

**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, MARCH 19, 2001**

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

**5:00 P.M. - Room B-8**

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

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

***[City Clerk announced typographical error on page 2 (closed session item)]***

**Public Comments Regarding Study Session & Closed Session Agenda Items**  
***[None]***

**(City Council/Redevelopment Agency) Study Session – Renewal Process of the Cable Franchise Agreement Between the Public Cable Television Authority (PCTA) and Time Warner** (140.60)

City Councilmember Dave Garofalo represents the city on the Public Cable Television Authority (PCTA) and Councilmember Ralph Bauer is the City's alternate. The current Franchise Agreement between the PCTA and Time Warner will expire on September 30, 2004. Mary Morales, Executive Director for the Public Cable Television Authority and the PCTA legal counsel William Marticorena will be present to discuss with the City Council the Cable Television Franchise Renewal Process.

*(Continued on the Next Page)*

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS  
<http://www.ci.huntington-beach.ca.us>**

Ms. Morales has provided a brief summary of information titled *Public Cable Television Authority Overview of the Renewal Process* that will be the focus of the study session, and is included in the agenda packet. Also available for public review in the City Clerk's Office after Friday, March 16, 2001 is a comprehensive collection of background information pertaining to the PCTA and its activities since its inception on October 18, 1971.

***[Councilmember Garofalo, Chair of the PCTA, and Councilmember Bauer, Liaison, presented oral reports. Ms. Morales, Executive Director, PCTA, reviewed the background of cable service in the city's and the current status of cable service, including customer service, and competition for customers from satellite providers and wireless systems. She reported on AOL Time Warner merger and the requirement to open up to other Internet Service Providers. PCTA legal counsel William Marticorena reported on renewal process provisions.***

**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 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 **Mills Land & Water Company v. City of Huntington Beach, et al.**; Court of Appeal, 4<sup>th</sup> Appellate District; Civil No. G0220490; Orange County Superior Court Case No. 739412 (“Mills”); **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 (“Mills II”). (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(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: Three. Subject: **Nuisance Properties – Abatement.** (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 **Tierrasanta v. City of Huntington Beach, et al.**; Court of Appeal, 4<sup>th</sup> Appellate District, Case No. D036810. (120.80)

**(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: One. Subject: **City of Huntington Beach Potential Litigation.** (120.80)

**(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: One. Subject: **Potential Litigation.** (120.80)

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.

**7:05 P.M. - Council Chambers**

**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)).

***[Asst. City Attorney Paul D'Alessandro announced two actions from Closed Session (1) Council voted to initiate litigation on 2 properties for nuisance violations (7-0); and (2) Council voted to initiate potential litigation vs. K.J. Enterprises (6-1)]***

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

**Flag Ceremony and Pledge of Allegiance** – Girl Scout Cadette Troop No. 803, St. Bonaventure Catholic School, Huntington Beach. Leader: Mary Thompson.

**Invocation** – Rabbi Berkowitz, Congregation Adat Israel of 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 received on C-1a; D-1; & D-2]***

**Presentation** – To Mayor Pam Julien Houchen; Public Works Director Robert F. Beardsley; Gary Dysart, Vice President, Psomas Associates; and Richard Harlow, Co-Chair of the Infrastructure Planning Committee (IPC) by Victor Opincar, State President, Civil Engineers and Land Surveyors of California (CELSOC), a plaque recognizing the City of Huntington Beach for its Integrated Infrastructure Management Program (IIMP) and the Citizens Infrastructure Advisory Committee (IAC) recognizing Psomas Associates' dedicated effort in facilitating the IIMP and IAC programs as the City's professional services provider.

***[Richard Harlow unable to be present]***

**Presentation** – By Mayor Pam Julien Houchen to Cathy McGough, Vice Principal, Huntington Beach Adult School, a proclamation recognizing the Huntington Beach Adult Education Program on its 30<sup>th</sup> anniversary of educating the adults of our community.

