

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.

****Revised – Pages 1 & 8****

ACTION

**SPECIAL MEETING AGENDA AND
REGULAR MEETING AGENDA
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, MARCH 5, 2001

4:00 P.M. - Council Chambers
5:00 P.M. - Council Chambers
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 – 5:00 P.M. Council Chambers

Call City Council/Redevelopment Agency Special Meeting To Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

***[Present – Julien Houchen arrived 4:05 p.m.; Bauer arrived 4:20 p.m.;
Green arrived 4:45 p.m.]***

City/Agency Clerk Reads Call for Special Meeting for the Purpose of Discussion and Possible Report by City Attorney of Action Taken on the Closed Session Items Listed on the Agenda

[Clerk announced]

Public Comments (Restricted to Closed Session Items Only)

[None]

(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 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 **Richard C. Hooper (Dec'd) Jan Hooper (widow) v. City of Huntington Beach**; [Workers' Comp Case]; City Claim No. COHB-92—0270. (120.80)

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

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

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(c) to confer with its city attorney regarding pending litigation 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: Two. Subject: **Establishments Providing Massages**. (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 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 **Howard Jarvis Taxpayers Assn., et al., v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 81 87 80. (120.80)

Recommended Action: Motion to recess to Closed Session.

[Approved 4-0-3 (Green, Julien Houchen, Bauer absent)]

Reconvene City Council/Redevelopment Agency Special Meeting

City Council/Redevelopment Agency Special Meeting Adjournment – As of 5:00 P.M. the Special Meeting will adjourn and the regular City Council-Redevelopment Agency Meetings will commence.

5:00 P.M. – 7:00 P.M. Council Chambers**Call City Council/Redevelopment Agency Meeting to Order**

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

Public Comments on Study Session Item

- (1) President of Amigos de Bolsa Chica, stated support of inlet proposed by study committee; stated concerns re; maximizing recreational area.***
- (2) CA State Parks Representative, stated support, however stated concern re; potential loss of beach.***
- (3) Staff Planner for CalTrans, urged that future road project be considered at this time.***
- (4) CA State Lifeguard Assn. Representative, stated support for project, however urged priority for safe water quality***

(City Council/Redevelopment Agency) Study Session – Introduction of Environmental Board, Bolsa Chica Steering Committee and City Council with California State Task Force Regarding Bolsa Chica (440.60)

Jim Trout, representing the State Lands Commission will report, with members of the joint committee making contributions. There are eight state and federal agencies participating in the Bolsa Chica Steering Committee. They are: State Lands Commission, California Resources Agency, California Coastal Conservancy, California Department of Fish and Game, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, National Marine Fisheries Service and the U.S. Fish & Wildlife Department.

***[Representatives from various Agencies made presentations:
Jim Trout and Dwight Sanders, State Lands Commission;
Jack Facher, Fish and Wildlife Service; Terri Stewart, CA Dept. of
Fish and Wildlife; and Robert Hoffman, National Marine Fisheries]***

***[Representatives from the Environmental Board made presentations:
Frank Caponi; Terry Dolton; Bob Anderson; John Scandura]***

[Recess: 6:45 p.m.]

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.

****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 Attorney reported out of Closed Session action of March 5, 2001 Closed Session –The City Council voted to initiate litigation against certain massage establishments within the City of Huntington Beach, and the action, defendants and other particulars shall, once formally commenced be disclosed to any person upon inquiry, unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties. The Council voted 6 ayes, 0 noes, Green absent.]

7:00 P.M. - Council Chambers

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

Flag Ceremony and Pledge of Allegiance – Huntington Beach Search and Rescue Explorer Post

Invocation – Dr. John Toay, St. Peter’s By The Sea Presbyterian Church
Reverend Bruce Templeton, First Christian Church, Huntington Beach

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.

[City Clerk announced Late Communications relating to Agenda Items D-1, D-2, F-1 and F-2]

Presentation – Introduction by June Dugmore, Executive Director, Miss Huntington Beach Scholarship Pageant, Division of the Women of Action, Huntington Beach Chamber of Commerce, to Mayor Pam Julien Houchen and the Huntington Beach City Council of Miss Huntington Beach, and her Court. Miss Huntington Beach, Aimee Nicole Thiessen, student at Golden West College; 1st Runner Up, Andrea Nicole Lowman, senior at Huntington Beach High School and 2nd Runner Up, Kristina Louise Johnston, student at Golden West College.

