

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 special assistance, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms** at the meeting or the **City Clerk (714) 536-5227**.

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

MONDAY JUNE 20, 2005

4:00 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

Call City Council/Redevelopment Agency Meeting to Order – 4:04 p.m.

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present (Sullivan arrived at 4:15 p.m.)

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.)

None

Public Comments Regarding 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

None

(City Council) Study Session #1 – Joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council Re: Preliminary Recommendations for Community Development Block Grant (CDBG) Allocations for Fiscal Year 2005-2006 (340.70)

Joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council to review recommendations of the CPAB and city staff for the Community Development Block Grant (CDBG) allocations for the upcoming 2005-2006 program year.

Roll Call – CPAB – Jerry Lipson, Chair; Patrick Burns; Diane Campbell; Jackie Canigiani; Linda Couey; Angie Dahman; Steve Garcia; James Hayden; Jim Moreno; Patricia Jacobs-Pilette; Michael Johnson; Michael Moncrief and Charles Tyler.

Present – (Boardmember Dahman arrived at 4:15 pm - Boardmembers Burns, Couey, Moreno, Moncrief, and Tyler absent)

Communication titled *City of Huntington Beach – Community Development Block Grant Program* is included in the agenda packet.

City Administrator Culbreth-Graft introduced Michael Hennessy, Consultant for the Economic Development Department who commented on the topic and presented CPAB Chairperson, Jerry Lipson. Chair Lipson spoke regarding CPAB's themes and recent funding history. He announced that the Board concurs with most staff recommendations on funding of programs, and recommends continuing Curb-Cut program. Chair Lipson thanked City Council for support and Department Heads for efforts. Councilmembers voiced appreciation for Board's efforts. Further Council inquiries regarding Federal funding increases and Curb-Cutting/ADA Projects. Final CPAB meeting scheduled for July 7, 2005. Mayor Hardy thanked the Boardmembers for their efforts.

(City Council) Study Session #2 – Presentation by the Department of Toxic Substances Control (DTSC) Re: Emergency Fieldwork Activities at the Ascon Landfill Site (520.10)

Presentation by the Department of Toxic Substances Control (DTSC) regarding emergency action activities to be taken at the Ascon Landfill site (Site). Mr. Thomas Cota, Branch Chief with DTSC, will present the background, summary of activities, and implementation schedule of the emergency action. In addition, Ms. Tamara Zeier, contractor of the Site's Responsible Parties, will describe the planned fieldwork activities related to the emergency action.

PowerPoint titled *Emergency Action at the Ascon Landfill Site* is included in the agenda packet. **City Administrator Culbreth-Graft introduced Eric Engberg, Fire Marshall who introduced Thomas Cota and Tamara Zeier. Mr. Cota presented a PowerPoint report detailing site conditions, efforts made to remove 3.8 million gallons of water, and conditions requiring emergency action. Ms. Zeier described specific actions necessary and a timeline for completion. Council inquiries ensued. Mayor Hardy thanked Mr. Cota and Ms. Zeier for their presentations.**

Call Closed Session of City Council/Redevelopment Agency

**Recommended Action: Motion to recess to Closed Session on the following items:
Approved by consensus with all present, none absent.**

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Christine Gheen v. City of Huntington Beach**, Orange County Superior Court Case No. 04CC03159. Subject: **Gheen 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 **Kiyoshi Sakaeda v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 04CC06082. Subject: **Sakaeda v. City of Huntington Beach, et al.** (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)

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

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

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 – *Father Christian from Sts. Simon and Jude*

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

(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

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D-1, D-2, D-3, E-4, H-1a, H-1b

Presentation - Mayor Jill Hardy to call on Community Services Director Jim Engle to introduce Shirley Dettloff from the Friends of Shipley Nature Center to recognize and thank those who worked on the temporary parking lot at the Shipley Nature Center in Huntington Beach Central Park. (160.40)

Shirley Dettloff recognized David Dominguez, Community Services Facilities Manager, Jim Jones, Maintenance Operation Manager and Bob Hoxsie of Hoxsie Construction for their services on this project. The Shipley Nature Center is currently open every Saturday from 9a.m. to 1p.m.