**The Mayor's Award** – To Dean Stone, Senior Accountant, Administrative Services Department.

**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 agendized.

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

- (1) Speaker advising Council of Activities of Second Harvest Food Bank food drive. Call (714) 771-1343.**
- (2) Speaker in opposition to Agenda Item E-6 as premature. Request Council not to appeal Howard Jarvis tax case.**
- (3) Speaker opposed to Agenda Item E-12, and in favor of H-2a; and request Council support be conveyed to Intergovernmental Relations Committee.**
- (4) Speaker opposed to Agenda Item E-12. Also providing website address for persons to obtain claim form information to obtain property tax refund from Howard Jarvis tax case.**
- (5) Support for Police Officers and Firemen, paramedics and members of press.**
- (6) Speaker expressing appreciation to Council for their action at last meeting on issue of school gymnasiums. Opposed to persons labeling certain Councilmembers as anti-kids.**
- (7) Speaker opposed to mold, fungus & bacteria at Marina High School classrooms and the HBUHSD handling of the matter. She requested Council assistance.**
- (8) Speaker requesting Council stand fast against water pollution from AES Corp. & 301-H waivers and proposed Groundwater Replenishment program; in favor of Bolsa Chica Mesa acquisition.**
- (9) Speaker opposed to AB 1256 Acquisition of Bolsa Chica.**
- (10) Speaker opposed to H-1a stating 100% of budget surplus rather than 50% toward sewer fund.**

- (11) OVHS Board member, speaking on own behalf and not the Board on the middle school reconfiguration plan for proposed gymnasiums.**

***[City Administrator clarified that there have been no “give-a-ways” as stated under public comments and presented examples of city’s efforts in grant areas.]***

- (12) Speaker citing areas where school boards do not act on behalf of community.**

- (13) Representative of Burlington Coat Factory stating they have not received proposal from developer.**

***[Councilmember Dettloff responded that until issue of Montgomery Wards has been resolved, there cannot be any discussion regarding proposals]***

**C-1. Council Committee/Council Liaison Reports****C-1a. (City Council) Approve City Council Position on Legislation Pending Before the State Legislature and Congress as Recommended by the City Council Intergovernmental Relations Committee (640.90)**

Communication from Councilmember Shirley Dettloff, Chair Person; Mayor Pro Tem Debbie Cook; and Councilmember Ralph Bauer of Intergovernmental Relations Committee transmitting that the City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on the following items, and authorize the Mayor to send letters reflecting those positions to the legislators:

**Recommended Actions:** Motions to:

**Support AB 20 (KORETZ) Senior Center Bond Act** which would provide funding for purchase, improvement, or equipment for facilities providing program for senior citizens.

**Support AB 72 (BATES) Escheated funds, portable housing** which would allow unclaimed money from a deceased estate, that is permanently escheated to the state, to be deposited in the Housing Rehabilitation Loan Fund for elderly persons or households.

**Support AB 1256 (HARMAN) - Acquisition of the Bolsa Chica Mesa** (This bill would appropriate an unspecified sum from the General Fund to the Department of Parks and Recreation to be used, together with an equivalent amount of local matching funds, for the purchase of unincorporated area in Orange County known as "Bolsa Chica." The bill would declare findings of the Legislature relating to this bill.)

**Support AB 1334 (HARMAN) Caulerpa Algae** which would prohibit the sale, possession, transportation, transfer, or giving away without consideration the salt water algae of the genus Caulerpa.

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

**C-1b. (City Council) Planning Commission Resignation – Fred Speaker – Announcement of New Appointment by Councilmember Dave Garofalo (110.20)**

Communication from Councilmember Garofalo that he regrettably accepts the resignation of Fred Speaker as his appointee to the Planning Commission. In so doing, he will be announcing a new appointment.

***[Announced appointment of Bill Borden as Councilmember Garofalo's representative on the Planning Commission]***

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

***[Announced Agenda Item E-15 – Appointment of Clay Martin as Administrative Services Director]***

***[Asst. City Administrator presented oral report presented on AES Power Plant expansion negotiations relative to air quality conditions; visual impact improvement through landscaping; potential for a new modern plant to be built in several years;***

***impact on ocean life; and ocean water quality; ability for city to be Chief Building Inspector; on-going issues will be designating power for California only; also hours of construction to conform to city ordinances. California Energy Commission will meet again in Council Chambers on April 4, 2001.]***

