

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 contact: the **Sergeant at Arms (714) 960-8806** or the **City Clerk (714) 536-5227**.

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

**ACTION
AGENDA**

****Revised Page 19****

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

MONDAY, JULY 16, 2001

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

5:08 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting To Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present – Garofalo arrived at 5:09 p.m.]

[Late Communications announced: (1) Economic Development Dept. Slide report re: Study Session Item, (2) Addition of new Closed Session Item re: AES Power Generating Station & South Coast Air Quality Mgmt. District]

Public Comments Regarding Study Session and Closed Session Agenda Items
[None]

(City Council) Study Session – Presentation by the Cal State Fullerton Center for Demographic Research Representative of the Mobile Home Park Study Results (430.60)
The Director of Economic Development, David Biggs, will introduce Bill Gayk, of the Center for Demographic Research at Cal State Fullerton who will present the findings of the recently completed Mobile Home Study. The study included a survey of all mobile home parks and owners within the city.

**Communication submitted by the Economic Development Director dated July 14, 2001 re: the Study Session and transmitting a copy of the final report titled *Market Study of Mobile Homes in Huntington Beach* are included in the agenda packet.

(Continued on 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>

[Introduction and background information made by Economic Development Director David Biggs.]

[Dr. Bill Gayk, Center for Demographic Research, Cal State Fullerton presented slide report]

[Memo to Council of recalculation without inclusion of the two mobile home park that have the highest (\$3580/mo) and the lowest (\$150/mo) rental charges.]

Call Closed Session of City Council/Redevelopment Agency

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

(Redevelopment Agency) Closed Session – Pursuant to Government Code Section 54956.8 to give instructions to the Agency’s negotiator, David Biggs Deputy Executive Director of the Redevelopment Agency and Gus Duran, Housing and Redevelopment Manager, regarding the sale, lease and price of the property identified as 7945 Aldrich Avenue – Day Care Facility within the Huntington Center Redevelopment Project Sub Area. Agency may negotiate with Didier and Sally Camilleri, per Government Code Section 54954.5(b). Instructions will concern both Price and Terms of Payment. Subject: **Acquisition of Property Located at 7945 Aldrich Avenue – Day Care Facility within the Huntington Center Redevelopment Project Sub Area.** (400.50)

(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 **City of Huntington Beach and City of Fountain Valley v. Orange County Water District**; OCSC, Court Case Nos. 815921 and 818852. Subject: **City of Huntington Beach and City of Fountain Valley v. Orange County Water District.** (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 **Ionic Construction Company v. City of Huntington Beach, et al.**, Orange County Superior Court Case No. 00CC03470. Subject: **Ionic Construction Company 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 **Mills Land & Water Company v. City of Huntington Beach, et al.**; Court of Appeal, 4th Appellate District; Civil No. G0220490; Orange County Superior Court Case No. 739412 (“Mills I”); **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 (“Mills II”). Subject: **Mills Land & Water Company v. City.** (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: **In Re Eric J. Williams, Chapter 7 Bankruptcy Debtor.** (120.80)

***Need to Take Action Pursuant to Government Code S. 54954.2(b)(1)
re: Matter of AES Huntington Beach Generating Station Retool Project
AQMD Title 5 Permit Revision of May 30, 2001.***

***(a) Motion that need to take action in closed session arose after
posting of Agenda [Approved 7-0]***

***(b) Motion to approve holding Closed Session on AES Huntington
Beach Generating Station Retool Project So. Coast Air Quality
Management District Title V Permit Revision of May 30, 2001
[Approved 7-0]***

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.

7:20 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)).**

Announcement of Action Taken in Closed Session Pursuant to Government Code Section 54957.1 at the October 21, 1996 Council Meeting to Approve the Amended Consent Decree (Settlement Agreement) – United States v. Montrose, Chemical United States District Court Case No. CV 90-3126 (AAH) (120.80)

The City Council in closed session on October 21, 1996 unanimously voted with no Councilmembers absent, to approve the Amended Consent Decree (Settlement Agreement) and authorized execution by the Mayor and City Clerk. The City, on June 20, 2001 received notice that on April 10, 2001 the Ninth Circuit Court of Appeals dismissed an appeal challenging the consent decree, thus bringing a conclusion to this litigation.

[City Attorney reported out]

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

[Present]

Flag Ceremony and Pledge of Allegiance – Cub Scouts Pack 1450, Den #3, Cubmaster, Tova Gottesmann; Den Mother, Dana Oda.

Invocation – ***Kelly Shanley, Media Production Coordinator***

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 the morning after the Council meeting.

[City Clerk announced Late Communications re: Closed Session; Study Session; C-3; D-1; F-2; and F-3]

Mayor's Award to Carolyn Strook, Administrative Assistant, Fire Department for her exemplary work in the Fire Department and the fine service given to the public and city staff.

[Mayor & Council congratulated the 4th of July Board Executive Board members and its volunteers and all city staff who worked to make it a wonderful event.]

[Mayor announced history book, Images of America which has photographs of the City to be made available for purchase at the City Clerk's Office (714) 536-5227.]