Presentation - Mayor Jill Hardy to call on Community Services Director Jim Engle and Art Center Supervisor Kate Hoffman to introduce representatives from the Huntington Beach Art Center Foundation who will present a check for \$45,000 to the Community Services Department. (160.40)

Diane Casey and Dr. Gerald Chapman presented the check. Kate Hoffman was recognized for her direction of the Art Center.

Presentation - Mayor Jill Hardy to call on Police Chief Ken Small who will introduce the team of officers who have developed the Emergency Vehicle Operations Course/Pursuit Intervention Technique, which has resulted in a substantial reduction of accidents and injuries involving Huntington Beach Police Officers. (160.40)

Police Chief Ken Small recognized the trainers and the police garage staff for an outstanding job. A recent news video was shown demonstrating the Pursuit Intervention Technique (PIT) used to apprehend a suspect during a bank robbery in Costa Mesa.

Presentation - Mayor Jill Hardy to recognize the Varsity baseball team from Ocean View High School for their great accomplishment of winning the Division Three CIF Championship. Coach Aaron Kavanaugh and the team will be present to be recognized. (160.40)

Mayor Hardy and Mayor Pro Tem Sullivan congratulated the team.

Mayor's Award - Mayor Jill Hardy to call on Information Services Interim Director Behzad Zamanian to present the Mayor's Award to Eric Hsieh, Senior Analyst, an outstanding individual in the department. (160.40)

Information Services Interim Director Zamanian presented to Senior Analyst, Eric Hsieh, the Mayor's Award for his outstanding work.

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 representing one of the property owners on Hess Circle relative to Item D-3, requested a six month extension before assessing the fine.

Speaker representing non profit "Healing Odyssey" a cancer survivor program, announced a fund raiser 5K walk on Saturday, July 23 at Central Park from 7:30a.m. to 11:00a.m. For more information call 949-951-3930 or www.healingodyssey.com.

Speaker representing Friends of Huntington Harbour spoke in favor of the Edinger Avenue beautification project. She urged Council to approve Item H-1b.

Speaker presented a PowerPoint depicting the unsafe and unsightly areas along Edinger Avenue. He urged Council to approve Item H-1b requesting the study to look into landscaping with low maintenance.

Speaker spoke in opposition to Ordinance 3715, which was adopted at the June 6 Council meeting. He informed Council of how this ordinance adversely impacts the dog owners' ability to walk their dogs in Langenbeck Park. He asked Council to impose a moratorium to discuss an alternative solution.

Councilmember Green informed the speaker that the ordinance is a result of Southern California Edison contract requirement.

Speaker spoke in opposition to Ordinance 3715. She informed Council that her house borders Langenbeck Park and that this ordinance prevents her from walking her dog from her back yard to the park. She urged Council for a 60-day moratorium so that they can meet with Edison to discuss possible options.

Speakers spoke in opposition to proposed Poseidon Desalination Plant citing the failure of the Tampa Bay Plant.

Speakers spoke in favor of item D-3 commenting that in their opinion the fines should be higher.

Speaker informed Council that he believed Hamilton and Santa Ana River should be added to Item H-1a listed entry nodes.

Speaker spoke in opposition to the proposed Poseidon Desalination Plant. He distributed an editorial by the LA Times titled "A Shocking Water Noncrisis" stating his opinion that we need to make better use of the water we have.

Speakers spoke regarding Huntington Beach Youth Shelter and support of the city's efforts to reopen this much needed service.

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

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

Councilmember Coerper, Mayor Pro Tem Sullivan and Councilmember Green reported on the 3/1 Committee.

C-1a. (City Council) Councilmember Gil Coerper to Introduce Huntington Beach Firefighter/Paramedic Justin Fleming and sister Shauna Fleming Re: Sending Letters to the Troops Serving Overseas (160.10)

Councilmember Gil Coerper will introduce Huntington Beach Firefighter/Paramedic Justin Fleming and his sixteen-year-old sister, Shauna Fleming, to discuss a project that Shauna has been working on to send letters to troops serving overseas. Shauna set a goal to send one million letters in one year to show the troops our appreciation for their efforts. She has since met that goal and is now working to increase her goal to 1.4 million – one letter for every person serving in the military now.

Presentation made by Huntington Beach Firefighters' Association to Shauna Fleming for her "A Million Thanks" program. She announced her website – amillionthanks.org and expressed how much these letters are appreciated by the troops.