***[Oral report on Rail Symposium meeting presented by Councilmember Bauer – (video tape available)]***

***[Councilmember Garofalo stated recognition to City Administrator Silver, Assistant City Administrator Workman, Matt Lamb, Real Property Manager and Ross Cranmer, Director of Bldg. & Safety for response to energy crisis.]***

**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 to Consider Appeal by Mayor Pro Tem Debbie Cook of Planning Commission's Approval of Application by Keith Bohr of Entitlement Plan Amendment No. 00-11 – Ibiza Restaurant Live Entertainment and Roof Deck Dining at 209 Main Street (420.40)**

Public hearing to consider the following:

**Applicant:** Keith Bohr, 415 Townsquare Lane, #219, Huntington Beach, CA 92648

**Appellant:** Debbie Cook, Mayor Pro Tem

**Request:** To permit the use of a 2,550 square foot roof deck for dining purposes and establishment of live entertainment within a previously approved restaurant.

**Location:** 209 Main Street (Ibiza Restaurant)

**Environmental Status:** Notice is hereby given that Item is 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, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after Friday, March 16, 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 Department at 536-5271 and refer to the above item. 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

Power Point presentation titled *Appeal – Ibiza Restaurant Live Entertainment/Roof Deck – Entitlement Plan Amendment No. 00-11* is included in the packet.

**Planning Commission and Staff Recommendation:** Motion to: Approve Entitlement Plan Amendment No. 00-11 with Findings and Conditions of Approval (Attachment No. 1).

***[Approved EPA No. 00-11, with findings and amended conditions (limited to two stringed instruments with no bass and 6 month permit review) – 4-3 (Green, Boardman, Bauer No)]***

D-2. **(City Council) Public Hearing – Resolution No. 2001-7 – Proposed Issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for Quo Vadis Apartments Affordable Housing Project – 18992 Florida Street** (330.30)

Public hearing to consider the proposed issuance of multifamily housing revenue bonds in an amount not to exceed \$8,100,000 (the “Bonds”). California Statewide Communities Development Authority will be the issuer of the Bonds. The Bonds are for the purpose of assisting the financing of a 104-unit multifamily housing project to be owned and operated by KDF QV, L.P. and/or a related entity. The project is known as “The Quo Vadis Apartments” and is located at 18992 Florida Street, Huntington Beach, CA 92648.

Interested persons wishing to express their views on the issuance of such Bonds or on the nature and location of the facility proposed to be financed will be given an opportunity to do so at the public hearing or may, prior to the time of the hearing, submit written comments to the City Clerk at 2000 Main Street, Huntington Beach, California 92648. Contact the Economic Development Department at (714) 536-5542.

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

**Recommended Action:** Motion to:

Adopt **Resolution No. 2001-7** – *“A Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Not to Exceed \$8,100,000 Aggregate Principal Amount of Multifamily Housing Revenue Bonds.”*

***[Adopted 7-0]***

**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 meetings of February 20, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.  
***[Approved 7-0]***
- E-2. **(Redevelopment Agency) Approve Appropriation of Housing Set Aside Funds in the Amount of \$201,121.35 for Bridges America Sher, L.P. for Sher Lane/Parkside Lane Affordable Housing Project** (600.30) – Appropriate \$201,121.35 of Housing Set Aside Funds for the rehabilitation of 16112 Sher Lane and 16121 Parkside Lane. Submitted by the Economic Development Director. Funding Source: \$201,121.35 – Housing Set Aside Funds.  
***[Approved 7-0]***
- E-3. **(City Council) Approve Appointments to the Children’s Needs Task Force – Berry, Rutherford, Nguyen** (570.70) – Appoint the following individuals to the Children’s Needs Task Force: Frank Berry, Gary Rutherford – 3/01-3/05 and Carolyn Nguyen (student member) 5/01-4/02. Submitted by the Community Services Director and as Recommended by Council Liaisons Mayor Pam Julien Houchen and Councilmember Shirley Dettloff. Funding Source: Not Applicable.  
***[Approved 7-0]***
- E-4. **(City Council) Approve Continuation of 2001 Mortgage Credit Certificate Program – Approve Continuation of Cooperative Agreement with County of Orange** (600.25) –  
1. Reaffirm continuation of the Mortgage Credit Certificate program as set forth in Resolution 97-001, adopted by City Council on January 6, 1997 (Attachment 1); and  
2. Reaffirm continuation of the Cooperative Agreement between the County of Orange and the City of Huntington Beach Regarding the Mortgage Credit Certificate Program, approved by City Council on August 25, 1994 – *Cooperative Agreement Between the County of Orange and the City of Huntington Beach Regarding the Mortgage Credit Certificate Program.* Submitted by the Economic Development Director. (No Funds required at this time.)  
***[Approved 7-0]***

