotel, LLC, and Mayer Financial, L.P., (2) A Cooperative Agreement No. 12-375 with CalTrans, and (3) An Agreement with Orange County Sanitation District and Mayer Financial, L.P. Involving Public Improvements and a Pedestrian Overcrossing (of Pacific Coast Highway ) in Connection with the Proposed Grand Coast Resort Hotel Project ( . )**

Communication from the Public Works Director submitting that the installation of certain public improvements in conjunction with development of the Grand Resort Hotel by Mayer Financial, L.P. requires approval of cooperative agreements with CalTrans and the Orange County Sanitation District (OCSD) involving the construction of a pedestrian overcrossing of Pacific Coast Highway, and a License Agreement between the City and Mayer Financial, L.P. and Waterfront Hotel, LLC, to provide for installation, maintenance and repair of landscaping and other improvements, including the pedestrian overcrossing in the public right of way. These agreements have been prepared and are ready for approval by the City Council.

**Recommended Action:** Motion to:

1. Approve a *License Agreement to Provide Landscaping and Other Public Improvements in Public Right of Way* (Attachment No. 1), including a pedestrian overcrossing of Pacific Coast Highway) in connection with the proposed Grand Coast Resort Hotel project and the Waterfront Hilton Hotel; (and authorize the Mayor and City Clerk to execute same - see #7 below);

**and**

2. Approve a *Cooperative Agreement No. 12-375* (Attachment No. 2) between CalTrans and the City of Huntington Beach for Contract Administration and Construction of the Pedestrian Overcrossing of Pacific Coast Highway; (and authorize the Mayor and City Clerk to execute same - see #7 below);

**and**

3. Approve an *Agreement Involving the Installation of a Pedestrian Overcrossing* (Attachment No. 3) between the Orange County Sanitation District (OCSD), Mayer Financial, L.P., and City of Huntington Beach) and authorize the Mayor and City Clerk to execute same - see #7 below);

**and**

4. Approve a deductible or self-insured retention of \$100,000 for the general liability insurance for the license agreement, which amount shall increase with increases in the policy limits as recommended by the Settlement Committee;

**and**

*(Continued on the Next Page)*

5. Approve the City's obligation to indemnify the Orange County Sanitation District (OCSD) in the event Mayer Financial L.P. fails to do so, for all claims or liabilities arising out of (1) the failure of Mayer Financial L.P. to timely perform its obligations set forth in the OCSD Agreement or (2) any damage or interference to the OCSD's sewer transmission pipeline that is caused by the acts or omissions of Mayer Financial L.P.;

and

6. Approve the City's obligation to reimburse OCSD, in the event Mayer Financial L.P. fails to do so, for (1) any costs incurred by OCSD in the removal of any portion(s) of the Pedestrian Overcrossing Landing, (2) any additional costs incurred by OCSD to repair, reconstruct and/or replace the OCSD pipeline when such additional costs are attributable to the existence of the Pedestrian Overcrossing Landing and (3) any costs to reconstruct the Pedestrian Overcrossing Landing following the removal of any portion(s) by OCSD;

and

7. Authorize the Mayor and City Clerk to execute the above-referenced agreements (Attachment Nos. 1, 2, and 3) in substantially the same form and upon approval of the City Attorney, on behalf of the City with the effective date of the license agreement titled *License Agreement to Provide Landscaping and Other Public Improvements in Public Right of Way* (Attachment No. 1) and the OCSD Agreement titled *Agreement Involving the Installation of a Pedestrian Overcrossing* (Attachment No. 3) being the date of approval of the ground lease for the Grant Coast Resort Hotel parcel;

and

8. Authorize the City Clerk to record the license agreement titled *License Agreement to Provide Landscaping and Other Public Improvements in Public Right of Way* (Attachment No. 1) and the OCSD Agreement titled *Agreement Involving the Installation of a Pedestrian Overcrossing* (Attachment No. 3) with the County Recorder after execution of the ground lease for the Grand Coast Resort parcel by Mayer Financial, L.P.