C-2. City Administrator's Report - None

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's April 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report and Summary of Investments for April 2005.

Recommended Action: Motion to:

Review and accept the Monthly Investment Report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for April 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved 7 – 0

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. (City Council) Public Hearing to Consider Appeal Filed by Mayor Pro Tem Dave Sullivan of the Planning Commission's Approval of 13 Residential Units for Tentative Tract Map No. 16682 – Conditional Use Permit No. 04-16 - Roosevelt Townhomes (16811

Roosevelt Lane (west side, north of Warner Avenue, south of Pearce Drive) – Applicant, Hank Jong, EGL Associates, Inc. (420.40)

Public hearing to consider appeal of the Planning Commission's approval of Tentative Tract Map No. 16682/Conditional Use Permit No. 04-16 (Roosevelt Lane Condominiums):

Applicant: Hank Jong, EGL Associates, Inc.

Appellant: Dave Sullivan, Mayor Pro Tem

Request: Tentative Tract Map (TTM): To subdivide a 41,054 sq. ft. parcel into one lot for condominium purposes; **Conditional Use Permit (CUP):** To permit (a) construction of 13 three-story condominium dwelling units with attached garages on a 41,054 square foot lot; and (b) patio fencing exceeding 42 inches in height (proposed 43 inches) within the required front yard setback.

Location: 16811 Roosevelt Lane (west side of Roosevelt Lane, north of Warner Avenue, south of Pearce Drive)

Environmental Status: Notice is hereby given that this 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 on Thursday, June 16, 2005.

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 items. Direct your written communications to the City Clerk.

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

Recommended Action: Motion to:

Planning Commission and Staff Recommendation:

Approve Tentative Tract Map No. 16682 and Conditional Use Permit No. 04-16 with findings and modified conditions of approval (Attachment No. 1.)

Assistant Planner Ron Santos gave PowerPoint presentation. Council and staff discussed Affordable Housing issue, drainage situation, open spaces and setback area, and six-foot versus eight-foot block wall along Roosevelt Lane frontage. Public Hearing opened, 2 speakers, Public Hearing closed. Approved Recommended Action as amended – on site would have two medium affordable units for sale or offsite, one low and one very low affordable rental units applicant's choice, and eliminate "g" from Conditions of Approval of TTM 16682.

Approved 7 – 0

D-2 (City Council) Public Hearing to Consider Appeal Filed by Councilmember Debbie Cook of the Planning Commission's Approval of Conditional Use Permit No. 05-03 (Doo Retaining Wall located 17041 Westport Drive, west of Bedford Lane) – Applicant, Shirley Doo (420.40)

Public hearing to consider appeal of the Planning Commission's approval of Conditional Use Permit 05-03 (Doo Retaining Wall):

Applicant: Shirley Doo

Appellant: City Council Member Debbie Cook

Request: To permit the construction of a combination retaining wall/wood fence within the rear yard setback of a through lot. The proposed retaining wall measures five (5) feet in height and will be topped with a wood fence measuring six (6) feet in height for a maximum height of eleven (11) feet. The combination retaining wall/wood fence is proposed with a meandering setback ranging from three (3) feet to five (5) feet eight (8) inches measured from the rear property line. Location: 17041 Westport Drive (south side of Westport Drive, west of Bedford Lane)

Environmental Status: Notice is hereby given that this 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 on Thursday, June 16, 2005.

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 items. Direct your written communications to the City Clerk.

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

(Sixteen communications regarding this item are included in the agenda packet.)

Recommended Action: Motion to:

Planning Commission and Staff Recommendation:

Approve Conditional Use Permit No. 05-03 with findings and conditions of approval (Attachment No. 1).

Mayor Pro Tem Sullivan recused himself. Associate Planner Paul Da Veiga gave PowerPoint presentation. Public Hearing opened, 9 speakers, Public Hearing closed. Approved 5 – 1 – 1 (Cook No, Sullivan Abstain)

ADMINISTRATIVE PUBLIC HEARING

D-3 is an Administrative Public Hearing and is required by Huntington Beach Municipal Code Section 1.18. ONLY affected property owners are entitled to speak at this administrative hearing. Anyone wishing to speak is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium. All other interested parties may speak during the regular Public Comments section of the agenda at the beginning of the meeting.