B. PUBLIC COMMENTS

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

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

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

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

- (1) Speaker regarding issues of Huntington-by-the Sea Mobilehome Park (damage to mobile homes from construction activities).**
- (2) Speakers re: OCSD and Fountain Valley City Council plans for injection wells in process - at Talbert Sea Water Barrier Project. Spoke re: possible danger to children in parks. Request Council support position not to use parks for injection wells & possibly put under Newland Street.**
- (3) Speaker re: Agenda Item E-4 opposed to report for reasons that boundaries will cause "racial segregation (gentrification)." He stated that Council has obligation for new Southeast Coastal Redevelopment District to replace the Driftwood Mobile Home Park units, and that there is no correlation here for developing Sher Lane.**
- (4) Several speakers protesting Ocean View School Districts lack of following CEQA (California Environmental Quality Act) requirements in construction of gymnasium. Requests Council assistance to challenge approval of documents stating not opposed to gyms but to children's safety due to traffic studies not prepared and need a full factual & fair document.**
- (5) Several speakers re: recent adjourned meeting held Saturday at OCSD re: ocean pollution waiver of 301-H permits issued in other cities and problems caused, brown water encountered when surfing, and questioning how extension of waiver can be obtained without an amendment to Federal Clean Water Act; that LA ocean**

improved; thanked Council for having it as adjourned meeting with OCSD with public comment.

- (6) Speaker expressing appreciation to Councilmembers Cook & Bauer for their attendance at Banning Bridges meeting and at the Air Quality Management District (AQMD) meeting; also support for H-1a.*
- (7) Speaker, Co-Chair of Summer Classic Equestrian Event, requested assistance in overcoming problem of not having wash rack for horses for equestrian event. Asst. City Administrator stated that staff is working with event coordinators.*
- (8) Speaker re: fireworks held in his neighborhood and requesting city allow fireworks, presented opinion on type of TV programming the city needs.*
- (9) Speaker in opposition to banner towing aircraft. Request Council to enforce laws re: flying height, etc.*
- (10) Speaker requesting information re: article in OC Weekly re: Councilmember Dave Garofalo.*
- (11) Speaker urging that all steps be taken to clean up ocean.*
- (12) Speaker, former OCSD Director, re: Council's adjourned Meeting Saturday 7-14-01 stating his opinion re: the meeting and lack of his letter being presented at meeting or an adequate answer being given by the OCSD to Councilmember Dettloff's question.*
- (13) Speaker in opposition to high cost of parking meters downtown.*
- (14) Speaker stating that mobile home study presented at 5:00 p.m. portion of Council meeting proved city has affordable housing rental charges for mobile homes. He stated that mobile home park owners will inform mobile home park residents of financial assistance available.*
- (15) Speaker in support of Ocean View School District's plan for gymnasium.*

[Mayor Pro Tem Cook invited persons to call Council office re: subjects brought up under public comments; that Council cannot take action tonight as subject matter is not on agenda.]

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Continued from June 18, 2001 – Approve Submittal by the Children’s Needs Task Force of a Proposition 10 Capacity Building Grant Application which will Provide an Organizational Infrastructure for a Future Multi-Service Family Resource Center – Status Report to be Presented to Council by First Meeting in November 2001 (570.70)**

Communication from the Children’s Needs Task Force Council Liaisons

Pam Julien Houchen and Shirley Dettloff informing Council that the Children’s Needs Task Force (CNTF) heard the City Council’s concerns at the June 18, 2001 meeting and has decided to not apply for the full program grant. Instead, they are seeking approval to submit a Capacity Building or “Planning” Grant application to eventually develop a Multi-Service Family Resource Center.

Recommended Action: Motion to:

1. Approve the submittal of a Proposition 10 Capacity Building Grant application;

and

2. Have the CNTF bring a status report back to City Council by the first meeting in November 2001.

[Approved 7-0]

C-1b. (City Council) Direct Staff to Provide the Downtown Issues City Council Committee an Analysis Regarding Closure of Main Street Relative to Vehicular Traffic (120.90)

Communication received from the Downtown Issues City Council Committee liaisons, Mayor Pam Julien Houchen and Councilmember Dave Garofalo informing Council that on June 22, 2001, the Downtown Issues City Council Committee voted 2-0 to request that Council ask staff to provide the Committee a written analysis to include various alternatives and costs related to possibly closing Main Street to vehicular traffic in the downtown area. Members of the Downtown Issues City Council Committee include Mayor Julien Houchen (Chair) and City Councilmembers Garofalo and Dettloff. City Councilmember Dettloff was not in attendance.

Recommended Action: Motion to:

Direct staff to provide the Downtown Issues City Council Committee a written analysis including various alternatives and costs associated with the possibility of closing Main Street to vehicular traffic in the downtown area.

[Approved 7-0]

C-2. City Administrator's Report**C-2a. (City Council) Presentation of Economic Development Department Spotlights – Parkside Court Townhouse (Talbert-Beach Redevelopment Sub-Area Project) at Talbert Avenue and Beach Boulevard (160.10)**

The City Administrator will present a Department Spotlight in the form of a PowerPoint presentation regarding the Parkside Court development located in the Talbert-Beach Redevelopment Project sub area.

