

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 AUGUST 1, 2005

5:15 P.M. – B-8

6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8

The City Clerk will recess the 4:00 P.M. portion of the Meeting to 5:15 P.M. due to an anticipated lack of quorum.

Deputy City Clerk Kelly Mandic recessed.

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Green, Bohr, Cook (Mayor Hardy has requested permission to be absent pursuant to Resolution No. 2001-54)

Present (Sullivan arrived at 5:20pm – Hardy, Cook absent)

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 5:15 P.M. Portion of Council Meeting for Closed Session Agenda Items

None

Call Closed Session of City Council/Redevelopment Agency

**Recommended Action: Motion to recess to Closed Session on the following items:
Approved by Consensus**

(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, and SCLEA.** Subject: **Labor Relations – Meet & Confer.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Appointment of Director of Information Services.** (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 **Henry Cuadras v. Village Way Management, et al.;** Orange County Superior Court Case No. 03CC14163. Subject: **Henry Cuadras v. Village Way Management, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Appointment of Deputy City Administrators.** (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 (Mayor Hardy has requested permission to be absent pursuant to Resolution No. 2001-54)

Present (Hardy, Cook - absent)

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

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 Pro Tem – *Led by Rabbi Myerson.*

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.**

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None

Mayor's Award - Mayor Pro Tem Dave Sullivan to call on Fire Chief Duane Olson to present the Mayor's Award for July to an outstanding individual in the Fire Department. (160.40)

The Chief announced Kevin Fetterman to receive the award and enumerated the many committees and projects he is involved in.

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 agendaized.

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

President and CEO of Huntington Beach Conference and Visitor's Bureau spoke regarding trademarking of Surf City USA and recent media coverage. He presented one of the media reports recently aired on CBS.

Speaker spoke regarding the Wardlow School site sale reported on in recent newspaper articles. He stated that the donation falls short of the goal and suggested 7 acres would be more desirable.

Speaker thanked Councilmembers for their efforts relating to the surplus school sites and stated concern about moving fields to the back of the park. She stated her opinion that open space near front would be better for residents.

36-year resident of Southeast Huntington Beach stated his concern about proposed Poseidon desalination plant. He urged Council to vote "No" when the item comes before Council.

Speaker stated her opinion that the Poseidon Environmental Impact Report (EIR) is inadequate and urged Council to vote "No." She also referred to a correspondence previously distributed to Council concerning facts.

Speaker asked Council to consider citizens before making a decision on Poseidon project.

Chairman of Southeast Huntington Beach Neighborhood Association stated concerns regarding a pipeline proposed as part of Poseidon project and the effects it may have on a berm on the Ascon-Nesi property. He urged Council to vote "No" on the EIR.

Speaker asked Council to thoroughly review the Poseidon EIR for adequacies. He also gave examples of what he referred to as untruths in the EIR.

32-year resident spoke regarding Poseidon EIR stating inadequacies including those related to de-watering, conflict with Ascon-Nesi cleanup, subsidence, and the effect on neighborhoods.

Resident of Southeast Huntington Beach spoke regarding perceived inadequacies of the Poseidon EIR. He also referred to information presented in a recent Huntington Beach Independent issue and asked Council to be careful not to be misled by that information.

Speaker asked Council to deny certification of Poseidon EIR. He referred to two documents which he stated should be included in the EIR for Council analysis: 1) AES Huntington Beach Generating Station Entrainment and Impingement Study Final Report released April, 2005 and 2) Draft Staff White Paper Resource Reliability Environmental Concerns of Aging Power Plant Operations and Retirements - by California Energy Commission.

Speaker spoke regarding agenda item E-9 and stated concerns about substances in the related berm. He also stated a lack of EIR related to school district.

Councilmember Hansen clarified proactive Ascon-Nesi site emergency measures which are scheduled to take place prior to the rainy season.

27-year resident thanked Council for maintaining city facilities. He stated concern regarding Atlanta and Newland neighborhood and recent Verizon sidewalk alterations. He asked Council to consider the quality of the Verizon alterations.

Councilmember Green asked previous speaker to contact Acting Public Works Director Paul Emery.