D-3 (City Council) Administrative Public Hearing to Consider Adoption of Resolution Number 2005-41 Approving Certification of Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations (340.10)
Communication from the City Attorney and City Treasurer.

An Administrative Public Hearing to consider the adoption of proposed Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations."

An administrative hearing is required by the Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at an administrative hearing. All other interested parties may speak at regular public comment at beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

The public hearing is held pursuant to California Government Code Section 38773.5 and Huntington Beach Municipal Code 1.18.150.

1. Staff report
2. City Council discussion
3. Open administrative hearing
4. Following input from affected property owners **only**, close administrative hearing (The general public may speak during Public Comments)

Recommended Action: Motion to:

Adopt **Resolution Number 2005-41** - "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations."

City Attorney McGrath presented oral report. Public Hearing opened, no speakers, Public Hearing closed.

Approved 6 – 1 (Bohr No)

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 (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular meetings of May 2, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Approved 7 – 0

E-2. (City Council) Approve Project Specifications, Accept Bid and Award Construction Contract to Ruiz Engineering for the Asphalt Overlay of Various Residential Streets; MSC 426 (600.90) – 1. Approve the project specifications; and **2.** Accept the lowest responsible bid submitted by Ruiz Engineering in the amount of \$1,549,837.80 for MSC 426; and **3.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director.

Funding Source: Funds in the amount of \$1,735,500 are available from Gas Tax Funds FY 2004/05 Account No. 20785417.64620. The engineer's estimate for this project was \$1,690,000.

Approved 7 – 0

E-3. (City Council) Approve The Community Services Department's Instructional Recreational Class Budget Amendment to Pay Instructors for Additional Classes (320.10) – Authorize the appropriation of \$303,000 from the General Fund Unappropriated, Unencumbered Fund Balance into Instructional Classes-Other Contract Services Account #10045406.69450 to pay recreation class instructors. Submitted by the Community Services Director. Funding Source: General Fund Unappropriated, Unencumbered Fund Balance in the amount of \$303,000. Expenditures will be offset by \$433,000 in projected new revenue generated by instructional classes.

Approved 7 – 0

E-4. (City Council) Approve Final Tract Map Number 16406 - The Strand at Downtown Huntington Beach 1 Lot Subdivision (Located at blocks 104 and 105 Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street) – Approve Subdivision Agreement between the City and CIM/Huntington, LLC (420.60) - 1. Approve Final Tract Map No. 16406 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approve the *Subdivision Agreement By and Between the City of Huntington Beach and CIM/Huntington, LLC for Tract No. 16406* and authorize execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16406 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16406 Conditions of Approval, as approved by the City Council. **Requirements: (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. SU5008087 (Attachment No. 7); (b) Labor and Material Bond No. SU5008087; (Attachment No. 7); and (c) Monument Bond No. SU5008088 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable. **Mayor Hardy announced that staff requested a continuance per Late Communication to July 5, 2005.**

E-5. (City Council) Approve Balancing of Police Department's Federal Narcotics Forfeiture Fund (320.10) – 1. Approve the transfer of \$119,000 from the State Narcotics Forfeiture Fund, Number 214 to the Federal Narcotics Forfeiture Fund, Number 212; and **2.** Approve the transfer of \$92,761 from the existing Police Department 2004/2005, General Fund budget, account number 10070201 to the Federal Narcotics Forfeiture Fund, Number 212. Submitted by the Police Chief. Funding Source: The total negative balance of the Federal Narcotics Forfeiture Fund, Number 212, is \$211,761. The account will be balanced as follows: \$119,000 from fund 214, State Narcotics Forfeiture Fund Balance; \$92,761 from the existing Police Department, 2005/2005, General Fund budget, account number 10070201. These funds are available as a result of salary savings.

Approved 7 – 0

E-6. (City Council) Approve 2005/2006 Proposed Budget – West Orange County Water Board (WOCWB) (320.80) – Approve the Fiscal Year 2005/2006 proposed West Orange

County Water Board Budget in the amount of \$229,600. Submitted by the Acting Public Works Director (as recommended by Council Liaisons Mayor Jill Hardy and Mayor Pro Tem Dave Sullivan). Funding Source: No funding needed. The proposed 2005-2006 budget will be funded 100% by WOCWB reserves.