Mayor’s Award – ***To Senior Police Officer Greg Davis for exemplary work as a field officer.***

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) Many speakers and representatives of organizations in support of Agenda Item H-1b; also request parcels other than Bolsa Chica, such as Fieldstone property and Linear Park.**
- (2) Speaker in support of F-2; also presented website/phone number for HB Taxpayers Assn. relative to Jarvis Lawsuit.**
- (3) Speaker requesting report that Council had requested relative to gymnasium and other facilities in Ocean View School District (OVSD) and opposed to Dr. Tarwater's comments reported in a local newspaper.**
- (4) Principal at an OVSD opposed to Councilmember Boardman's request for a report re: whether city has authority to input on impact of gymnasium construction on OVSD property.**
- (5) Speaker opposed to mobilehome rent escalation.**
- (6) Speaker in support of cities who have enacted legislation to assist mobilehome residents and requesting Council to support Senate Bill 691 to protect cities from lawsuits filed against cities by mobilehome park owners.**
- (7) Speaker referred to letter he had sent Council re: Springdale Reservoir and proposed water rate fee increase.**
- (8) Speaker in support of Agenda Item F-1 but requesting school districts to respect impact on neighborhoods from their projects.**
- (9) Speaker complaining re: Police Department**
- (10) Speakers representing Burlington Coat Factory informed Council that Ezralow Company has not yet contacted them.**
- (11) Speaker re: need to stop primary and secondary discharge to Ocean and opposing columnist Bill Borden's comments.**

- (12) Speaker in favor of Agenda Item F-1.**
- (13) Speaker opposed to detour signs as hazard (Edinger & Edwards and Warner & Edwards) and concerns re: investigations of Mayor & employees; opposed to beach closure hours; opposed to comments of Councilmember Bauer re: street sweeping; opposed to service of City Attorney's Office; in favor of Agenda Item H-2a.**
- (14) Ocean View School District Board member opposed to item on last Council meeting agenda re: impact of proposed school gymnasium project on residential neighborhood.**
- (15) Speaker re: benefit of teaching children to swim in city pools to prevent drowning; in favor of Agenda Item F-1 & H-1b.**
- (16) Speaker re: drainage and grading causing flooding and his swimming pool to raise several feet.**
- (17) Speaker opposed to passage of Groundwater Replenishment Program jointly proposed by the Orange County Sanitation District and the Orange County Water District.**

C-1. Council Committee/Council Liaison Reports
[None]

C-2. City Administrator's Report
[None]

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing Continued Open From February 20, 2001 to Consider Appeal Filed by Councilmember Ralph Bauer of Planning Commission Approval of Conditional Use Permit No. 00-49/Coastal Development Permit No. 00-15/Negative Declaration No. 00-09 – AES Power Generating Facility’s Nitrogen Oxide Emissions’ Reduction Equipment – n/e of Newland Street and Pacific Coast Highway (AES Huntington Beach LLC/Mr. Han Tan – Formerly Southern California Edison) (420.40)

Appellant: Ralph Bauer, Huntington Beach City Councilmember

Applicant: Mr. Han Tan, AES Huntington Beach, LLC, 21730 Newland Street, Huntington Beach

Request: Appeal of the Planning Commission’s approval to install nitrogen oxide emissions reduction equipment in two boilers at the Huntington Beach Power Generating Station.

Location: 21730 Newland Street (northeast of Newland Street and Pacific Coast Highway)

Coastal Zone Status: Notice is hereby given that this item is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 00-15, filed on July 27, 2000, in conjunction with the above request. The Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. Following City Council action, it may be appealed to the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance, or unless Title 14, Section 13573 of the California Administrative Code is applicable. The California Coastal Commission South Coast Area Office address is 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, phone number: (310) 570-5071.

Environmental Status: Notice is hereby given that initial environmental assessments for the above items were processed and completed in accordance with the California Environmental Quality Act. It was determined that this item would not have any significant environmental effects and that a negative declaration is warranted. Prior to acting on the appeal, the City Council must review and act on the negative declaration. This environmental assessment is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

On File: A copy of the proposed request is on file in the City Clerk’s Office, 2000 Main Street, Huntington Beach, for inspection by the public. A copy of the staff report is available to interested parties at the City Clerk’s Office.

(Continued on the Next Page)

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Division at 714-536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Follow public input, close public hearing

Planning Commission and Staff Recommended Action: Motion to:

1. Approve Negative Declaration No. 00-09 with findings (ATTACHMENT NO. 1);

and

2. Approve Conditional Use Permit No. 00-49 and Coastal Development Permit No. 00-15 with findings and modified conditions of approval (ATTACHMENT NO. 1).