***[Council concurred with staff request that this item be pulled from agenda and brought back February 20, 2001]***

**F-3. (Redevelopment Agency) Approve the Second Implementation Agreement to Amended and Restated Disposition and Development Agreement (DDA) with Mayer Financial, L.P. (Waterfront Site Expansion – Hilton Grand Coast Resort) in Connection with Settlement Agreement with the Coastal Commission ( . )**

Communication received from the Economic Development Department submitting that the Redevelopment Agency is party to a Disposition and Development Agreement (DDA) with Mayer Financial, L.P. (the Developer). This agreement was subsequently amended by a First Implementation Agreement. These two agreements together constitute the "Existing Agreement" and provide for the phased disposition of hotel site, the residential property and related public improvements. The Second Implementation Agreement is submitted to the Agency to acknowledge the Settlement Agreement with the Coastal Commission and its related consequences of potentially reducing the number of residential units, as well as acknowledging the License Agreement with the City for the pedestrian overcrossing, and restricting the eligible costs for which the Agency can reimburse the Developer. (See **Agenda Item F-2 above** re: the pedestrian overcrossing.)

**Redevelopment Agency Recommended Action:** Motion to:

1. Accept and approve the *Second Implementation Agreement to Amended and Restated Disposition and Development Agreement* between the Redevelopment Agency of the City of Huntington Beach and Mayer Financial, L.P.

and

2. Authorize Agency Chairman and Agency Clerk to Execute the Second Implementation Agreement.

***[Economic Development Director presented PowerPoint slide report. Redevelopment Agency Special Counsel Murray Kane reported.]***

- (a) ***Motion failed to select Huntington Beach Wetlands Conservancy as interim maintainer and manager [2-4-1 (Green, Julien Houchen, Dettloff, Bauer No; Garofalo out of room)]***
- (b) ***Refer selection of non-profit group to the Bolsa Chica Committee and that committee interview and return to Council with their recommendation at the February 20, 2001 Council meeting [Approved 6-0-1 (Garofalo out of room)]***
- (c) ***Approved recommended action (1) & (2) as amended by (b) [7-0]***

G. Ordinances - None

H. City Council/Redevelopment Agency Items

H-1a. Submitted By Councilmember/Agency Member Ralph Bauer

**(City Council/Redevelopment Agency) Statement by City Council/Redevelopment Agency Member Ralph Bauer Proposing the Required Televising of City Council/Redevelopment Agency Meetings as They Pertain to Any and All Redevelopment Agency Proceedings** (160.10)

Communication received from Councilmember Ralph Bauer transmitting the following **Statement of Issue:** It was recently commented at a Council meeting that the staff has misled the City Council with regards to redevelopment. The allusion that the staff is unprofessional or that the Council does not understand redevelopment deserves further discussion on television. In connection with redevelopment, the question remains: Why do many highly intelligent people who understand municipal finance in detail believe that redevelopment is an effective way to deal with urban blight?

**Recommended Action:** Motion:

~~That all future Council meetings where redevelopment is discussed be televised, since the comment was made on television.~~

***[Direct that the issues of cost of televising all Council meetings be referred to the City Council Communications Committee for return to Council on March 5, 2001 – 6-0-1 (Garofalo out of room)]***

H-1b. Submitted By Mayor Pam Julien Houchen

**(City Council) Request for Staff to Initiate a Zoning Map Amendment for the Huntington Beach Hospital and Medical Center at Beach Boulevard and Newman Avenue for the General Plan Consistency** (450.20)

Communication from Mayor Pam Julien Houchen transmitting the following **Statement of Issue:** On November 20, 2000 the City Council denied a Zoning Map Amendment for several properties along the Beach Boulevard corridor including the Huntington Beach Hospital and Medical Center at Beach Boulevard and Newman Avenue. The site is currently zoned CO (Office Commercial) and General Planned P (Public). A portion of the property is used for new automobile storage. In light of new information presented, we would like to request that the City Council re-evaluate the proposal to change the zoning for the Huntington Beach Hospital and Medical Center.

**Recommended Action:** Motion to:

Direct staff to initiate a Zoning Map Amendment for the Huntington Beach Hospital and Medical Center from CO (Office Commercial) to PS (Public-Semipublic) to be consistent with the existing General Plan designation.

***[Approved 7-0]***

**Council Comments - (Not Agendized)**

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

***[Councilmember Garofalo spoke regarding the need for swimming pool safety to be studied due to child drowning deaths]***

**Council/Agency Adjournment** to Tuesday, February 20, 2001 (Monday, February 19, 2001 is Washington's Birthday), at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas And Minutes Are Available At No Charge To The Public At The City Clerk's Office By Mail And Through Paid Subscription. Complete Agenda Packets Are Available At The Central Library and Library Annexes On Friday Prior To Meetings. Video Tapes Of Council Meetings Are Available For Checkout At The Central Library At No Charge.

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