Approved 7 – 0

E-7. (City Council) Approve Updated Methodology and the 2005 Update of the Revised Citywide Traffic Signal Priority List (Presented to and Approved by the Public Works Commission) (580.10) – 1. Approve the updated methodology presented for developing the Traffic Signal Priority List; and **2.** Approve the revised Traffic Signal Priority List and ranking. Submitted by the Acting Public Works Director. Funding Source: None required for the recommended action. Traffic signals are typically funded through a variety of sources including grants, Air Quality funds, and Traffic Impact Fees. The Traffic Signal Priority List is used in developing the City's annual Capital Improvement Program (CIP).

City Administrator responded to Councilmember Coerper's inquiry. Acting Director of Public Works explained priority listing and process timelines.

Approved 7 – 0

E-8. (City Council) Approve Project Specifications – Accept Bid and Award Construction Contract to Nobest, Inc. for the Construction of Curb Ramps at Various Locations and Construction of Curb and Gutter on Santa Anita Lane and Cleveland Avenue; MSC 427 (600.90) – 1. Approve the project specifications; and **2.** Accept the lowest responsible bid submitted by Nobest, Inc. in the amount of \$382,002 for MSC 427; and **3.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director and Acting Economic Development Director. Funding Source: Funds in the total amount of \$409,467 have been designated for this purpose from Community Development Block Grant (CDBG) FY 2004/05 Citywide ADA Ramps, Account No. 86790002.82300 (\$182,112) and FY 2004/05 Curb/Sidewalk Construction 86790001.82300 (\$227,355). Funding of up to \$10,000 from General Fund, Street Maintenance Account No. 10085410.64620 is available for contingency and supplemental expenses.

Approved 7 – 0

E-9. (City Council) Authorize the Talbert Lake Diversion Project Pollution Control Grant Program Agreement with the State Water Quality Control Board Regarding Urban Runoff from the East Garden Grove Wintersburg Channel (EGGWC) (600.20) – Authorize City staff to enter into the *Proposition 13 Nonpoint Source Pollution Control Grant Program Grant Agreement Between the State Water Resources Control Board and City of Huntington Beach*. Submitted by the Acting Public Works Director. Funding Source: The State of California will award \$2,326,000 for the Talbert Lake Diversion Project. A 20% grant match amount of \$465,200 is required and is being pursued from the Southern California Wetlands Recovery Project (SCWRP) and other available funding sources. Funds will not be expended until sufficient matching funds are identified.

Mayor Pro Tem Sullivan highlighted that this is an outstanding project. Acting Public Works Director Emery informed Council that staff is pursuing other grant funding opportunities.

Approved 7 – 0

E-10. (City Council) Approve the Release of the Guarantee and Warranty Bond for Tract No. 16180 (The Tides) Located East of Goldenwest Street and South of Garfield Avenue

(Holly-Seacliff Specific Plan – Developer Shea Vickers Development, LLC) (420.60) – 1. Release Guarantee and Warranty Bond No. 00-255-268-A, the security furnished for guarantee and warranty of improvements; and **2.** Instruct the City Clerk to notify the developer, Shea Vickers Development, LLC, of this action, and the City Treasurer to notify the Surety, American Home Assurance Company, of this action. Submitted by the Acting Public Works Director. Funding Source: Not applicable.

Approved 7 – 0

E-11. (City Council) Approve Agreement Between the City of Huntington Beach and the Franchise Tax Board (600.20) - 1. Approve and authorize the Mayor and City Clerk to execute *Standard Agreement Number C0424161* between the City of Huntington Beach and the Franchise Tax Board; and **2.** Approve an appropriation and authorize an expenditure of an amount not to exceed \$4,505.00 from account number 10025301.69505. Submitted by the City Treasurer. Funding Source: Appropriate \$4,505.00. Cost to be offset by new revenues.

Approved 7 – 0

E-12 (City Council) Approve Renewal of Agreement with the City of Fountain Valley for Emergency Preparedness and Disaster Planning Services (600.10) - Approve the *Professional Services Contract Between the City of Huntington Beach and the City of Fountain Valley for the Services of the Huntington Beach Fire Department Emergency Services Coordinator* and authorize the Mayor and City Clerk to execute it. Submitted by the Fire Chief. Funding Source: None required.