[Planning Director Howard Zelefsky and Associate Planner Jane James presented slide report announced as a Late Communication by the City Clerk.]

→ ***[Approved as amended to (1) amend Condition No. 3B to add review by City Council Landscape Review Subcommittee in addition to Design Review Board and Planning Department and (2) if landscaping fails to satisfy City's desired screening results; then physical architectural improvements shall be explored to satisfy the screening requirements – (7-0)]***

D-2. **(City Council) Public Hearing Accept Annual Review of the Holly Seacliff Development Agreement (No. 90-1) Compliance Report – PLC Land Company (490 Acre Parcel Located n/o Ellis Avenue, e/o Huntington Street, w/o Edwards Street and s/o Seacliff Golf Course) (600.10)**

[Mayor Pro Tem Cook recused herself from participation as she may live within 300 feet from property]

Applicant: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Request: Annual review of the Holly Seacliff Development Compliance Report

Location: Approximately 490 acres located between Ellis Avenue on the north, Huntington Street on the east, Edwards Street on the west and the Seacliff Golf Course on the south.

Environmental Status: Categorically exempt from the provisions of the California Environmental Quality Act.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after March 1, 2001.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Division at 714-536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Follow public input, close public hearing

Recommended Action: Motion to:

Determine that the Developer is in compliance with the Holly Seacliff Development Agreement No. 90-1 by accepting the 2000 Annual Compliance Report and authorize the Mayor and City Clerk to sign and execute the Certificate of Development Agreement Compliance (ATTACHMENT NO. 2) and direct the City Clerk to record said certificate.

[Planning Director Howard Zelefsky and Senior Planner Mary Beth Broeren presented slide report announced as a Late Communication by the City Clerk]

[Approved 5-0-1-1 (Cook abstain; Garofalo out of room during public hearing)]

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) Adopt Resolution No. 2000-6 – Declares Weeds and Rubbish on Specific Properties a Public Nuisance – Sets Public Hearing for May 7, 2001** (520.80) – Adopt **Resolution No. 2001-6** “A Resolution of the City Council of the City of Huntington Beach Finding and Declaring that Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof” and fixing May 7, 2001 as the date for hearing objections to the removal process. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 6-0-1 (Garofalo out of room)]
- E-2. (City Council) Approve and Consent to Assignment of Concession Sublease Interest for Chimayo at the Beach From Pacific Restaurant Adventures, Inc. to Culinary Adventures, Inc.** (600.35) – Approve and authorize the Mayor and City Clerk to execute the *Approval and Consent of City of Huntington Beach to Assignment of Sublease Interest from Pacific Restaurant Adventures, Inc. to Culinary Adventures, Inc.* owners and operators of Chimayo at the Beach Restaurant in Pier Plaza. Submitted by the Community Services Director. Funding Source: Not Applicable.
[Approved 6-0-1 (Garofalo out of room)]
- E-3. (City Council) Receive and File Passport Acceptance Facility Annual Report** (100.30) – Receive and file the *Passport Acceptance Facility Annual Report* – February 1, 2000 - January 31, 2001 as prepared and submitted by the Office of the City Clerk. Submitted by the City Clerk. Funding Source: Not Applicable.
[Approved 6-0-1 (Garofalo out of room)]
- E-4. (City Council) Approve Appointments to Human Relations Task Force of Heck, Pepping, Fulvio and Chancellor – Replacing Medler, Betancourt, Hughes, Malina** (110.20) – Approve appointments to Human Relations Task Force of Anne Heck, Shirley Pepping, Rita Fulvio, and Alan Chancellor with terms to expire January 31, 2005. Submitted by Administration and as Recommended by Council Liaisons Shirley Dettloff and Ralph Bauer. Funding Source: None Required. (Anne Heck to replace Marilyn Medler; Shirley Pepping to replace Lisa Betancourt; Rita Fulvio to replace Carol Hughes; and Alan Chancellor to replace Rose Malina; all effective March 5, 2001.)
[Approved 6-0-1 (Garofalo out of room)]