Speaker urged Council to pass a resolution or place an initiative on the ballot regarding eminent domain. Alternatively, asked Council to support SCA 015 (McClintock) Senate bill. He also stated his opinion that the Surf Contest should occur later in the summer to insure better waves.

Speaker requested Agenda item E-6 be postponed to August 4, 2005.

**Motion to continue item E-6 to a date uncertain.
Approved 5 – 0 – 2 (Hardy, Cook – absent)**

C-1. Council Committee/Appointments/Liaison Reports (110.10)

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

None

C-2. City Administrator's Report (100.30)

Reported Budget 2005/2006 is on the dais in front of each Councilmember and should be online in the next day or two. Scheduled for formal Council presentation 8/15/05. Also announced Capital Improvement Program Report was also on the dais and will be posted later on website. Public Hearing scheduled for 9/6/05.

C-4. City Attorney's Report of Litigation Filed

None

D - PUBLIC HEARING

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

D-1. (City Council) Public Hearing to Adopt Resolution Number 2005-48 Amending Resolution Number 2004-49 for Revision of the City's FireMed Fee Schedule for Emergency Medical Services (340.20)

Communication submitted by the Fire Chief.

Public hearing for the purpose of considering revisions to the City's FireMed user fee schedule. All proposed revisions are cost recovery in nature.

It is proposed that a new rate schedule be adopted which will require higher fees to be paid by persons, or their respective insurance companies, that use the City's Emergency Medical Services system.

The types of fees under consideration for revision include emergency ambulance transportation, specific medications, and related paramedic supply charges. The Huntington Beach Fire Department is proposing a revised user fee schedule that recovers the increased cost of these items or services.

A complete report detailing proposed revisions to the FireMed Emergency Medical Services fee schedule is available for review by the public at City Hall, 2000 Main Street, in the City Clerk's office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Interested persons may also contact the Fire Department at 2000 Main Street, Huntington Beach, California 92648 to receive additional information.

All citizens are invited to attend the public hearing and provide the City Council with written and oral comments or ask questions concerning proposed revisions to the City's FireMed Emergency Medical Services fee schedule.

The City of Huntington Beach endeavors to accommodate persons of handicapped status in the admission or access to, or treatment or employment in, City programs, or activities. The City of Huntington Beach is an equal opportunity employer.

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

Recommended Action: Motion to:

Adopt Fee **Resolution Number 2005-48** – *“A Resolution of the City Council of the City of Huntington Beach Modifying the Fees Charged by the Fire Department of the City of Huntington Beach for Ambulance Transportation Set by Resolution Number 2004-49”* for Emergency Medical Services.

Chief Olson gave a PowerPoint report. Open Public Hearing, no speakers, close Public Hearing.

Approved 5 – 0 – 2 (Hardy, Cook – absent)

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 June 20, 2005 and July 5, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 5 – 0 – 2 (Hardy, Cook – absent)

E-2. (City Council) Approve the Children's Needs Task Force Appointment of Students Stephanie Morley and Lesley Stahl for Terms from August 1, 2005 to June 30, 2006 - Reappointment of Student Katherine Do for a Term of August 1, 2005 to June 30, 2006 – Appoint Robert Hart for a Term of August 1, 2005 to July 30, 2009 (110.20) - 1. Approve the appointment of students **Stephanie Morley** and **Lesley Stahl** to the Children's Needs Task Force for a term of August 1, 2005 to June 30, 2006; and **2.** Approve the reappointment of student **Katherine Do** for a term of August 1, 2005 to June 30, 2006 and **3.** Approve the appointment of **Robert Hart** for a term of August 1, 2005 to July 30, 2009. Submitted by the Community Services Director. Funding Source: Not applicable.
Councilmember Green spoke regarding conversations with interested students and highlighted the recommendations.
Approved 5 – 0 – 2 (Hardy, Cook – absent)