**A hard copy of the PowerPoint presentation dated July 16, 2001 and titled *Departmental Spotlights – Economic Development* is included in the agenda packet.

[Gus Duran, Housing/Redevelopment Manager presented report. At request of Councilmember Bauer he reported on the fact that city has exceeded Redevelopment affordable housing requirements.]

C-3. (City Council) Review and Accept City Treasurer's May 2001 City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)

Communication from the City Treasurer transmitting the Monthly Investment Report for May 2001.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2001*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

[Approved 7-0]

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 Approval of Zoning Map Amendment No. 01-01 – Huntington Beach Hospital General Plan Consistency – (s/e Corner of Beach Boulevard and Newman Avenue – Approve Introduction of Ordinance No. 3498 (440.50)

Communication from the Planning Director.

**Slide show presentation from the Planning Department included.

Public hearing to consider the approval of Zoning Map Amendment No. 01-01 – Huntington Beach Hospital General Plan Consistency

Applicant: City of Huntington Beach

Request: To rezone the Huntington Beach Hospital complex from CO (Office Commercial) to PS (Public-Semipublic) to make the zoning designation consistent with the General Plan land use designation of P (Public).

Location: Southeast corner of Beach Boulevard and Newman Avenue

Environmental Status: This application is covered under Environmental Impact Report No. 94-01 certified by the City Council on May 13, 1996.

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, July 13, 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 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

(Continued on Next Page)

Recommended Action:

Planning Commission and Staff Recommendation: Motion to:

Approve Zoning Map Amendment No. 01-01 with findings for approval (Attachment No. 2) and After reading by title by the City Clerk, approved introduction of **Ordinance No. 3498** (Attachment No. 3) – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from CO (Office Commercial) to PS (Public-Semipublic) on Real Property Located at the Southeast Corner of Beach Boulevard and Newman Avenue (Zoning Map Amendment No. 01-01).”*

[Continued hearing open to date uncertain. However to be readvertised with new date when determined – Approved 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 June 18, 2001, regular adjourned meetings of June 28, 2001 and regular meetings of July 2, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
***[June 18, 2001 – Approved 6-0-1 (Dettloff abstain);
 June 28, 2001 – Approved 7-0; July 2, 2001 – Approved 7-0]***
- E-2. **(City Council) Adopt Resolution No. 2001-40 Approving an Application for State Grant Funds to Establish and Maintain Comprehensive Community Used Oil Recycling Program and Approve the Use of Curbside, Inc. as the Private Company to Coordinate this Program for the City and Direct Staff to Return with a Contract with Curbside, Inc. if the Grant is Approved** (340.80) – 1. Adopt Resolution No. 2001-40 – Approving an application for State grant funds to establish and maintain a comprehensive Community Used Oil Recycling Program. – “A Resolution of the City Council of the City of Huntington Beach to Make Application for Grant Funds for the Establishment of a Used Oil Collection Center;” and 2. Approve the use of **Curbside, Inc.** as the private company to carry out this program for the City, and direct staff to return with a contract with Curbside, Inc., if the grant is approved. Submitted by the Fire Chief/ Information Systems Director. Funding Source: The 2001 Sixth Cycle California Used Oil Recycling Program Block Grant – approximately \$60,000. (A list of the current 19 certified used oil recycling centers is shown in Attachment No. 2. The \$60,000 will add ten receiving centers and continue the established educational activities and services about the proper handling and disposal of used oil and other hazardous materials. Since the City has numerous sensitive environmental areas these programs will provide significant prevention opportunities.)
[Adopted 7-0]
- E-3. **(City Council) Adopt Resolution No. 2001-39 Approving Application for Funding Under the Per Capita Grant Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000** (340.80) – Adopt Resolution No. 2001-39 – Authorizing staff to apply for local assistance funds from the Per Capital Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 – “A Resolution of the City Council of the City of Huntington Beach Approving the Applicant to Apply for Grant Funds for the Per Capita Grant Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000.” Submitted by the Community Services Director. Funding Source: State of California 2000 Park Bond Act. (Anticipated projects for funding: H.B. High School Rebuild \$836,073; Murdy Park Youth Sports Field Reconfiguration \$550,000; Tot Lot Replacement Program \$421,927.)
[Adopted 7-0]