- E-5. (City Council) Approve Final Tract Map No. 16180 of Tentative Tract Map No. 15603 with Bonds and Agreements (“The Tides”) – e/o Goldenwest Street, n/o Summit Drive – Approve Subdivision Agreement Between the City and Shea-Vickers Development, LLC (420.60) – 1. Approve Final Tract Map No. 16180 and accept the offer of dedication, improvement, and bonds; and 2. Approve the *Subdivision Agreement by and between the City of Huntington Beach and Shea-Vickers Development, LLC for Tract No. 16180* 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. 16180 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 15603 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. 00-255-268; **b.** Labor and Material Bond No. 00-255-268; **c.** Monument Bond No. 00-255-267 (**American Home Assurance Company – National Union Fire 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); **e.** Payment of Park and Recreation In-Lieu Fees. Submitted by the Planning Director. Funding Source: Not Applicable.
[Approved 5-0-2 (Green out of room; Garofalo out of room)]**
- E-6. (City Council) Approve Funds for Temporary Facilities for Women Lifeguards at Moorhouse Beach Lifeguard Headquarters (320.45) – Authorize the Director of Administrative Services to appropriate \$32,950 into Beach Maintenance Contractual Account to provide temporary shower facilities for women lifeguards at Moorhouse Lifeguard Headquarters for the remainder of this fiscal year. Submitted by the Community Services Director. Funding Source: General Fund Unappropriated Fund Balance.
[Approved 6-0-1 (Garofalo out of room)]**
- E-7. (City Council) Accept and Award Bid for the Huntington Harbour Sewer Lining Project, CC-1161 – Approve Contract with Insituform Technologies, Inc. (600.60) – 1. Accept the lowest responsive/responsible bid submitted by Insituform Technologies, Inc. for the Huntington Harbour Project, CC-1161; and 2. Authorize the Mayor and City Clerk to execute the Construction Contract in the amount of \$1,804,957.40; and 3. Authorize the Director of Public Works to expend a total of \$1,900,400 to cover the contract amount of \$1,804,957.40 and an estimated construction contingency and supplemental expenditures of \$95,442.60. Submitted by the Public Works Director. Funding Source: Environmental Protection Agency (EPA) grant (\$950,000), Orange County Sanitation District (OCSD) grant (\$950,000) awarded for a total project budget of \$1,900,400. EPA/OCSD Grant, Huntington Harbour Slipline Account.
[Approved 6-0-1 (Garofalo out of room)]**

- E-8. (City Council) Approve Cooperative Agreement C-0-1206 with Orange County Transportation Authority (OCTA) for Bus Purchases – (Senior Transportation Services)** (600.25) – **1.** Approve and authorize Mayor and City Clerk to execute the *Cooperative Agreement C-0-1206 between the OCTA and City of Huntington Beach* for bus purchases to provide senior transportation services; and **2.** Authorize the Director of Administrative Services to appropriate \$198,500 from the General Fund Unappropriated Undesignated Fund balance into Senior Outreach/Other Vehicles Account. Submitted by the Community Services Director. Funding Source: \$198,500 from the General Fund Unappropriated Undesignated Fund balance to be reimbursed with federal funds from the Federal Transit Administration; 20% cash match (\$39,700) from Air Quality Management District (AQMD) funds.
[Approved 6-0-1 (Garofalo out of room)]
- E-9. (City Council/Redevelopment Agency) Approve Three Year Economic Advisor Consultant Agreements with (1) Keyser Marston and Associates, (2) the Sedway Group and (3) the Rosenow, Spevacek Group** (600.30) – **City Council Recommended Action:** Approve and authorize the Mayor and City Clerk to execute the contract between the City of Huntington Beach and Keyser Marston and Associates (Attachment 1) for an amount not to exceed \$75,000 per year – *Professional Services Contract between the City of Huntington Beach and Keyser Marston Associates, Inc. for Economic Advisor Services* and **Redevelopment Agency Recommended Action:** Approve and authorize the Chairman and the Agency Clerk to execute each of the two attached contracts between the Redevelopment Agency and the following firms: the **Sedway Group** (Attachment 2 - *Professional Services Contract between the Redevelopment Agency of the City of Huntington Beach and Sedway Group for Economic Advisor Services*) and the **Rosenow, Spevacek Group** (Attachment 3 - *Professional Services Contract between the Redevelopment Agency of the City of Huntington Beach and Rosenow Spevacek Group, Inc. for Economic Advisor Services*) for an amount not to exceed \$75,000 per year. Submitted by the Economic Development Director. Funding Source: The \$225,000 is budgeted in Economic Development Department, Administrative Economic Analysis Account.
[Approved 5-1-1 (Cook No; Garofalo out of room)]
- E-10. (City Council) Approve Agreement with the West Orange County Water Board for Contract Management Services** (600.85) – Approve and authorize the Mayor and City Clerk to execute the *Agreement by and Between the City of Huntington Beach and West Orange County Water Board for Contract Management Services.* Submitted by the Public Works Director. Funding Source: Not Applicable (Member cities are Huntington Beach, Garden Grove, Westminster and Seal Beach)
[Approved 6-0-1 (Garofalo out of room)]
- E-11. (City Council) Appropriate Funds for the Purchase of Energy Efficient Light Emitting Diodes (LED) Modules for Traffic Signals To Be Reimbursed Through Southern California Edison Co.** (320.45) – Appropriate \$509,000 from the Gas Tax Fund to a new business unit for the purchase of LEDs for traffic signals. Submitted by the Public Works Director. Funding Source: \$509,000 from Gas Tax Unappropriated Fund balance, and \$120,000 is budgeted in Measure “M” Fund (Traffic Signal Improvements) for a total cost of \$629,000.
[Approved 6-0-1 (Garofalo out of room)]