- E-5. **(Redevelopment Agency) Approval As To Form Three Office Space Leases Between Abdelmuti Development Co. and (1) Vesta Capital Partners, LLC (Suite 2F), (2) DoveBid, Inc. (Suite 3A-1), and (3) Frangelica, Inc. (Suite 3D) – Oceanview Promenade (Main-Pier Redevelopment Area)** (600.30) – Approve as to form the following office space leases at the Oceanview Promenade between Abdelmuti Development Company and (1) Vesta Capital Partners, LLC; (2) DoveBid, Inc.; and (3) Frangelica, Inc. Submitted by the Economic Development Director. Funding Source: Not Applicable.  
***[Approved 7-0]***
- E-6. **(City Council) Approve Amendment of City Budget to Increase City Attorney’s Legal Services Account – (Talbert & Beach vs City) (Howard Jarvis Taxpayers) (AES Proceedings Before the California Energy Commission)** (320.45) – Approve and authorize the Director of Administrative Services to appropriate \$200,000 from the General Fund Balance to the City Attorney’s Legal Services Account to fund the remainder of anticipated costs for outside legal counsel for Fiscal Year 2000-2001. Submitted by the City Attorney. Funding Source: General Fund.  
***[Approved 7-0]***
- E-7. **(City Council) Adopt Resolution No. 2001-9 Authorizing the Mayor and City Clerk to Execute Federal Aid Program Supplement Agreement M011 to State Agency Agreement No. 12-5181 for the South Beach Phase 1 Construction Improvements; CC-1106** (600.20) – Adopt **Resolution No. 2001-9** – *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement No. M011 to Agreement No. 12-5181 for the South Beach Phase 1 Construction Improvements.”* Submitted by the Public Works Director. Funding Source: Not Applicable.  
***[Adopted 7-0]***
- E-8. **(City Council) Accept the 1999-2000 the Community Development Block Grant (CDBG) Sewer Sliplining Project, CC-1130 and File Notice of Completion – Sancon Engineering, Inc.** (600.60) – Accept the 1999-2000 CDBG Sewer Sliplining Project, CC-1130, at a final cost of \$376,581.00 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: (CDBG) Community Development Block Grant Funds.  
***[Approved 7-0]***

- E-9. (City Council) Approve Final Tract Map No. 15795 of Tentative Tract Map No. 15795 with Bonds and Agreements (The Boardwalk) – Approve Subdivision Agreement – PLC Land Company – Palm-Goldenwest Specific Plan – s/w Corner of Palm and Goldenwest** (420.60) – **1.** Approve Final Tract Map No. 15795 and accept the offer of dedication, improvement, and bonds; and **2.** Approve the *Subdivision Agreement by and between the City of Huntington Beach and PLC Land Company for Tract No. 15795* 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. 15795 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 15795 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-987-509-00; **b.** Labor and Material Bond No. 3SM-987-509-00; and **c.** Monument Bond No. 3SM-987-510-00 (**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); **e.** Payment of Park and Recreation In-Lieu Fees. Submitted by the Planning Director. Funding Source: Not Applicable.  
**[Approved 7-0]**
- E-10. (City Council) Approve Funding for Replacement of Certain Bollards at Pier Plaza to Create Physical Separation Between Restaurant Valet Parking and Pier Plaza** (320.45) – Authorize the Director of Administrative Services to appropriate \$9,000 from the General Fund Unappropriated, Undesignated Fund Balance into Beach Maintenance Account to create a physical barrier between the Pier Plaza public space and restaurants' valet parking area in order to prevent potential injury to the public. Submitted by the Community Services Director. Funding Source: General Fund, Unappropriated, Undesignated.  
**[Approved 7-0]**