- E-4. **(Redevelopment Agency) Deferred from May 7, 2001 – Receive and File Annual Reports of the Huntington Beach Redevelopment Agency for Fiscal Years 1997-98 1998-99 and 1999-2000 for Submission to the State Controller** (400.20) – Receive and file the Annual Reports of the Huntington Beach Redevelopment Agency for fiscal years 1997-98, 1998-99 and 1999-2000 for submission to the State Controller as required by S. 33080.1 of the State of California Health and Safety Code (“Redevelopment Law”). Submitted by the Deputy Executive Director. Funding Source: Not Applicable. (Reports are available for public review in the City Clerk’s Office – 296 pages total.)
[Approved 7-0]
- E-5. **(City Council) Approve Amendment No. 1 to the Professional Services Contract Between the City and Annabelle V. Richards, CPA for Accounting Services – Administrative Services Department** (600.10) – Approve *Amendment No. 1 to Professional Services Contract between the City of Huntington Beach and Annabelle V. Richards, CPA, for Accounting Services* in an amount not to exceed \$20,000, and authorize execution by the Mayor and City Clerk. Submitted by the Administrative Services Director. Funding Source: Salary Accounts – 2000-2001 approved Administrative Services budget.
[Approved 7-0]
- E-6. **(City Council) Approve Revocable License Agreement with Makallon Atlanta Huntington Beach, LLC for a Temporary Staging and Storage Area at Corner of First Street and Pacific Coast Highway for the City’s Beach Maintenance Equipment** (600.10) – Approve and authorize Mayor and City Clerk to sign a Revocable License Agreement with Makallon Atlanta Huntington Beach, LLC for use of 30,000 square feet at the corner of First Street and Pacific Coast Highway for staging and storage of beach maintenance equipment. – *Revocable License Agreement Between the City of Huntington Beach and Makallon Atlanta Huntington Beach, LLC, for a Temporary Staging and Storage Area for the City’s Beach Maintenance Equipment*. Submitted by the Community Services Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-7. **(City Council) Approve Plans and Specifications and Authorize Advertisement for Bids for the Warner Avenue Median Landscape Project, CC-1051 – From Edwards Street to the West and Rotterdam Street to the East** (600.80) – Approve the project plans and specifications and authorize the Director of Public Works to request bids for the Warner Median Landscape Project, CC-1051. Submitted by the Public Works Director. Funding Source: \$300,000 Measure M funds – Warner Avenue Median.
[Approved 6-0-1 (Green out of room)]

- E-8. (City Council) Approve Youth Board Appointments/Reappointments as Recommended by City Council Liaison Members Mayor Pam Julien Houchen and Mayor Pro Tem Debbie Cook (110.20) – 1. Reappoint the following students for a one-year term on the Huntington Beach Youth Board for 01/02:**

Jessica Lim Edison High School Representative

Megan Feldmar At-large Representative

and 2. Appoint the following students to a one-year term on the Huntington Beach Youth Board for 01/02:

Cheryl From Ocean View High School Representative

Leslie Robin Marina High School Representative

Shayna Slosman Huntington Beach High School Representative

Lulu Wang At-large Representative

Tatiana Bello At-large Representative

Monish Subherwal At-large Representative

Carolyn Browning At-large Representative

Submitted by the Community Services Director. Funding Source: Not Applicable.

[Approved 7-0]

- E-9. (City Council) Approve Plans and Specifications and Authorize Advertisement for Bids for the Fiber Optic Intertie Project – CC-1107 – Intelligent Transportation System (ITS) – Approve Sample Construction Contract (600.10) – 1. Approve plans and specifications and authorize the Director of Public Works to request bids for the Fiber Optic Intertie Project; and 2. Approve the attached Sample Contract subject to award of the contract to the lowest responsive/ responsible bidder. Submitted by the Public Works Director. Funding Source: \$1,052,000 ITS Grant fund.**

[Approved 6-0-1 (Green out of room)]

- E-10. (City Council) Approve the Release of Securities for Tract No. 15728 and Accept the Public Improvements – Christopher Homes – s/e Corner of Edwards Street and Garfield Avenue – (Ellis/Goldenwest Specific Plan) (420.60) – 1. Accept the improvements constructed and dedicated for public use with Tract No. 15728; and 2. Release Christopher Homes, Faithful Performance/Labor and Material Bond No. 3SM95622300 and Monument Bond No. 3SM95622200 pursuant to California Government Coded Section No. 66499.7; and 3. Accept Christopher Homes Guarantee and Warranty Bond No. 3SM95622300-A (American Motorists Insurance Co.), the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 4. Instruct the City Clerk to notify the developer, Christopher Homes, of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action; and 5. Instruct the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.**

[Approved 7-0]