- E-12. **(City Council) Accept the Water Meter Box Replacement Project WSC-015 and File a Notice of Completion – J.A. Salazar Construction** (600.75) – Accept the Water Meter Box Replacement Project WSC-015 at a final cost of \$26,670.31, 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 Fund Budgeted Acct. - \$26,670.31.
[Approved 6-0-1 (Garofalo out of room)]
- E-13. **(City Council) Approve Second Amendment to Contract with URS Greiner Woodward Clyde for Engineering Studies Related to Urban Runoff/Coastal Remediation** (600.10) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to the Professional Services Contract between the City of Huntington Beach and URS Greiner Woodward Clyde International-Americas, Inc. for Engineering Services in Support of Identifying and Eliminating Bacteria in Urban Runoff Discharges to Huntington Beach.* Submitted by the Public Works Director. Funding Source: General Fund, Urban Runoff Program - \$59,610.
[Approved 6-0-1 (Garofalo out of room)]

F. Administrative Items**F-1. (City Council) Approve State Park Bond Act of 2000 Joint Funding Agreement with the Huntington Beach Union High School District for Construction of Huntington Beach High School Pool – Approve Amendment No. 1 to Existing Joint Use Agreement for Future Swimming Pools at Ocean View High and Huntington Beach High Schools (600.10) –**

Communication from the Community Services Director informing Council that there is a need to approve an agreement with the Huntington Beach Union High School District for funding the Huntington Beach High School Pool through Park Acquisition & Development Funds with reimbursement from the State Park Bond Act in order to implement the previously approved Joint Use Agreement between the City and the Huntington Beach Union High School District.

Recommended Action: Motion to:

1. Approve the *Joint Funding Agreement between the Huntington Beach Union High School District and the City of Huntington Beach for the Future Swimming Pools at Ocean View High School and Huntington Beach High School* and authorize the Mayor and City Clerk to execute same; authorizing an appropriation from the Park Acquisition & Development Fund of \$618,912 for the city's share, and an advancement of up to \$172,053 to be repaid by the District with interest;

and

2. Authorize the submittal of the Huntington Beach High School Pool project to the State Parks and Recreation Granting Office for reimbursement to the Park Acquisition & Development Fund from the State Park Bond Act of 2000;

and

3. Authorize the Director of Administrative Services to appropriate \$790,972 from the unappropriated, undesignated fund balance of the Park Acquisition & Development Fund into Contractual Services Account for the construction of the Huntington Beach High School Pool;

and

- ~~4. Approve *Amendment No. 1 to the Joint Use Agreement between the Huntington Beach Union High School District and the City of Huntington Beach for the Future Swimming Pools at Ocean View High School and Huntington Beach High School* extending the agreement to twenty five years from Notice of Completion, and authorize the Mayor and City Clerk to execute same.~~

(Continued on Next Page)

4. *Correction to Recommendation #4 (Per Late Communication announced by City Clerk)*

Approve Amendment No. 1 to the Joint Use Agreement between the Huntington Beach Union High School District and the City of Huntington Beach for the Future Swimming Pools at Ocean View High School and Huntington Beach High School, amending the initial term start date to notice of completion rather than execution date of contract, and amending the maintenance section to indicate payment on quarterly basis, not yearly.