**E-11. (City Council) Approve Plans & Specifications and Authorize Advertisement for Bids for the Arterial Highway Rehabilitation Program Projects (Contingent Upon CalTrans Approval); CC-1145; CC-1146; CC-1147; and CC-1148 – Approve Sample Contract**

(600.20) – 1. Approve plans, specifications, and authorize the Director of Public Works to request bids for the following Arterial Highway Rehabilitation Projects contingent upon Caltrans approval of the plans, specifications for all cash contracts and estimate for CC-1147:

	<u>Street</u>	<u>Project #</u>	<u>Limits</u>	<u>Award</u>
1.	Springdale	CC-1145	McFadden to Bolsa	\$269,895
2.	Edinger	CC-1146	Gothard to Newland	\$233,847
3.	Brookhurst	CC-1147	Hamilton to Indianapolis	\$400,000
4.	Magnolia	CC-1148	Adams to Garfield	\$237,659

and 2. Approve the attached sample contract subject to award of the contract to the lowest responsible/responsive bidder. Submitted by the Public Works Director. Funding Source: Combination Gas Tax Entitlement funds, Arterial Highway Rehabilitation Program (AHRP) grant and Gas Tax Arterial Highway Rehabilitation funds (AB2928) are available.

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

**E-12. (City Council) Approve Revised Professional Services Agreement with Center for Demographic Research for Expanded Scope of Mobile Home Market Study for the Feasibility of a Rent Stabilization Ordinance for Huntington Beach and Approve Appropriation of Funds**

(600.10) – 1. Authorize the Mayor and City Clerk to execute the attached revised professional services contract with the Center for Demographic Research *Revised and Restated Professional Services Contract between the City of Huntington Beach and California State University, Fullerton Foundation for a Mobilehome Market Study*; and 2. Appropriate \$6,250 from the City's General Fund to pay for the expanded scope. Submitted by the Economic Development Director. Funding Source: \$6,250 – Unappropriated General Fund Balance. (On August 21, 2000, Council approved the selection of the Center for Demographic Research, a nonprofit research foundation at California State University, Fullerton as a consultant to conduct a market study of mobile home parks in Huntington Beach to inform Council of whether or not a rent stabilization ordinance is needed. Upon approval of the City's contract with the Center for Demographic Research, Council directed staff to obtain a proposal from the consultant to expand the scope of the study to include mobile home parks throughout Orange County. This proposal has been received, and the City's contract for the market study has been revised to incorporate the additional work.)

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

- E-13. (City Council) Approve Sole Source Professional Services Contract Between the City and Gustavo Ortiz for Workers Compensation Claims Services and Approve Settlement Agreement Committee's Recommendation for Waiver of Insurance Liability Requirements** (600.10) – **1.** Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Gustavo Ortiz for Workers Compensation Claims Services*; and **2.** Approve the waiver of general liability and professional liability insurance requirements as recommended by the Settlement Committee meeting. Submitted by the Administrative Services Director and the Fire Chief/Information Services Director. Funding Source: \$150,000 is currently budgeted in the JD Edwards project for backfilling Administrative Services personnel assigned to the project, available in the Temporary Salaries Account.  
**[Approved 7-0]**
- E-14. (City Council) Approve City Treasurer's Contractor Certification Clauses for the Franchise Tax Board** (600.10) – Approve and authorize the Mayor Pro Tem to execute the Contractor Certification Clauses as part of *Agreement Number C2020090* with the Franchise Tax Board previously approved by City Council on February 5, 2001. Submitted by the City Treasurer. Funding Source: None required.  
**[Approved 7-0]**
- E-15. (City Council) Approve the Employment Agreement Contract Between the City and Clay Martin Selected as the Director of the Administrative Services Department** (600.10) – **1.** Approve the recommendation of the City Administrator to transfer Clay Martin to the position of Director of Administrative Services; and **2.** Approve the contract *Employment Agreement Between the City of Huntington Beach and Clay Martin* for the position of Director of Administrative Services and authorize the City Administrator and City Clerk to execute same. Submitted by the City Administrator. Funding Source: Fiscal Year 2000/01 City General Fund Budget Account, Administrative Services Permanent Salaries.  
**[Approved 7-0]**
- E-16. (City Council) Approve Partnership Agreement Between the City and the Rancho Santiago College District for the Educational Training of Marine Safety Personnel, Community Services Department** (600.10) – **1.** Approve and authorize the Mayor and City Clerk to sign the attached *Agreement between Rancho Santiago Community College District and the City of Huntington Beach for Education Instructional Purposes*; and **2.** Authorize the Director of Administrative Services to appropriate \$15,000 from the General Fund Unappropriated, Undesignated Fund Balance into Marine Safety Overtime Account 10045207.53020 and \$5,000 into Marine Safety Tuition Account 10045207.68575. Submitted by the Community Services Director. Funding Source: \$20,000 from the General Fund Unappropriated, Undesignated Fund Balance. The city will be reimbursed per student contact hour for teaching and training classes; Total Revenue to City \$23,900.  
**[Approved 7-0]**