E-3. (City Council) Approve the Environment Board Appointments of Bill Glasgow for a Term to Expire June 30, 2007 – Craig Justice and Michele Soutner for a Term to Expire June 30, 2008 (110.20) – Approve the appointments to the Environmental Board of **Bill Glasgow** for a first term to expire June 30, 2007 and of **Craig Justice** and **Michele Soutner** for a first term to expire June 30, 2008 as recommended by Council liaisons Sullivan and Bohr. Submitted by the Planning Director. Funding Source: Not applicable.
Councilmember Bohr recognized citizens for giving time and efforts to City.
Approved 5 – 0 – 2 (Hardy, Cook – absent)

E-4. (City Council) Adopt Resolution No. 2005-46 Confirming Reports of Cost for 2005 Weed Abatement on Private Property Within the City (520.80) – 1. Adopt Resolution No. 2005-46 – “A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property Within the City – 2005 Season,” and 2. Direct that all charges listed thereon be certified to the Orange County 2005-2006 Property Tax Roll. Submitted by the Acting Public Works Director. Funding Source: A special assessment totaling \$10,065.28 will be charged to the Orange County property tax roll and reimbursed to the City's General Fund by the County of Orange as part of the ordinary collection process.
Adopted 5 – 0 – 2 (Hardy, Cook – absent)

E-5. (City Council) Adopt Resolution Number 2005-47 Adopting the National Incident Management System (NIMS) and its Principles and Policies (510.20) – Adopt Resolution Number 2005-47 - “A Resolution of the City Council of the City of Huntington Beach Adopting the National Incident Management System.” Submitted by the Fire Chief. Funding Source: None Required.
Adopted 5 – 0 – 2 (Hardy, Cook – absent)

E-6. (City Council/Redevelopment Agency) Approve Assignment and Assumption Agreements for Bella Terra Associates, LLC for the Transfer of the Site and the Operation of the Parking Structure (600.30) – Recommended City Action: Approve the *Assignment and Assumption Agreement* (Attachment 1) between the City of Huntington Beach, Huntington Center Associates, LLC and Bella Terra Associates, LLC, for the Funding and Construction Agreement dated March 1, 2004 relating to the City of Huntington Beach Community Facilities District Number 2003-1. **Recommended Agency Action:** Approve the *Assignment and*

Assumption Agreement for the Owner Participation Agreement (OPA) dated October 2, 2000, (attachment 2) between the Redevelopment Agency of the City of Huntington Beach, Huntington Center Associates, LLC, and Bella Terra Associates, LLC. Submitted by the Acting Director of Economic Development/Acting Assistant Executive Director. Funding Source: None Required.

Deferred to date uncertain at request of representative from J.H. Snyder Co., LLC.

Approved 5 – 0 – 2 (Hardy, Cook – absent)

E-7. (City Council) Approve Project Specifications and Award Construction Contract to Nobest, Inc. for the Reconstruction of Moonlight Circle, Oaktree Circle, and Hillsboro Circle – MSC-428 (600.90) – 1. Approve the project specifications; and **2.** Accept the lowest responsive and responsible bid submitted by Nobest, Inc., in the amount of \$323,006.33 for MSC 428; 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: Measure M Funds in the amount of \$390,000 have been designated for this purpose, Account No. 21390004.82300. The engineer's estimate for this project was \$335,000.

Councilmember Coerper inquired about qualifications of bidder. City Administrator Culbreth-Graft and Acting Public Works Director Paul Emery reported.

Approved 5 – 0 – 2 (Hardy, Cook – absent)

E-8. (City Council) Award Professional Services Contract between the City and Kleinfelder, Inc. for On-Call Professional Testing and Inspection Services (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Kleinfelder, Inc for Inspection and Testing Services* for an amount not to exceed \$1 million. Submitted by the Acting Public Works Director. Funding Source: Funds are available within budgeted capital improvement projects. Additional Council authorization will be requested for unbudgeted projects, as necessary.