- E-11. (City Council) Approve Plans and Specifications and Authorize Advertisement for Bids for Water Line Replacement Projects: CC-1170 – Approve Sample Construction Contract** (600.75) – **1.** Approve the project plans and specifications and authorize the Director of Public Works to request bids for the construction of various water pipeline replacements in the City (CC-1170); and **2.** Approve the attached sample contract, subject to award of the contract to the lowest responsible/responsive bidder to request bids for the construction of the water pipeline replacements. Submitted by the Public Works Director. Funding Source: Funds for the water line improvements are budgeted in the Water Fund, Water Main Replacements FY 00/01 (\$450,000) and proposed in the FY 01/02 Water Fund Budget (\$2 million from the Pier Fund Repayment). Funds for street improvements (\$75,000) are budgeted in Measure M, Miscellaneous Streets, Account. The engineer's estimate is \$1,900,000.
[Approved 6-0-1 (Green out of room)]
- E-12. (City Council) Reallocate Project Funds for the Slater Channel Improvement Project, CC-1089 – (Mesa Construction Projects, Inc.)** (600.60) – Authorize the Finance Director to disencumber \$100,000 from the Slater Channel change order funds, and reappropriate to project supplementals. Submitted by the Public Works Director. Funding Source: \$100,000 will be released from encumbrance and reappropriated to Slater Channel Professional Services.
[Approved 7-0]
- E-13. (City Council) Approve Appointment of John Scandura to the Community Services Commission – Member-at-Large** (110.20) – Appoint John E. Scandura to a member-at-large opening on the Community Services Commission for a four-year term. The term will be from July 1, 2001 through June 30, 2005. Submitted by the Community Services Director and as recommended by City Council Liaisons Mayor Pro Tem Debbie Cook and Councilmember Dave Garofalo. Funding Source: Not Applicable.
[Approved 7-0]
- E-14. (City Council) Approve Temporary Acceptance of the 2001 Municipal Beach Parking Pass at the Main Promenade Parking Structure – Pending Completion of South Beach Parking Lot Improvements** (275.10) – Direct Community Services Parking/Camping Operation staff to temporarily accept the 2001 Municipal Beach Parking Pass in the Main Promenade Parking Structure from opening to 5:00 p.m. daily until the South Beach Improvement parking lots are complete and reopened. Submitted by the Community Services Director. Funding Source: Not anticipated to have any impact on General Fund or Main Promenade Parking Structure revenue.
[Approved 7-0]

- E-15. (City Council) Authorize City Treasurer to Write-off Accounts Receivable Debt of \$63,204.48 Owed to City for Mobile Home Rent and Late Charges – Oceanview Estates Mobile Home Park (340.10) – Approve the write-off of \$63,204.88 to Allowance for Bad Debts and authorize the City Treasurer to write-off the mobile home rent and late charges for Daniel Brennan. Submitted by the City Treasurer, City Attorney, Administrative Services Director, and the Economic Development Director. Funding Source: Not Applicable – Customer balance reserved for fully in Allowance for Bad debts. ***[Approved conditioned on City Treasurer & City Attorney to ensure that no claims against the city will come from estate – 6-0-1 (Green out of room)]*****
- E-16. (City Council) (1) Approve Legal Services Agreement with Donald H. Maynor and (2) Approve Auditing Services Agreement with MBIA MuniServices Company, Regarding Utility User Tax – Approve Waiver of Insurance Liability Requirements (600.10) – 1. Approve Legal Services Agreement between the City of Huntington Beach and Donald H. Maynor, a Professional Corporation for legal services; waive general liability insurance; accept a \$10,000 deductible for professional liability insurance; and authorize the Mayor and City Clerk to execute the Agreement – *Agreement between the City of Huntington Beach and Donald H. Maynor, a Professional Corporation for Legal Services Regarding the City Utility Users Tax and Related Matters*; and 2. Approve *Agreement between the City of Huntington Beach and MBIA MuniServices Company/ Municipal Resource Consultants for Auditing Services Regarding the City Utility User Tax and Related Matters*; waive separate additional insured endorsement; waive 30 day notice of cancellation on general liability requirement on all coverages; and authorize the Mayor and City Clerk to execute the Agreement. Submitted by the City Attorney, Administrative Services Director, and the City Treasurer. Funding Source: For calendar year 2000, the City will owe Maynor/MMC .5% of UUT revenues – approximately \$62,000. In addition, the City will owe Maynor/MMC approximately \$15,600 relating to their audit of Time Warner Cable Television. Funding for these amounts is from the Non-Departmental General Fund Contingency, Account No. 10040101.69365. ***[Approved 7-0]*****
- E-17. (City Council) Approve Plans and Specifications and Authorize Advertisement for Bids for the Construction of Traffic Signals at Garfield/Delaware, Lake/Adams and Springdale/Slater (CC-1171) – Approve Sample Construction Contract (600.55) – 1. Approve plans and specifications and authorize the Director of Public Works to advertise for bids for Installation of Three Traffic Signals, CC-1171; and 2. Approve the attached Sample contract subject to award of the contract to the lowest responsive/responsible bidder; and 3. Authorize the Director of Public Works to expend up to \$130,000 for direct purchase of equipment. Submitted by the Public Works Director. Funding Source: Funds of \$340,000 are budgeted - \$205,000 in the Air Quality Fund and \$135,000 in Measure M. ***[Approved 7-0]*****

