

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

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

MONDAY JUNE 6, 2005

4:30 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8
The City Clerk will recess the 4:00 P.M. portion of the Meeting to 4:30 P.M. due to an anticipated lack of quorum.

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present *(Cook absent – arrived at 7:12 P.M. for continued closed session)*

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

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

Notice of Absence for Councilmember Cook

Public Comments Regarding 4:30 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

None

(City Council/Redevelopment Agency) Study Session – Presentation by the Police Department Re: Current Police Staffing Issues and Plans for Summer 2005 (100.10)

The Police Chief will discuss current staffing issues and plans for summer 2005. He will also present suggestions regarding future staffing in the Police Department.

PowerPoint titled *Police Department Staffing City Council Workshop June 6, 2005* is included in the agenda packet.

City Administrator Penny Culbreth-Graft introduced Police Chief Ken Small who presented a PowerPoint report. Chief Small thanked Council for support with the contract, and discussed expediting background process, current understaffing of sworn officers, areas of vacancies, hiring of lateral police officers, schedules for coverage, response times to Priority One calls, summer schedules, and plans for the future – taking into account the impact of new “visitor” developments. Council inquiries ensued. Councilmembers stated their support for the Police Department.

Call Closed Session of City Council/Redevelopment Agency

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

(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 **Scottsdale Insurance Co., et al. v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 761735. Subject: **Scottsdale Insurance Co. v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Director of Administrative Services, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, SCLEA and MEO.** Subject: **Labor Relations – Meet & Confer.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. **Number of Potential Cases: 481.** Subject: **Potential Litigation.** (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 **Shugart v. City of Huntington Beach**, United States District Court Case No. SACV 91-0475 AHS (RWRx). Subject: **Shugart v. City of Huntington Beach.** (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 **Merrilee Madrigal v. City of Huntington Beach, Landscape By Hiro, Inc., Real Parties in Interest**, Orange County Superior Court Case No. 05CC00029. Subject: **Madrigal v. City of Huntington Beach, Landscape By Hiro, Inc., Real Parties in Interest.** (120.80)

Closed Session meeting was continued after the 6:00 p.m. meeting.

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. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

6:00 P.M. – Council Chambers – 6:08 P.M.

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)).

None

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present (Cook absent)

Pledge of Allegiance/Flag Salute – To be led by the Mayor

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – To be announced by the Mayor
Robert L. Jabro, Heritage Memorial Services

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

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

The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

Notice of Absence for Councilmember Cook.

Presentation – Mayor Jill Hardy to call on Community Services Director ~~Jim Engle~~ **Recreation Superintendent, Janeen Laudbeck** to announce a \$5,000 donation to the Distance Derby from Rainbow Disposal who is title sponsor of the event. (160.40)

Presentation – Mayor Jill Hardy to call on Fourth of July Executive Board Chair Mary Ellen Cianciabella to talk about the Fourth of July Parade and Fireworks. They will also recognize Public Works Engineering Technician John Von Holle for being named the recipient of the Bill Gallienne Award and former Mayor Shirley Dettloff for being named Community Grand Marshal for the parade. (160.40)

Announced merchandise available at some local merchant stores. Expos to be held on July 3 and July 4. For more details, visit hb4thofjuly.com.

Presentation – Mayor Jill Hardy to call on Council Member Gil Coerper to present an award of appreciation to Buena Park City Council Member Art Brown and the City of Buena Park for their support of the Third Battalion, First Marines Dining Out event on April 22, 2005. (160.40)

Councilmember Brown of Buena Park presented donation checks totaling \$1025 to the 3/1 Adoption Program.

Presentation - Mayor Jill Hardy called on Michelle Tuchman, Director of Public Affairs, Municipal Water District who announced student contest winners and presented a trophy and certificate to the Huntington Beach contest winner.

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendized.

Complete the attached pink form and give to the Sergeant-At-Arms (the Police Officer located near the speaker's podium).

Speaker referred to document titled "Global Water Intelligence" and cited statistics relative to global warming and privatization of water.

Speaker on behalf of Residents for Responsible Desalination asked Council to visit website, www.hbdesalfacts.org for information relative to the Poseidon project. Urged Council to vote "No" on Desalination Project.

Speaker in opposition to Poseidon Desalination Project described what he stated are misleading and false information being provided by Poseidon. He urged Council to vote "No" on the potential project.