[Deputy Community Services Director Jim Engle presented slide report]

[Subject to review and approval by the City Attorney's Office on the loan of money by the City to the School District – Approved 7-0]

F-2. (Redevelopment Agency) Accept Option to Enter Into a Ground Lease and Option to Purchase with the Ronald A. Mase and Ann L. Mase Revocable Living Trusts and CIM/Huntington, Inc. and Approve Second Implementation Agreement Between CIM Group, LLC and Redevelopment Agency (600.30) –

Communication from the Economic Development director informing Council that the Redevelopment Agency is party to a Disposition and Development Agreement (DDA) with CIM/Huntington, Inc., for the redevelopment of Blocks 104/105. The DDA anticipates the completion of site assembly by CIM/Huntington, Inc. and/or the Redevelopment Agency. A long-term ground lease option is proposed as the method of securing one of the private ownership's interests in the site. This is the second ground lease to be accepted as part of this project. A Second Implementation Agreement to the DDA is also needed to permit the Agency the right to exercise the Option and enter into the ground lease. The Implementation agreement also amends the Schedule of Performance and accepts CALPERS as CIM's equity partner in the project.

Recommended Action: Motion to:

1. Accept the Option Agreement to enter into a Ground Lease & Options to Purchase with Ronald A. Mase Revocable Living Trust dated February 10, 1995 and Ann. L. Mase, Trustee for the Ann L. Mase Revocable Living Trust dated February 3, 1993 and CIM/Huntington, Inc. (Attachment No. 3) – *Option to Enter Ground Lease, Acquire Improvements and Escrow Instructions (CIM – Mase)*

and

2. Approve the Ground Lease and Option to Purchase Fee and Authorize the Agency Chairperson and Agency Clerk to execute the Ground Lease and to record the Memorandum of Lease upon the future exercise of the Ground Lease Option by all the parties, as set forth in the Second Implementation Agreement (Attachment No. 4) – *Ground Lease and Option to Purchase Fee by and between Ronald A. Mase, Trustee for the Ronald A. Mase Revocable Living Trust Dated February 10, 1995 and Ann L. Mase, Trustee for the Ann L. Mase Revocable Living Trust Date February 3, 1993 (collectively, "Landlord") and CIM/Huntington, Inc. and Redevelopment Agency of the City of Huntington Beach (collectively, "Tenant")*

and

3. Approve the Second Implementation Agreement by and between the Redevelopment Agency and CIM Group, LLC; and Authorize the Agency Chairman and Agency Clerk to execute the agreement (Attachment No. 1) – *Second Implementation Agreement by and between Redevelopment Agency of the City of Huntington Beach, Agency, and CIM Group, LLC, Developer.*

[Councilmember Garofalo made required statement pursuant to the Reform Act that required period of time has elapsed, allowing his participation]

[Economic Development Director David Biggs and Agency Special Counsel Murray Kane reported]

[Approve 5-2 (Boardman, Cook No)]

G. Ordinances – NoneH. City Council/Redevelopment Agency ItemsH-1a. Submitted By Councilmember/Agency Member Pam Julien Houchen**(City Council) Approve Formation of Ad Hoc City Council Committee on Animal Care Services and Approve Appointments of Mayor Julien Houchen, Mayor Pro Tem Debbie Cook and Councilmember Connie Boardman – Approve Extension of Contract with Meyer and Allen Associates, Inc.** (120.25) (600.10) –

Communication from Mayor Pam Julien Houchen regarding the following: **Statement of Issue:** In October 2000, the City Council directed staff to prepare a pro-humane animal care service feasibility study. The study is now complete, and because it was a feasibility study, I propose that the City Council establish an ad-hoc committee to recommend an animal care service strategy. I believe careful consideration of this issue is warranted given the uncertainty surrounding the county animal care system and the fact that several north county cities are considering withdrawing from the county system.

I would also propose that the committee consist of Mayor Pro Tem Cook, City Councilmember Boardman, and myself. The committee should provide a recommendation to the City Council by June 30, 2001.

City Staff has informed me that an extension of the contract with the firm hired to prepare the feasibility study will allow the committee to draw upon the consultant's expertise while it evaluates this issue. Staff estimates that up to 50 hours of the consultant's time may be required to assist the committee. Based on this input, I recommend the City Council appropriate \$6,250 for a contract extension with Meyer & Allen Associates, Inc.