E-17. **(City Council) Approve Services Contract Between the City and the Public Enterprise Group (Donald R. Schulte) for Marketing Services** (600.10) – 1. Approve the *Services Contract between the City of Huntington Beach and Public Enterprise Group for Marketing Services* (Donald R. Schulte); and 2. Authorize the Mayor and City Clerk to sign the attached agreement between Public Enterprise Group (Donald R. Schulte) and the City of Huntington Beach for Marketing Services. Submitted by the Community Services Director. Funding Source: Revenue generated to the General Fund.  
***[Approved 6-1 (Boardman No)]***

E-18. **(City Council) Approve Amendment No. 5 to Engineering Resources, Inc. Professional Services Agreement for Plan Checking and Development Processing (Engineering Development and Construction Management Functions)** (600.10) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 5 to the Agreement between the City of Huntington Beach and Engineering Resources of Southern California, Inc. for Plan Checking and Development Processing.* Submitted by the Public Works Director. Funding Source: A total of \$750,000 is budgeted in: General Fund Engineering Contract Services – \$365,000; Water Fund Engineering Contract Services - \$82,000. Up to \$303,000 will be charged to budgeted Capital Improvement Projects or developer paid processing fees as necessary. No additional funds are required.  
***[Approved 7-0]***

E-19. **(City Council) Approve Two Professional Services Contracts Between the City and (1) RBF Consulting for Preparation of Environmental Documentation for the Poseidon Seawater Desalination Plant Within the AES Huntington Beach, LLC Power Plant Facility and (2) a Reimbursement Agreement with Poseidon Resources Corporation for Planning Services** (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and RBF Consulting for Professional Planning Services for Preparation of Environmental Documentation for the Poseidon Seawater Desalination Plant* in the amount of \$204,692; and 2. Approve and authorize the Mayor and City Clerk to execute the *Reimbursement Agreement between the City of Huntington Beach and Poseidon Resources Corporation for Preparation of Environmental Documentation for the Poseidon Seawater Desalination Plant* for Planning Services; and 3. Authorize the Director of Administrative Services to appropriate \$204,692 from the City's General Fund Balance to the Planning Department's Contractual Services Account No. 10060201.69365; and 4. Authorize the Director of Planning to expend \$204,692 for Professional Planning Services to prepare Environmental Documentation, pursuant to the Contract with RBF Consulting, and to extend the duration of the Contract as required. Submitted by the Planning Director. Funding Source: Appropriate \$204,692 from the City's General Fund, Unappropriated Fund Balances into the Planning Department's Contractual Services Account.  
***[Approved 7-0]***

***[Virginia Grebbien, Vice President, Poseidon Resources reported]***

- E-20. (City Council) Approve the Time & Attendance/Leave Management Sales Agreement and Software License and Maintenance Agreement with KRONOS, Inc. for the J.D. Edwards Business System Implementation** (600.10) – **1.** Approve and authorize the Mayor and City Clerk to execute the *KRONOS Sales Agreement and Software License* for an amount not to exceed \$225,000 for Time & Attendance/Leave Management Software and Hardware; and **2.** Execute *Software Maintenance Agreement between the City and KRONOS, Inc.* for an amount not to exceed \$25,000. Submitted by the Fire Chief/ Information Systems Director. Funding Source: Phase I & II Funding and Capital Software Account  
**[Approved 7-0]**
- E-21. (City Council) Approve Professional Services Contract with Darrel Cohoon & Associates for Development of Methodology for Implementation of a Sewer Service Charge – Approve Waiver of Workers Compensation Insurance Requirements and Amendment to Hold Harmless Contract Clause** (600.10) – **1.** Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Darrel Cohoon & Associates for Development of Methodology for Implementation of Sewer Service Charge*; and **2.** Waive the Workers Compensation Insurance requirements; and **3.** Approve additional wording of negligent performance to the Hold Harmless contract clause; and **4.** Authorize the Director of Public Works to expend up to \$32,450 for \$29,500 contract costs plus 10% contingency for development of a methodology for implementation of a sewer service charge. Submitted by the Public Works Director. Funding Source: \$32,450 Public Works NPDES/IIMP Contract Services.  
**[Approved 7-0]**