Approved 7 – 0

E-13. (City Council) Adopt Resolution No. 2005-42 Naming Patti Williams, Acting Risk Manager, as the City’s Designated Representative to the Big Independent Cities Excess Pool Joint Powers Authority (BICEP) (110.20) Adopt Resolution No. 2005-42 – “A Resolution of the City Council of the City of Huntington Beach Naming Patti Williams, Acting Risk Manager, as the City’s Director to the Big Independent Cities Excess Pool Joint Powers Authority” instead of and in place of retired Risk Manager, Karen Foster. Submitted by the Acting Administrative Services Director. Funding Source: Not Applicable.

Adopted 7 – 0

E-14. (City Council) Appropriate and Authorize Expenditure of Funds and Approve Agreement with Austin-Foust Associates, Inc. for Update of the City’s Circulation Element of the General Plan (600.10) - 1. Appropriate funds in the amount of \$300,000 from the Traffic Impact Fee fund to the project account; and **2.** Authorize the expenditure of \$550,000 for professional services from Business Unit 20685201.29365; and **3.** Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Austin-Foust Associates, Inc for Traffic Model and Circulation Element Services*. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$250,000 have been appropriated from the Traffic Impact Fee fund, Professional Services 20685201.69365. An additional \$300,000 allocation is being requested.

Approved 7 – 0

E-15 (City Council) Adopt Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement for Sunset Beach (600.25) - Approve and authorize the Mayor and City Clerk to execute the *Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services Between the Orange County Fire Authority and the City of Huntington Beach* and approve the *Agreement* for advanced life support emergency medical services to the Sunset Beach area. Submitted by the Fire Chief. Funding Source: None required. (The Automatic Aid agreement includes an MOU [Memoranda of Understanding] between the Orange County Fire Authority and the City of Huntington Beach.)

Adopted 7 – 0

E-16 (City Council) Approve Appointment of Carrie Thomas and Reappointments of Dr. David R. Bloom, Buddy Roberts, and Barbara Steel to the Community Services Commission for a Term Effective July 1, 2005 Through June 30, 2009 (110.20) – 1. Appoint **Carrie Thomas** as the Ocean View School District representative to the Community Services Commission for a four-year term; and 2. Reappoint the following members-at-large to the Community Services Commission; **Dr. David R. Bloom, Buddy Roberts, and Barbara Steel**. The term for these appointments will be from July 1, 2005 through June 30, 2009. Submitted by the Community Services Director and as recommended by Council Liaisons Mayor Pro Tem Dave Sullivan and Councilmember Don Hansen. Funding Source: Not applicable.

Approved 7 – 0

E-17. (City Council) Accept Bid and Award Construction Contract to Major League Construction Services for the Central Park Sports Complex Batting Cage Completion Project – Authorize Transfer of Funds from Purchase Order 7885 to Major League Construction Services (600.10) - 1. Accept the bid submitted by Major League Construction Services in the amount of \$202,855 for completion of the Central Park Sports Complex batting cage; and, authorize payment from the Union Bank escrow account to Major League Construction Services; and 2. Authorize the Mayor and City Clerk to execute a construction contract with Major League Construction Services in substantially the same format as the attached sample contract; and 3. Authorize transfer of Purchase Order #7885 in the amount of \$40,000 from Community Parks Foundation to pay any Public Works contingencies and construction management services. Submitted by the Community Services Director, Acting Public Works Director and Finance Director. Funding Source: Construction funding is available in the Sports Complex Phase II Project escrow account in the amount of \$216,000; and \$40,000 in P. O. #7885, which was originally opened for Community Parks Foundation.

Community Services Director Jim Engle responded to Council inquiries relative to the needs of the Central Park Sports Complex. Mr. Engle informed Council they would receive a report regarding the operations of the Sports Complex.

Approved 7 – 0

F. Administrative Items

F-1. (City Council) Approve City Council Position on Legislation Pending before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

Communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position on legislation pending before the Federal, State or Regional Governments as recommend by the City Council Intergovernmental Relations Committee, and authorize the Mayor to communicate the City of Huntington Beach's position to the elected members of the State or Federal Legislators, Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.