- E-18. **(City Council) Approve Summer Instructional Classes Community Services Department – Professional Services Budget Amendment** (320.45) – Authorize the Director of Administrative Services to allocate an additional \$78,000 from the General Fund Unappropriated Fund Balance into Instructional Classes-Professional Services Account to pay class instructors. Submitted by the Community Services Director.
[Approved 6-0-1 (Green out of room)]
- E-19. **(City Council) Adopt Resolution No. 2001-41 Responding to Orange County Grand Jury Report Entitled Sewage Spills, Beach Closures – Trouble in Paradise?** (520.30) – Adopt **Resolution No. 2001-41** – “A Resolution of the City Council of the City of Huntington Beach Responding to the 2000-2001 Orange County Grand Jury Report Entitled, “Sewage Spills, Beach Closures – Trouble in Paradise?” Submitted by the Public Works Director. Funding Source: None Required.
[Adopted 5-0-2 (Green, Garofalo out of room)]
- [Request staff to return with a report re: grease interceptors at restaurants and also to include grease interceptor issue in water quality Master Plan of City.]***
- E-20. **(City Council) Approve City Council Positions on Legislation Pending Before the State Legislature and Congress as Recommended by the City Council Intergovernmental Relations Committee** (640.90) – The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take action on the following items and authorize the Mayor to send letters reflecting the City’s position to the legislators: **Motion: Support** Maintaining current funding levels in the Federal Community Development Block Grant (CDBG) and HOME Programs. **Motion: Support AB 63 (Cedillo)** – Taxation disclosure – which would, until December 31, 2008, additionally permit, under specified conditions, the disclosure of tax information to tax officials of any city. **Motion: Oppose in its current form AB 81 (Migden)** – Property Taxes – which would change from local to State Board of Equalization the assessment of power generating facilities which are over 50 megawatts; and **Support AB 81 (Midgen)** – Property Taxes - if amended to include the following language: Amendments: Adding the words, “in that tax rate area” to the last sentence of proposed Revenue & Taxation Code Section 100.9(a)(3) after the words “locally assessed property;” and in Section 100.9(a)(3) at the end, “add subject to any redevelopment plans and allocation percentages related to those plans.” **Motion: Support AB 745 (Cox)** – State Mandated Local Programs – which would improve and expedite the process for cities to receive reimbursement on state mandated local programs. **Motion: Oppose AB 934 (Hertzberg)** – Property Taxes – which would give local assessesees the right to trial de novo in claims for refund arising from questions of fact. **Motion: Oppose AB 1184 (Oropeza)** – Public Safety Officers – which would establish the Public Safety Officers Procedural Bill of Rights Act. **Motion: Oppose SB 974 (Torlakson)** – Public Contract Code – which would identify the Public Contract Code as the basis of contracts between most public entities and their contractors and subcontractors.

(Continued on Next Page)

Revised Page

Motion: Support SJRX2 2 (Morrow) – Wholesale Electric Pricing – A resolution of both houses of the State Legislature formally requesting that FERC move forward in investigating marketers and generators of withholding supply to drive up costs, that FERC institute market caps until March 2003, that the US Congress should hold hearings and investigations into the Western Power situation, and so on. It puts California on the record requesting that the Federal Government use its powers to ensure that the electric market is complying with Federal laws, regulations, and guidelines. **Motion: Support SBX2 84 (Burton)** – State Energy Resources Conservation – which would require the California Energy Commission to develop and implement a program to provide battery backup power for those official traffic control signals that the commission in consultation with the Department of California Highway Patrol determined to be high priority traffic control signals. **Motion: Oppose SBX2-62 (Poochigian)** – Utility User's Tax: Gas and Electricity – which would, until January 1, 2006, require any local utility user's tax, imposed on the consumption of gas or electricity, or both, by residential customers and small commercial customers, as defined, to be imposed on a per unit of usage basis. Submitted by Administration. Funding Source: None Required.

→ **[Approved 5-1-1 (Julien Houchen No; Garofalo abstain)]**

- E-21. (City Council) Direct City Attorney to Prepare a Three-Year Contract for Legal Advertising Services to The Huntington Beach Independent as the Primary Newspaper Under the Bid Terms Outlined** (600.10) – **1.** Award contract for providing legal advertising services to the Huntington Beach Independent as the primary newspaper under the bid terms outlined; and **2.** Direct the City Attorney to prepare a three-year agreement between the city and the Huntington Beach Independent per the bid terms submitted; and **3.** Continue the current City Council direction which approved placing the legal advertisement in the Orange County Register (daily publication) if there is insufficient time to place a legal advertisement in the Huntington Beach Independent, subject to approval by the City Administrator's Office of the initiating department's reason for urgency to advertise in the Orange County Register; and **4.** Further, at such times as the City Administrator's office may authorize use of the Orange County Register to publish legal notices, the initiating department will also publish said notice, as a courtesy to the public, in the Huntington Beach independent. (This will assist the public who, except for extraordinary circumstances, must be able to rely on having to read only one newspaper to ensure they have read all the public notices which may have an impact on them.) Submitted by the City Administrator and the City Clerk. Funding Source: General Fund; estimated \$19,700 annually. Previous year's expenditure for Planning Department – approximately \$8,702 and City Clerk's Office – approximately \$10,950.

[Approved 6-1 (Garofalo No)]

- E-22. (City Council) Accept the Completion by Silvia Construction, Inc. of Resurfacing of Various Residential Local Streets, MSC-406, and File a Notice of Completion** (600.50) – Accept the residential street improvements, MSC-406 at a final cost of \$2,732,755.57, and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office. Submitted by the Public Works Director.