**F. Administrative Items****F-1. (City Council) Approve Changes to Administrative Services Department Budget  
(320.45)**

Communication from the Director of Administrative Services informing Council that over the last several years the Administrative Services Department has been increasing its departmental workload without any augmentation to staff or available resources. With the implementation of the new JD Edwards financial system, changes in the City Medical Plan enrollment, and the increased role of the Real Estate Services Division it has become urgent to deal with several issues facing each division in the Administrative Services Department.

**Recommended Action:** Motion to:

Authorize the Director of Administrative Services to appropriate \$332,680 from Unreserved General Fund Balance and \$70,000 from the Medical Insurance Fund to the Administrative Services Departmental Budget.

***[Approved 6-1 (Julien Houchen No)]***

**G. Ordinances****G-1. Ordinances for Adoption - None****G-2. Ordinance for Introduction****G-2a. (City Council) Approve Introduction of Ordinance No. 3493 Modifying Chapter 5.50 Pertaining to Regulation of Mobile Vendors and Repealing Chapter 8.08 Relating to Food Vending Vehicles (640.10) – Ordinance No. 3493 – “An Ordinance of the City of Huntington Beach Amending Chapter 5.50 of the Huntington Beach Municipal Code Relating to Mobile Vending and Deleting Chapter 8.08 Relating to Food Vending Vehicles in its Entirety.”**

**Recommended Action:** After City Clerk reads by title, approve introduction of **Ordinance No. 3493**, by roll call vote.

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

**H. City Council/Redevelopment Agency Items****H-1a. Submitted By Councilmember/Agency Member Dave Garofalo**

**(City Council) Commitment of Portion of Budget Surplus to Sewer Fund** (320.10) – Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue**: Several years ago with the concurrence of a majority of the Council, we placed some restrictions of spending Budgets surpluses. I think generally Administration and Council found that to be good policy. I have a number of relative issues to bring forward. Based on very recent information we have a current Budget Surplus of approximately \$3 million. We are showing some unanticipated expenses of about \$1 million. That would leave about \$2 million this point in the Fiscal period.

**Recommended Action**: Motion:

That Council commit a minimum of 50% of any Budget surplus to the Sewer Fund through Fiscal Year 2002. Based on this motion succeeding, staff should redirect their estimates for cost to fulfill the proposed sewer plan and present net cost back to the City Council for debate and resolution.

***[Failed for lack of second to motion]***

**H-1b. Submitted By Councilmember/Agency Member Dave Garofalo**

**(City Council) Schedule a Red Team Meeting for Broad Discussion of Economic Development Issues** (120.25) –

Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue**: We've funded and filed at least two Edinger Corridor studies since the majority of this Council took office. Likewise, the study of Beach Boulevard consumes volumes of data in various City Hall Offices. Sales tax, while at an all-time high for the city, shows evidence of weakness and continual lagging comparable to Orange County cities.

As I look at the remaining 20 months or so left in office, I am compelled to look forward rather than behind. While we've done some good, particularly, the highest sales tax revenue in the city's history in 2000 and the highest generation of Room Tax, much is left to be done.

There were simple solutions. The first piece of legislation that I helped create was permitting corporations like Budweiser to sponsor beach events. The regulations have been tight and complied with for the six years we have allowed this activity. Some events would never have happened in Huntington Beach without that simple effort. The second piece of legislation authored was to establish the Red Team. This group has been successfully utilized in the past to help us with several issues. That was more complicated and long term. I think that if we get the Red Team together, we could have them tell us a few things, we could help those who might be considering expansion, some might be considering consolidation, etc. Bring in the Realtors, bring in the major shopping center manager/owners and let commerce happen in the incubator we could provide. If Council so feels that such a working seminar would be helpful and Administration feels there is some work involved, I would be happy to help in getting the letters out, inviting guests, etc.