Recommended Action:

1. Create an Ad-hoc City Council Committee to make recommendations to the City Council regarding animal care services by June 30, 2001; and
2. Appoint Mayor Pam Julien Houchen, Mayor Pro Tem Debbie Cook, and City Councilmember Connie Boardman to the committee; and
3. ~~Appropriate \$6,250 from General Fund undesignated, unreserved balance to the City Administrator's budget for professional services account to extend the contract between the city and Meyer & Allen Associated, Inc.~~

[Approved #1 and #2; deleted #3 – (7-0)]

H-1b. Submitted By Councilmember/Agency Member Pam Julien Houchen

(City Council) Proposed Acquisition of the Bolsa Chica Mesa – Approve Initiation of Negotiations with Land Owner to Purchase the Bolsa Chica Mesa and to Work Through Intergovernmental Relations Committee to Secure Local/Federal/State Funding (440.60) –

Communication from Mayor Pam Julien Houchen submitting the following **Statement of Issue**: The City Council has been asked to support efforts to find funding to acquire the mesa area of the Bolsa Chica. In a previous action of Council, dated May 5, 1997, the Council unanimously approved the following motion:

- (1) "The Huntington Beach City Council applauds the acquisition of all of the Bolsa Chica Wetlands for the benefit of future generations.
- (2) The City Council wishes to offer its congratulations to all of those who were responsible for bringing the wetland acquisition to a successful close.
- (3) The City Council also recognizes the ecological importance of the area known as the Bolsa Chica Mesa which is important to the Bolsa Chica Wetlands.
- (4) Should the current owners of the Bolsa Chica Mesa agree, the Huntington Beach City Council supports preservation of the Bolsa Chica Mesa through acquisition by direct purchase or land exchange. It is acknowledged that city funds are not available for such a purchase." (End of Motion)

We also recognize the importance of the Bolsa Chica Mesa as an educational resource for millions of visitors, particularly children, who could continue to learn about its ecosystem.

Additionally, Assemblyman Tom Harman is introducing legislation requesting an appropriation of \$25 million to help acquire the Bolsa Chica Mesa. In light of these facts, I would like to make the following motion.

Recommended Action: Motion to:

That the City start negotiations with the landowner to purchase the Bolsa Chica Mesa and at the same time direct staff, through the Intergovernmental Relations Committee, to work on identifying and securing funding at the Federal, State, and local level for the acquisition of this property.

[Added to the Main Motion: Councilmember Dettloff made amendment to the motion to set up a series of meetings:

- (1) Start with either a conference call or meeting in person with representatives/lobbyists at both federal, state, and local levels to examine potential sources of funding and get their advice.***
- (2) The second meeting would be with Intergovernmental Relations Committee to meet with environmental groups and all interested parties to see how they feel about the acquisition and what their goals are for the Bolsa Chica Mesa.***

(Continued on Next Page)

- (3) At anytime the Mayor wishes to continue, if there is a willing seller, meet with the seller to get input and report back to Council with inputs from landowner.***
- (4) Contact Senator Barbara Boxer to be able to get the ability for having an appraisal done.***
- (5) Finally, if all steps were taken, we would have a good definition and know of any obstacles present.]***

[Approved 4-3 (Green, Garofalo, Bauer No)]

H-2a. Submitted By Councilmember/Agency Member Ralph Bauer**(City Council) City Support to Private Organization Working Toward Land Acquisition in the Bolsa Chica** (440.60) –

Communication from Councilmember Ralph Bauer submitting the following **Statement of Issue**: City support to private organizations for land acquisition in the Bolsa Chica should be subject to some conditions. In exchange for the prestige being lent by and the manpower costs being incurred by the City, I move that the following conditions be included:

Recommended Action: Approve the following conditions:

1. The land proposed to be acquired should be described.
2. ~~Organizations spearheading land acquisition should obtain appraisals satisfactory to any agency funding the acquisition.~~
[An appraisal must be done but not at city expense (7-0)]
3. Efforts should be made to encourage landowners to become willing sellers. It would be unwise to expend substantial city resources to identify adequate funding only to find the landowner will not sell.
[Approved under H-1a]
4. Any proposal that results in acquisition of the “mesa” ~~must~~ ***should*** also include acquisition of 54 acres of the Linear Park, since the 54 acres of the Linear Park will only be donated if houses are built on the mesa.
[“must” Failed 3-3 (Garofalo, Dettloff, Bauer No)] [“should” instead of “must” Approved 6-0-1 (Green out of room)]
5. The land proposed to be acquired lies mostly in the County. It would not be proper for the City to embark on a campaign for land acquisition without County involvement. Organizations spearheading the acquisition of land should approach the County as they have the City and ask for a motion of support.
[Approved 7-0]
6. Currently there is a lawsuit pending on a “takings” issue. The City should do nothing that could result in the City becoming a co-defendant in this lawsuit. It should also be noted that this lawsuit will take a number of years to be resolved. It is thus unlikely that acquisition of the land involved in the lawsuit can be acquired until legal challenges have been eliminated. Any acquiring agency will want clear title to land. No title company will guarantee title in the face of a pending lawsuit.
[Approved 5-2 (Boardman, Cook No)]

(Continued on Next Page)

7. Ultimately, the City staff must develop a work plan to accommodate the acquisition program. This work plan should be developed in conjunction with the Intergovernmental Affairs Committee and approved by the Council. The plan should include a mechanism for the role of the city lobbyists in Sacramento and Washington. The work plan should also accommodate the desires of the many organizations that support the Bolsa Chica. It should be noted that the City Administrator has requested that the Council impose at least a six-month moratorium on new projects because of the large number of projects already imposed by the Council.

