

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**

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

TUESDAY, SEPTEMBER 4, 2001

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

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

Call City Council/Redevelopment Agency Meeting To Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present - Julien Houchen arrived 5:25 p.m.; Boardman absent]

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

[City Clerk announced Study Session Late Communication]

(City Council/Redevelopment Agency) Study Session - Presentation by the Economic Development Department Re: the City's Business Development Program (460.30)
Presentation to be made by the Economic Development Director.

**A PowerPoint presentation dated September 4, 2001 and titled *Business Development Division - Economic Development Department* is included in the agenda packet.

[Jim Lamb, Project Manager, Economic Development Department presented staff report (Late Communication) as an addendum to the PowerPoint presentation given.]

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

Call Closed Session of City Council/Redevelopment Agency

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

[Approved 6-0-1 (Boardman absent)]

1. **(City Council) Closed Session** - Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; William Osness, Personnel Director; and Daniel Cassidy, Esquire of Liebert, Cassidy, and Frierson regarding **labor relations matters - meet and confer** with the following employee organizations: HBMEA, HBMEO, and HBFMA. (120.80)

2. **(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 **Patrick P. Tocher, et al. v. City of Huntington Beach, et al.**; U.S. District Court Case No. SACV-96-366 AHS (Eex). Subject: **Tocher, et al. v. City of Huntington Beach, et al.** (120.80)

3. **(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 **PLC v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 01CC05117. Subject: **PLC v City of Huntington Beach, et al.** (120.80)

4. **(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 **Calvin Hollingsworth v. City of Huntington Beach**; Worker's Comp Case No. ANA 0309291; City Claim No. COHB-96-0199. Subject: **Hollingsworth v. City of Huntington Beach.** (120.80)

5. **(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Shugart v. City of Huntington Beach**, United States District Court, Case No. SA CV 91-0475 AHS (RWRx). Subject: **Shugart v. City of Huntington Beach.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 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)).**

Announcement of Action Taken by City Attorney in Closed Session Pursuant to Government Code Section 54957.1 at the August 13, 2001 Council Closed Session to Authorize Execution of a Settlement Agreement with Ionic Construction v. the City, OCSCC No. 00CC03470 (120.80) The City Council in closed session on August 13, 2001 unanimously voted, with Mayor Julien Houchen and Councilmember Green absent, to authorize execution of a Settlement Agreement with Ionic Construction wherein both parties dismiss their respective complaints with waiver of costs and fees.

[City Attorney reported]

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present - Green arrived 9:50 p.m., Boardman arrived 8:05 p.m.]

Pledge of Allegiance - *Ronald Lowenberg, Police Chief*

Invocation - *Offered by Assistant City Administrator William Workman*

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 on Study Session; Rainbow Disposal Presentation (Agenda Item A); D-1; D-3; D-4; and F-1]

Presentation - To Mayor Pam Julien Houchen by Laurie Davis, Donor Recruitment Representative for the Orange County Red Cross, of a plaque recognizing the City of Huntington Beach for the recent contribution of 120 pints blood, doubling the previous contribution. (160.40)

[Vi Cowden presented a commendation to Mayor Pam Julien Houchen in appreciation of her efforts in making the project of veterans flags on the pier for 4th of July successful]

A. Presentation by Rainbow Disposal Company on the Proposed Downsizing of Trash Container Capacity and Weight (810.20)

Ron Shenkman, Senior Vice President, Rainbow Disposal Company, Inc., will discuss enforcement of section 8.20.050(a) of the Huntington Beach Municipal Code as it relates to trash container capacity and weight.