[Approved 7-0]

- E-23. (City Council) Approve Master Lease Agreement Between the City and GE Capital Public Finance for Network Hardware Replacement – Authorize the Fire Chief/Information Systems Director to Execute All Ancillary Documents – Approve City’s Insurance Indemnification Obligations (600.10) – 1.** Approve and authorize the Mayor and City Clerk to approve and execute a *Master Lease Agreement* with GE Capital Public Finance, Inc. in the amount of \$375,000 annually from the Equipment Replacement Fund, with a pre-approved line of credit up to \$2 million dollars, with a maximum term not to exceed five years in substantially the same form as the attached agreement; and **2.** Approve the City’s obligation to indemnify GE Capital Public Finance and its assignees pursuant to Section 6.4 of the Master Lease Agreement; and **3.** Authorize Michael Dolder, Fire Chief/Information Systems Director, to execute all ancillary documents on behalf of the City, without further approval of City Council required, in substantially the same form as the attached documents; and **4.** Authorize City Attorney Gail Hutton to execute *Exhibit C Opinion of Council* agreement, in substantially the same form as the attached document. Submitted by the Fire Chief/Information Systems Director. Funding Source: The funds are not budgeted in the current fiscal year; funding will be from the Equipment Replacement Fund, \$375, 000 annually.

[Approved 7-0]

- E-24. (City Council) Approve License Agreement Between the City and JT Development Company, LLC for Encroachment into the Public Right of Way with Portable Vending Carts at Plaza Almeria – 306 Main Street (600.10) – Approve the *License Agreement By and Between the City of Huntington Beach and JT Development Company, LLC for Encroachment into the Public Right of Way* and authorize execution by the Mayor and City Clerk. Submitted by the Planning Director and the Public Works Director. (License Agreement is a condition of approval of Conditional Use Permit No. 00-15).**

[Approved 6-0-1 (Green out of room)]

F. Administrative Items

- F-1. (City Council) Approve Introduction of Ordinance No. 3499 Amending the Huntington Beach Municipal Code by Modifying Permitting Requirements for Police-Directed Towing Services – Adopt Resolution No. 2001-42 to Increase Rates for Police-Directed Towing Services and Garage Impounds (530.30)** Communication from the City Attorney, and the Chief of Police submitting a proposed ordinance for Council consideration which would delete permitting requirements for police directed tow services and provide that the city enter into contracts with police-directed tow operators via a request for qualifications process. Also submitted is a proposed resolution which would increase the allowable rates to be charged by police-directed tow services.

Recommended Action: Motion to:
Continue item to the August 6, 2001 Council Meeting.

[Approved 7-0]

F-2. **(Redevelopment Agency) Adopt Agency Resolution No. 322 – Approving the Preliminary Plan for the Southeast Coastal Redevelopment Project – Bounded by Hamilton Avenue/Newland Street/Magnolia Street/Pacific Coast Highway (Excluding Cabrillo Mobile Home Park)** (410.05)

Communication received from the Deputy Executive Director requesting the Agency to consider a resolution approving the Preliminary Plan for the Southeast Coastal Redevelopment Project that describes the boundaries and scope of the proposed redevelopment and defines the Redevelopment Agency's authorities and limitations for this project area. The City has been actively pursuing the remediation and reuse of the contaminated sites, such as the Ascon/Nesi site located at Magnolia Street and Hamilton Avenue. The City has also contemplated community development initiatives for surrounding uses including abandoned oil storage facilities and the AES generating plant.

Due to discussions with community representatives, dialogue at community meetings, and recommendations from the Planning Commission, the City Attorney and the Southeast Huntington Beach Neighborhood Council Committee, the initial Preliminary Plan was revised by the Planning Commission on June 12 by Planning Commission Resolution No. 1563. The revised boundaries are now generally north of Pacific Coast Highway between Newland and Magnolia Streets and south of Hamilton Avenue. The revised boundaries exclude all property west of Newland Avenue, including the Cabrillo Mobile Home Park. All proposed redevelopment programs included in the final Redevelopment Plan are to be consistent with General Plan policies. This includes land uses, population densities, and building intensities and standards.

Recommended Action: Motion to:

Adopt Agency **Resolution No. 322** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Preliminary Plan for the Southeast Coastal Redevelopment Project.”

[Adopted 7-0]

F-3. **(City Council) Adopt Resolution No. 2001-43 Fixing the Fiscal Year 2001/02 Tax Rate for the City of Huntington Beach at \$0.04930 per \$100 Assessed Valuation and Impounding the Tax Revenue – Public Employees Retirement (CalPERS)/ Howard Jarvis Property Tax Lawsuit** (340.90)

Communication received from the Administrative Services Director requesting that the city adopt a tax rate consistent with the City Charter and California State Law. The city receives a pro-rata portion (16.51%) of the one-percent basic levy collected for all real property. In addition, the California Constitution allows cities to levy additional taxes for voter-approved indebtedness. Since voter approval in 1966, the City has levied an additional tax to pay for a portion of the City's retirement costs.

In March of this year the Orange County Superior Court rendered a decision in ***Howard Jarvis Taxpayer Association vs. City of Huntington Beach*** regarding this tax. The City Council has authorized appeal of the Superior Court's decision in the Jarvis lawsuit. Until this appeal is resolved, the City should maintain the tax rate for fiscal year 2001/2002 at 0.04930%. Proceeds from this tax rate will continue to be impounded into a separate fund and not expended pending the outcome of the appeal.