[Approved 6-1 (Boardman No)]

8. Interaction with the City on land acquisition in the Bolsa Chica should take place primarily through the Intergovernmental Relations Committee, not directly with the staff or lobbyists in Sacramento and Washington.

[Already agreed]

9. In this era of tight budgets, it must be recognized that there is no city money easily available for land acquisition. It should also be noted that Proposition 12 money for the City has been fully allocated including the competitive grant portion of Proposition 12. Proposition 12 money is not available for land outside the City limits.

[No current project on Prop 12 list should be sacrificed and the lobbyist will inform city if Prop 12 grants may be used for projects outside the city – Approved 7-0]

10. ~~Any land to be acquired~~ ***if the city acquires the land it*** must be free of contamination and leasehold interests or a funding mechanism must be in place to cure these encumbrances.

[Approved 7-0]

11. The City is free to pursue annexation of the Bolsa Chica should the appropriate majority of the Council so direct. A previous study has shown that the City will benefit financially and receive improved fire protection and water storage capacity if annexation occurs.

[Approved 6-1 (Boardman No)]

(Continued on Next Page)

~~12. Although they are not directly a part of the land acquisition program, there are three other conditions that the City should require:~~

- ~~a) To solve a severe local flood control problem and to clean up the waters of Huntington Harbour, the City requests that organizations requesting land acquisition support from the City should also support 100% diversion of the Wintersburg Channel into the restored Bolsa Chica Wetlands. Homeowners adjacent to the Bolsa Chica and the thousands of adults and children who use Huntington Harbour beaches will benefit from diversion of this urban run-off.~~
- ~~b) Organizations requesting support of the City in land acquisition will do nothing to jeopardize the funding from Los Angeles and Long Beach Harbor for Bolsa Chica Wetlands restoration.~~
- ~~c) Organizations requesting support of the City in land acquisition will support the land use plan of the Linear Park as approved by the County, including modifications in response to legal action.~~

[No motion required]

H-3a. Submitted By Councilmember/Agency Member Dave Garofalo**(City Council) Tourism Master Plan for Huntington Beach** (160.10) -

Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue**: By way of copy to the Huntington Beach Conference and Visitors Bureau, I am asking that we begin discussions that could lead to a Tourism Master Plan for Huntington Beach. Much of what happens, happens, independent of any government action, but just happens. As we continually try and plan what street patterns should be or citywide signage or, in fact, an urban design guideline should be – perhaps we should not stop with the obvious.

There are other issues; requiring short and long-term plans. The growing partnership between the public and private sector could help manifest a vision towards a Tourism Master Plan that takes into account such issues (for example) as:

- What type of restaurants are needed; desired by both residents and visitors?
- What are the effects of substantially larger numbers of lower income jobs?
- Any issues with a growing demand for substantial full-time and part-time jobs provided by a growth in local tourism?
- What is the cost associated with “housing” a million people per year...one night at a time?
- Are there related cultural, recreational, environmental, political, and financial issues when facilities are provided for visitors and residents like Pier Plaza, new beach concessions, conference centers, etc.?
- Have we considered seasonal traffic issues along with the more obvious demand for affordable housing and transportation?

I believe that this is a critical path issue that we need to address even if only in a preliminary way prior to major additional expansion and infrastructure dependent facilities that are already planned.

This request is for information. The concept that we are a destination in name is a basic understanding. Becoming a destination beyond the simple fact of our weather and beach amenity is at the heart of the thesis. The sooner we realize and accept some of the consequences and plan accordingly, the better, I believe, we will be prepared and responsive to both the economic benefit and the local impact of a real and planned destination serving marketplace.

Recommended Action: Motion to:

That the City Council request staff follow-up and advice as soon as possible.

[Deferred to March 19, 2001]

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.

Council/Agency Adjournment to Friday, March 16, 2001, at 12:00 p.m. – Rooms C, D & E, Huntington Central Library – 7111 Talbert Avenue.

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.

**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

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