24 year Huntington Beach resident spoke regarding condition of the beaches downtown. He stated that the beaches are dirty and asked Council to address the situation.

Speaker stated concerns about loan papers and his disagreement with the developers the City works with. He further expressed concerns about the welfare of his dog.

Speaker referred to email he distributed which outlines problems with desalination operation in Tampa, Florida. Urged Council to review Poseidon Tampa Bay project before making any decisions for Huntington Beach.

Speaker stated concerns relative to sewer line project in southeast Huntington Beach and the negative effects on the property of a friend's house in the area. He also stated concerns about potential Poseidon project.

C-1. Council Committee/Appointments/Liaison Reports (110.20)

(This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports.)

Councilmember Debbie Cook to make her individual appointment of Flossie Horgan to the Planning Commission.

Appointment announced by Mayor Hardy.

Councilmember Green, 3/1 Committee Member, read a letter from one of the Marines adopted by the City of Huntington Beach. Mayor Pro Tem Sullivan re-iterated the intent of the 3/1 Adoption, encouraging contributions.

C-2. City Administrator's Report

None

C-4 City Attorney's Report of Litigation Filed

None

D - PUBLIC HEARING

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. (Redevelopment Agency) Cancel Public Hearing to be Rescheduled and Renoticed to a Date Uncertain - Continue the Evaluation on the Progress of the Five Year Implementation Plan (2002-2007) for the Southeast Coastal Redevelopment Project Area (410.05)

Communication submitted by the Acting Deputy Executive Director transmitting the following **Statement of Issue:** The evaluation on the progress of the Five Year Implementation Plan for the Southeast Coastal Project area needs to be rescheduled. As this meeting was duly noticed as the public hearing date for the evaluation, the Redevelopment Agency will move to hold the public hearing to a later date and renote the hearing.

Recommended Action: Motion to:

1. Not open the public hearing;

and

2. Reschedule and renote the hearing on the evaluation of the Five Year Implementation Plan for the Southeast Coastal Project Area.

Mayor Hardy announced cancellation with rescheduling to a date uncertain.

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 Continued from May 16, 2005 Meeting (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of April 18, 2005 and Adjourned Regular Meetings of April 25, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Approved 6 – 0 – 1 (Cook absent)

E-2. (City Council) Approve the Second Five-Year Extension of the Lease with Dwight's and Jack's, Inc. for Jack's Beach Concession at Huntington City Beach – Execute Documents if Advised by City Attorney (600.35) – Approve the second of three available five-year extensions of the City's lease with Dwight's and Jack's, Inc. for Jack's Beach Concession and authorize the Mayor and City Clerk to execute any necessary related documents if advised by the City Attorney. Submitted by the Acting Economic Development Director and Community Services Director. Funding Source: Not applicable.

Councilmember Bohr inquired about lease details. Acting Assistant City Administrator Robert Beardsley introduced Economic Development Consultant Mike Hennessey, who responded.

Approved 6 – 0 – 1 (Cook absent)

E-3. (City Council) Adopt Resolution Number 2005-39 Approving the Submittal of Applications to the Orange County Transportation Authority (OCTA) for Three Improvement Projects Under the Combined Transportation Funding Programs (CTFP) (located Bolsa Chica Street/Warner Avenue to Interstate 405; Pacific Coast Highway at Warner Avenue; and Pacific Coast Highway at Brookhurst Street) (800.45) – Adopt Resolution Number 2005-39 – “A Resolution of the City Council of the City of Huntington Beach Approving the Submittal of Three Improvement Projects to the Orange County Transportation Authority for Studies and Street Improvement Funding Under the Combined Transportation Funding Program.” Submitted by the Acting Public Works Director. Funding Source: No funding source is required for this action. If grants were awarded, matching funds would be required for one of the three projects. Traffic Impact Fees and fair share contributions from recent developments are appropriate matching fund sources.
Adopted 6 – 0 – 1 (Cook absent)

E-4. (City Council) Adopt Resolution Number 2005-40 to Establish Portions of Atlanta Avenue East of Brookhurst Street as Diagonal Parking Zones (560.10) – Adopt Resolution Number 2005-40 - “A Resolution of the City Council of the City of Huntington Beach Designating Portions of Atlanta Avenue as Diagonal Parking Zone.” Submitted by the Acting Public Works Director. Funding Source: The recommended action will require the expenditure of approximately \$4,000 in staff time and materials and can be provided within the current operating budget of the Public Works Department, Traffic Signs and Markings, Business Unit 10085302.
Adopted 6 – 0 – 1 (Cook absent)

E-5. (City Council) Approve Professional Services Contract with NetXact, Inc. for Information Services Technical Support (600.10) – Approve and authorize the execution by the Mayor and City Clerk of the *Professional Services Contract Between the City of Huntington Beach and NetXact, Inc. for Support of JDE Business System Software.* Submitted by the Acting Information Services Director. Funding Source: Current funding for this contract is available in FY 04/05 budget in Business Unit 30143002.
Deferred by City Administrator Culbreth-Graft to future agenda.