Approved 5 – 0 – 2 (Hardy, Cook – absent)

E-9 (City Council) Receive and File the Report on Emergency Coastal Development Permit - Administrative Permit No. 05-04 (Ascon Landfill Emergency Action Workplan located at the southwest corner of Hamilton Avenue and Magnolia Street) (520.10) – Receive and file report on *Emergency Coastal Development Permit-Administrative Permit No. 05-04 (CDP-AP)* Ascon Landfill site. Submitted by the Planning Director. Funding Source: Not applicable. (The emergency action is needed to protect public safety and welfare from a potential berm failure at the Ascon site and is in response to an "Imminent or Substantial Endangerment (ISE) Determination" issued on May 13, 2005, by the California Department of Toxic Substances Control (DTSC). The emergency CDP-AP is valid for 60 days, during which time the applicant, Project Navigator, Ltd., will be required to apply for a regular CDP.)

Approved 5 – 0 – 2 (Hardy, Cook – absent)

F. Administrative Items

F-1. (City Council) Adopt Resolution No. 2005-49 Approving Memorandum of Understanding (MOU) Between the City and the Huntington Beach Fire Management Association (FMA) for January 1, 2005 through June 30, 2006 (720.20)

Communication from the Acting Director of Administrative Services transmitting the following **Statement of Issue:** Should the City and the Huntington Beach Fire Management Association (FMA) enter into a new Memorandum of Understanding (MOU) covering the period January 1, 2005 through June 30, 2006?

Recommended Action: Motion to:

Adopt **Resolution No. 2005- 49** - *“A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for January 1, 2005, through June 30, 2006.”*

Adopted 5 – 0 – 2 (Hardy, Cook – absent)

F-2. (City Council) Adopt Resolution No. 2005-50 Approving Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Management Association (PMA) for January 1, 2004 through June 30, 2006 (720.20)

Communication from the Human Resources Manager transmitting the following **Statement of Issue:** Should the City and the Huntington Beach Police Management Association (PMA) enter into a new Memorandum of Understanding (MOU) covering the period January 1, 2004 through June 30, 2006?

Recommended Action: Motion to:

Adopt **Resolution No. 2005- 50** - *“A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Police Management Association (PMA) and the City of Huntington Beach for January 1, 2004, through June 30, 2006.”*

Adopted 5 – 0 – 2 (Hardy, Cook – absent)

F-3. (City Council) Accept Annual Sewer Service Charge Performance Audit and Approve Introduction of Ordinance No. 3720 for Sewer Charge Modifications Amending Huntington Beach Municipal Code Chapter 14.55 (1000.20)

Communication from the Acting Public Works Director transmitting the following **Statement of Issue:** Section 14.54.060 of the Huntington Beach Municipal Code (HBMC) requires the City Council to establish sewer service charges by ordinance. Chapter 14.55 of the HBMC establishes the specific amounts of the charges and the formula for modifying the charges. The Sewer Service Charge Annual Performance Audit is presented to the City Council as required by Section 14.54.070 Annual Program Review.

Recommended Action: Motion to:

1. Accept the Sewer Service Charge Performance Audit;

and

2. Approve Introduction of **Ordinance Number 3720** after the City Clerk reads by title – *“An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Annual CPIU Adjustment for Sewer Service”* Relating to Rates, Charges, and Annual CPIU (Consumer Price Index for all Urban Consumers.)

Five (5) affirmative votes are required to adopt this Ordinance per Health & Safety Code §5471

Acting Director of Public Works, Paul Emery gave an overview and introduced Senior Administrative Analyst Ken Dills who gave a PowerPoint report. Council inquired

regarding Consumer Price Index (CPI) adjustment, cost allocation charges and total fund increase.

Approved 5 – 0 – 2 (Hardy, Cook – absent)

G. Ordinances

G-1. Ordinance for Adoption - None

G-2. Ordinance for Introduction

See Agenda Item F-3 for Ordinance Number 3720

H. City Council/Redevelopment Agency Items

Councilmember Green commented on recent Huntington Beach events and media coverage.

Councilmember Coerper asked Police Chief and Fire Chief for reports and complimented Public Safety staff on the events.

Councilmember Hansen commended public safety and other city staff on success of Sunday event.

Councilmember Sullivan reported on Dedication of inflatable band shell in Central Park and recognized the efforts of the Rotary Clubs.

Council Comments - (Not Agendized)

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

Council/Agency Adjournment to Monday, August 15, 2005, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.surfcity-hb.org>**