Recommended Action: Motion to:

SUPPORT AB 463 (Tran) Local Agencies: Security Information – As Introduced;

Approved 7 – 0

and

SUPPORT AB 1222 (Jones) Air Pollution – Pollution Control: High Polluting Locomotives Program – As Introduced. AMENDED ON 5/27/05;

Approved 7 – 0

and

SUPPORT AB 888 (De La Torre) Air Quality – South Coast Air Quality Management District (SCAQMD) – Rail Yards – As Introduced AMENDED ON 5/27/05;

Approved 7 – 0

and

SUPPORT SB 459 (Romero) SCAQMD Emissions – Locomotive – As Amended 04/12/05;

Approved 7 – 0

and

SUPPORT SB 956 (Simitan) Coast & Ocean Stewardship Act – As Amended 04/25/05 – **in Concept** subject to amending the bill to include more specifics as to how the revenue generated by the bill will be allocated;

Approved 6 – 1 (Green No)

and

OPPOSE AB 1295 (Bermudez) Fireworks Sales — As Amended 04/28/05;

Approved 7 – 0

and

SUPPORT IN CONCEPT a California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act such as proposed in **AB 1269** and **SB 153** subject to inclusion of funding specifically for acquisition of closed school sites by local jurisdictions for the purpose of maintaining the site for open space and recreational uses;

Approved 7 – 0

and

AUTHORIZE LETTERS IN SUPPORT OF the Governor's May Budget Revisions Reinstating Prop 42 Funds.

Approved 7 – 0

G. Ordinances

G-1. Ordinances for Adoption

G-1a. (City Council) Adopt 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.” (Approved for introduction June 6, 2005.)

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

Adopted 7 – 0

G-1b. (City Council) Adopt 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.” (Approved for introduction June 6, 2005.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3717**, by roll call vote.

Adopted 7 – 0

G-2. Ordinance for Introduction

G-2a. (City Council) Approve for Introduction Ordinance No. 3718 Amending Chapters 2.08, 2.16, 2.72, 2.76, 2.101, 2.107, and 3.02 of the Huntington Beach Municipal Code to Update the language and Terms Used therein and Modify References to the Department of Administrative Services (700.10) – Ordinance Number 3718 - “An Ordinance of the City of Huntington Beach Amending Chapters 2.08, 2.16, 2.72, 2.76, 2.101, 2.107 and 3.02 of the Huntington Beach Municipal Code to Update the Language and Terms Used Therein and Modify References to the Department of Administrative Services.”

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3718**, by roll call vote.

Approved for Introduction 7 – 0

H. City Council/Redevelopment Agency Items

H-1a. Submitted by Councilmember Bohr

(City Council) Consider Approval of the Design Review Boards Suggestion for a Proposal to Hire a Consultant to Conduct a Design Competition for the Design of the Primary Entry Nodes at the Eight Locations Identified in the City's General Plan (110.10)

Communication from Councilmember Keith Bohr transmitting the following **Statement of Issue:** The city has submitted a proposal to CalTrans to incorporate a sign identifying "Huntington Beach" on the pedestrian overpass in front of the Hyatt Regency Hotel. If approved, the sign will strengthen the city's identification along Pacific Coast Highway.

In addition, on April 28, 2005, the Design Review Board (DRB) discussed improving the city's image at the eight primary entry nodes identified in the city's General Plan. The nodes are located at the following intersections:

- | | |
|--|--|
| <input type="checkbox"/> Bolsa Chica St./ Rancho Rd. | <input type="checkbox"/> Brookhurst St./ Garfield Ave. |
| <input type="checkbox"/> Goldenwest St./ Bolsa Ave. | <input type="checkbox"/> Adams Ave./ Santa Ana River |
| <input type="checkbox"/> Beach Blvd./ Edinger Ave. | <input type="checkbox"/> Pacific Coast Hwy. /Santa Ana River |
| <input type="checkbox"/> Magnolia St./ Warner Ave. | <input type="checkbox"/> Pacific Coast Hwy. / Warner Ave. |

The Urban Design Element in the General Plan identifies the existing condition of entry nodes as being "weakly defined points of entry." The DRB concurred with the General Plan and commented that the entry nodes into the city do not provide clear distinction of the city's boundaries as one enters the city from neighboring jurisdictions. The DRB discussed the option of conducting a design competition to design the enhancement concepts for the eight primary entry nodes. The competition could involve colleges and universities with programs in the disciplines of Urban Design, Architecture, Landscape Architecture, and Graphic Design. A suggestion was made by the DRB to hire a consultant to develop and direct the design competition and assemble a panel of judges to rate the submissions.