Recommended Action: Motion to:

Adopt **Resolution No. 2001-43** fixing the Fiscal Year 2001/02 tax rate for the City of Huntington Beach at \$0.04930 per \$100 of assessed valuation and impounding the tax revenue (Attachment No. 2) – “*A Resolution of the City Council of the City of Huntington Beach Fixing the Fiscal Year 2001/2002 Tax Rate and Impounding the Tax Revenues.*”

[Motion to adopt alternative resolution as set forth in RCA – FAILED (Green, Garofalo, Dettloff, Bauer No)]

[Motion to adopt Res. No. 2001-43 – Approved 4-3 (Boardman, Cook, Julien Houchen No)]

F-4. **(City Council) Approve the Settlement Agreement with KJ Enterprises, LLC and Accept Quitclaim Deed for the Acquisition of the Surface and Subsurface Rights Impacting the Parcel (APN 148-121-17) Being Developed as the Beach Maintenance Facility – Approved Release Between City and R. Stinnett and Accept Quitclaim Deed from R. Stinnett** (600.10)

Communication from the Administrative Services Director stating that the surface and subsurface rights must be acquired for the construction of the Beach Maintenance Facility on city-owned property located at 8669 Edison Way, north of Pacific Coast Highway and east of Newland Street.

Recommended Action: Motion to:

1. (a) Approve the Release dated June 9, 2001, between the City of Huntington Beach and Rosemarie Stinnett and authorize Real Property Agent to sign on behalf of the City and authorize the City Clerk to attest to the Release, (b) Authorize Director of Administrative Services Department to sign a more detailed Release for presentation to Mrs. Rosemarie Stinnett at a later date should it be necessary, and authorize the City Clerk to attest to the Release;

and

2. (a) Approve and accept the Quitclaim Deed dated June 9, 2001, from Rosemarie Stinnett to the City of Huntington Beach and authorize the City Clerk to record the Quitclaim Deed on behalf of the city, (b) Authorize payment to Rosemarie Stinnett in the amount of \$1,000;

and

3. Approve the Settlement Agreement entitled "*Settlement and Transfer Agreement and Release*" between KJ Enterprises, LLC and the City of Huntington Beach and authorize the Mayor to sign and the City Clerk to attest to the Settlement Agreement, ***subject to the approval of the final form of the Agreement by the City Administrator and City Attorney. The Agreement shall incorporate the "deal points" set forth in the July 16, 2001 Request for Council Action and shall further provide that KJ Enterprises shall defend and indemnify the City as to any environmental contamination relating to Parcel APN 148-121-15. The City Administrator is further authorized to extend the escrow for APN 148-121-17 as is necessary to implement this approval.***

and

4. Approve and accept the Quitclaim Deed from KJ Enterprises, LLC to the City of Huntington Beach and authorize the City Clerk to record the Quitclaim Deed on behalf of the City.

[Approved as amended 6-1 (Cook No)]

G. OrdinancesG-1. Ordinance for Adoption - NoneG-2. Ordinances for Introduction - NoneH. City Council/Redevelopment Agency ItemsH-1a. Submitted By Councilmember/Agency Member Ralph Bauer**(City Council) Request the Orange County Transportation Authority (OCTA) Board to Hold a Public Hearing re: the Proposed Santa Ana River Bridges Environmental Impact Report and Request the OCTA Board to Adopt a Policy to Eliminate the Proposed Garfield and Banning Bridges from the Orange County Master Plan of Arterial Highways** (800.45)

Communication received from Councilmember Ralph Bauer transmitting the following **Statement of Issue:** The comment period for the Environmental Impact Report (EIR) concerning the proposed Banning and Garfield bridges over the Santa Ana River will end August 6. Although the Orange County Transportation Authority (OCTA) is holding some open houses in Huntington Beach, Fountain Valley, Costa Mesa, and Newport Beach, there is no public hearing being held by OCTA to receive public comments prior to August 6. The OCTA staff alone has decided that in the case of both bridges, a unanimous vote of the affected cities is required to eliminate the bridges from the Master Plan of Arterial Highways. We disagree with this policy. Historically, the cities were never unanimous in their views on the bridges; thus, the EIR was a waste of time and money.

Recommended Action: Motion to:

1. Request that the OCTA Board hold a public hearing to receive input on the Santa Ana River bridges EIR prior to closing of the comment time period. If this cannot be scheduled prior to the current closing date, extend the comment period to accommodate public input;

[Approved 7-0]

and

2. Request that the OCTA Board adopt a policy that requires only a majority vote of the cities affected to eliminate the proposed Garfield and Banning bridges from the Orange County Master Plan of Arterial Highways;

[Approved 7-0]

and

3. Request that the results of both of these motions be forwarded to the OCTA Board and the OCTA Executive Director.

[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.

Council/Agency Adjournment at 10:10 p.m. to Monday, July 23, 2001, at 5:00 p.m., in Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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