(Continued on Next Page)

**Recommended Action:** Motion to:

~~Schedule a Red Team Meeting in the shortest possible time frame for a broad discussion of Economic Development issues, but specifically, a round table discussion of business networking opportunities, major commercial building space available, office and retail space available.~~

***[Item withdrawn from Agenda by Councilmember Garofalo]***

**H-1c. Submitted By Councilmember/Agency Member Dave Garofalo****(City Council) Simple Green Demonstration Project – Report Requested Re: Conversion of Contaminated Land to Productive Use (120.90) –**

Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue:** Simple Green Demonstration Project, Goldenwest Street and Garfield Avenue. Congressman Rohrabacher was able to secure \$1 million grant to test new aqueous/ bio-remediation process at this site. If successful, this proposed significantly lower cost and time saving technology could allow us to convert some city property into productive land use sites and also assist in the conversion of similarly contaminated local privately held property on to more productive property tax rolls.

**Recommended Action:** Motion to:

Direct staff to report back to Council the status of Simple Green Demonstration Project ***within six months.***

***[Approved as amended (7-0)]***

**H-1d. Submitted By Councilmember/Agency Member Dave Garofalo****(City Council) Report Requested on Outdoor Dining with Alcohol (120.90) –**

Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue:** Outdoor dining with alcohol has been on the table for almost two years.

**Recommended Action:** Motion to:

Direct staff to return and brief Council on status, implementation plan and time tables.

***[No action taken]***

**H-1e. Submitted By Councilmember/Agency Member Dave Garofalo****(City Council) Procedure for Introduction of New Police Officers (530.10) –**

Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue:** As we are reminded often, recruitment has and will be an issue in the Police Department for some time to come. I am amazed, on a regular basis, however, how many new officers we have. I recommend a procedure to present new Police Officers, a brief one or two sentence introduction after public comments. I strongly believe that presenting new Police Officers to community and us is exceptional good public relations.

**Recommended Action:** Motion to:

Request the Police Chief or his designee to bring to Council new Police Officers to introduce to community and Council perhaps once a month or at his discretion.

***[Failed for lack of second]***

***[Proposal for Mayor-Council delegation to meet with newly hired police officers]***

**H-1f. Submitted By Councilmember/Agency Member Dave Garofalo****(City Council) Uses for Energy Conservation Technologies** (580.50) –

Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue**: Energy conservation starts at home. I had the business opportunity to represent state of the art technology 25 years representing the Union Carbide Corporation in their new Photovoltaic technology. We've come a long way in twenty-five years. Yes, we are overwhelmed with issues. However, prioritizing some of them into income producing, cost reduction, public health and safety, etc., categories are important.

**Recommended Action**: Motion to:

~~At a minimum utilize Traffic Signal operation technology. Lift stations could unusually benefit from power storage batteries and be available for crisis situations, etc.~~

***[No motion required, Council concurred with all efforts to utilize technology]***

**H-2a. Submitted By Councilmember/Agency Member Connie Boardman****(City Council) Request for the Intergovernmental Committee to Examine Senate Bill 691** (640.90) –

Communication from Councilmember Connie Boardman submitting the following **Statement of Issue**: SB 691 introduced by Senator Bruce McPherson would require a court to award reasonable attorney's fees to the prevailing party in actions brought with respect to an ordinance or other law regarding mobile homes, manufactured homes, mobile home parks, or manufactured housing communities.

Under current law cities and/or counties can not recover legal expenses when defending their mobile home ordinances even if they are the prevailing party. This bill would make it possible for cities to do so.

**Recommended Action**: Motion to:

Refer this bill to the Intergovernmental Committee for review at the committee's next meeting, and request that the Intergovernmental Committee return to the council with a recommendation regarding support of the bill.

***[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.

***[Invitation to "A Taste of Huntington Beach" at Waterfront Hilton benefitting Children's Library]***

**Council/Agency Adjournment** to Monday, March 26, 2001, at 4:30 p.m., in the Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

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