E-6. (City Council) Approve Deletion of Financial Policy Requiring a Biannual Two-Year Budget and Amend Language to Reflect Annual Budget Preparation – Approve the 3-way Designation of the General Fund Balance in Excess of the Required 7% Reserve, with 50% Designation to the General Fund, 25% Towards the Capital Improvement Fund and the Remaining 25% Towards the Infrastructure Fund (310.10) – 1. Approve the deletion of the current financial policy requiring a biannual preparation of a two-year budget; and **2.** Approve the 50/25/25 proportion of General Fund balance in excess of the required seven percent (7%) reserve and the General Fund portion placed in a secondary General Fund Reserve. Submitted by the Finance Officer. Funding Source: Not applicable.
Approved 6 – 0 – 1 (Cook absent)

F. Administrative Items - None**G. Ordinances****G-1. Ordinance for Adoption**

G-1a. (City Council) Adopt Ordinance No. 3714 Repealing the Local Gift Ban Ordinance and Alleviating Dual Standards Between the State and City Regarding the Huntington Beach Municipal Code Chapter 2.05 Relating to Gifts to Public Officials (120.10) - Ordinance Number 3714 – “An Ordinance of the City of Huntington Beach Repealing Chapter 2.05 of the Huntington Beach Municipal Code Relating to Gifts to Public Officials.” (Approved for introduction May 16, 2005.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3714**, by roll call vote.

Mayor Hardy abstained. Councilmember Green inquired about current amount of the state gift limit. City Attorney responded.

Adopted 5 – 0 – 1 – 1 (Hardy abstain, Cook absent)

G-1b. (City Council) Adopt Ordinance Number 3715 Amending Huntington Beach Municipal Code Chapter 13.48 Relating to Animals in the Park Pursuant to the Terms of the Agreement between the City and Southern California Edison (SCE) (500.10) - Ordinance Number 3715 – “An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park.” (Approved for introduction May 16, 2005.)

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3715**, by roll call vote.

Adopted 5 – 1 – 1 (Bohr No, Cook absent)

G-2. Ordinances for Introduction

G-2a. (City Council) Approve for Introduction Ordinance No. 3716 Amending Huntington Beach Municipal Code Chapter 5.24 Relating to Insurance Records for Massage Establishments (570.10) – Ordinance Number 3716 - “An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Insurance Records for Massage Establishments.”

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3716**, by roll call vote.

Approved 6 – 0 – 1 (Cook absent)

G-2b. (City Council) Approve for Introduction Ordinance No. 3717 Amending Huntington Beach Municipal Code Chapter 10.60 Relating to Parking (560.35) – Ordinance Number 3717 - “An Ordinance of the City of Huntington Beach Amending Chapter 10.60 of the Huntington Beach Municipal Code Relating to Parking.”

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3717**, by roll call vote.

Approved 6 – 0 – 1 (Cook absent)

H. City Council/Redevelopment Agency Items**Council Comments - (Not Agendized)**

Councilmember Hansen announced Pier Plaza Memorial Day Event success and recommended the event continue to occur at the Plaza.

Mayor Pro Tem Sullivan congratulated Ocean View High School Baseball Team who won the CIF Championship.

Councilmember Green announced Saturday concert at Pier Plaza and the great reports she heard about it.

Councilmember Coerper announced American Legion Post 133 inquired about cost of placing defibrillators in squad cars and request Chief Small provide figures to him.

Mayor Hardy congratulated Adam Scott Cetin on his Eagle Scout award. She also thanked her students, Senior Citizens, Mayor Pro Tem Sullivan and former Mayor Peter Green for their participation in her recent project.

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.

Recessed to Closed Session at 7:08 P.M.

Council/Agency Adjournment at 7:58 p.m. with no report out to Monday June 20, 2005, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

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