Recommended Action: Motion to:

Prepare a Request for Proposals to hire a consultant to conduct a design competition involving colleges and universities for the design of primary entry nodes at the eight locations identified in the city's General Plan.

Councilmember Bohr reported. Discussion among Council and staff regarding Cal Trans permission for signs along Pacific Coast Highway and Beach Blvd. Approved recommended action as amended by adding Hamilton at Santa Ana River, Springdale Street at point of entry into the city and Edwards Avenue at point of entry into the city. Approved 7 – 0

H-1b. Submitted by Councilmember Bohr

H-1b. (City Council) Consider Appropriation to Prepare a Reconnaissance Study Re: Development and Landscaping Options on the Shoulder Area Along the North Side of Edinger Avenue between Saybrook Lane and Countess Drive - Accept \$4,000 from the Sea Isle Garden Club to Offset Half the Cost (110.10)

Communication from Councilmember Keith Bohr transmitting the following **Statement of Issue:** Over the past several years, various residents and groups from north Huntington Harbour neighborhoods have approached city staff and Council Members with requests to improve the shoulder area along the north side of Edinger Avenue between Saybrook Lane and Countess Drive. The area in question falls within the city's right-of-way and measures approximately 30 feet wide by 4,000 feet long and is predominately unimproved with some areas of ground cover. A county flood control channel and chain link fence bound the north side of the area while Edinger Avenue abuts to the south. Due to the absence of a curb or other form of vehicle barrier along the north edge of Edinger Avenue, this unimproved dirt shoulder area has become rutted from vehicles parking, turning, and--more importantly--off-roading.

The Sea Isle Garden Club is requesting that the City study this area to develop improvement and landscaping options. This study would include the review of improvements in relation to traffic safety as well as aesthetic enhancement.

City Staff estimates that a reconnaissance study could be completed for approximately \$8,000. The Garden Club has offered to pay for half of the study, \$4,000.

Recommended Action: Motion to: Direct staff to:

1. Appropriate \$8,000 in the current fiscal year for the preparation of a reconnaissance study.

and

2. Accept \$4,000 from the Sea Isle Garden Club to offset half of the cost.

Councilmember Bohr reported. Approved recommended action as amended – city contribution will not exceed 50 per cent up to \$5,000.00.

Approved as amended 6 – 1 (Cook No)

H-2a. Submitted by Councilmember Hansen

(City Council) Direct City Attorney to Research State Law to Determine Which Boards, Commissions and Staff Members are Required to Complete Form 700 and Report Findings to Council – Identify City Municipal Code or Policies Relative to Filing Requirements (120.90)

Communication from Councilmember Don Hansen transmitting the following **Statement of Issue:** Our city has an incredible talent pool of citizens who are happy to contribute their time to our various boards and commissions. However, I believe that our requirement that members of these various boards and commissions complete a Form 700 is somewhat overreaching. Given that the majority of these boards serve as an advisory body, I do not believe the potential for a conflict of interest rises to a level to demand the scrutiny of a Form 700. I believe we should review our current policy regarding the Form 700 and our conformance with State Law. As such, I would like to make the following motion.

Recommended Action: Motion to:

1. Direct the City Attorney to research state law to determine which boards, commissions, and staff members are required to complete the Form 700 and report those findings to the Council.

and

2. Advise the Council on which sections of our municipal code and/or other policies would need to be adjusted for the city's policies to equal state requirements.

Requested City Attorney to prepare a resolution deleting those boards and commissions not covered under state law and return to Council.

Approved as amended 7 – 0

Council Comments - (Not Agendized)

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

Councilmember Coerper informed Council that he approached American Legion Post 133 regarding a possible purchase of a defibrillator for a police unit. He asked the Police Chief to take into consideration during the budget process to include defibrillators in the police units.

Councilmember Green announced an email she received informing residents that KTLA Channel 5 will be doing a live broadcast on July 28th from our Pier. She encouraged residents to be there between 6 am and 7 am that day. The television broadcast will be shown between 7 am and 9 am later that day.

Mayor Hardy congratulated Austin Fullmer for achieving the rank of Eagle Scout. She and Councilmember Coerper attended the presentation.

Council/Agency Adjournment to *Tuesday, July 5, 2005, at 4:00 p.m.*, due to the Fourth of July Holiday, 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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