[Slide report and brief video presentations given]

B. PUBLIC COMMENTS

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

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

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

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

- (1) Speaker regarding importance of D.A.R.E. Program and requesting funding remain in City Budget.**
- (2) Speaker thanking Council for their hard work on the budget.**
- (3) Speaker requesting full amount of Project Self-Sufficiency funding remain in the budget.**
- (4) Speaker in opposition to proposed option of a restaurant to replace Dwight's Concession at the beach.**
- (5) Speaker in opposition to criticism directed against Council as being "anti-children" with respect to the Ocean View School District gymnasium project.**
- (6) Speaker in support of secondary treatment of wastewater as member of Ocean Outfall Group and in opposition to the 301(H) waiver for O.C. Sanitation District.**
- (7) Many speakers in opposition to increased costs to HB Playhouse and in favor of Alternative No. 2 (agenda item F-1).**
- (8) Many speakers in support of increasing the rental rate to the HB Playhouse and in support of Alternative No. 1 (agenda item F-1).**
- (9) Speaker presented report showing 84 mobile homes lost due to high rent and presenting other figures.**
- (10) Speaker stating that "median" should have been used in survey rather than "average" relative to the mobile home park survey; also spoke regarding proposed charter amendment.**
- (11) Speaker presented areas where he believes the mobile home survey is deficient.**

- (12) Speaker stated that petition circulated statewide to prohibit rent control on mobile homes failed 4 to 1 and requested Council oppose it.**
- (13) Speaker stated areas in which she believes the public hearing held on the CUP fence issue on 08/20/01 was unfair.**
- (14) Speakers in opposition to sewer fee.**
- (15) Many speakers in support of keeping Project Self-Sufficiency in the budget.**
- (16) Speaker in support of Senior Outreach Program.**
- (17) Speaker requesting Banning Library Branch not be cut from the budget.**
- (19) Speaker requesting that library branches not be cut from the budget.**

[City Administrator announced that library annex closures are not on proposed budget cut list; only being presented as an alternative measure.]

C-1. Council Committee/Council Liaison Reports
[None]

C-2. City Administrator's Report

- C-2a. (City Administrator's Report) – Presentation on the City's Videoconferencing Library Services Facility (Located at the Central Library, 7111 Talbert Avenue)
(210.10) – A PowerPoint presentation *titled Library Services* will be provided regarding the city's Library Services Videoconferencing Facilities. Highlights will include grant funding, equipment installation, and current uses.
[Ron Hayden, Library Services Director gave PowerPoint presentation]

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 Continued Open from August 20, 2001 to Consider Annual Review and Monitoring Report of the June 2000 to June 2001 Downtown Parking Master Plan (Area Generally Bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) (440.30)

Public hearing continued open from August 20, 2001 to consider:

Applicant: City of Huntington Beach Planning Department

Request: Annual review of the Downtown Parking Master Plan addressing building activity between June 1, 2000 and June 1, 2001.

Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street).

Environmental Status: Notice is hereby given that this agenda item is covered under Environmental Impact Report No. 82-2, approved in conjunction with the Downtown Specific Plan.

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, August 31, 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. Continuance of the open public hearing
4. Following public input, close public hearing

Recommended Action:

Planning Commission and Staff Recommendation: Motion to:

Accept as adequate and complete the Annual Review and Monitoring Report of the *Downtown Huntington Beach Parking Master Plan* and forward to the Executive Director of the California Coastal Commission.

[Planning Director presented PowerPoint report (Late Communication)]

[Approved 6-0-1 (Green absent)]

D-2. **(City Council) Public Hearing to Consider Adoption of Resolution No. 2001-56 - Annual Assessment for Fiscal Year 2001-2002 to Fund Improvements Within Huntington Beach Auto Dealers Business Improvement District (BID)** (460.30)
Communication from the Economic Development Director.

Public hearing pursuant to Resolution of Intention No. 2001-44 adopted on August 6, 2001 to hear all interested persons for or against the continuation of the Huntington Beach Auto Dealers Business Improvement District (BID) Assessment and the furnishing of specified types of improvements or activities. Said hearing is for the purpose of hearing all interested persons for or against levying of the assessment, and the furnishing of specified types of improvements or activities. Protests may be made orally or in writing; but, if written, shall be filed with the City Clerk at or before the time fixed for the hearing and contain sufficient documentation to verify business ownership and validate the particular protest. If written protests are received by the owners of businesses within the District, which will pay 50% or more of the total assessments to be levied, no further proceedings to levy the proposed assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activity within the District, those types of improvements or activities shall be eliminated.

Fiscal Year 2001-2002 dealer assessments are based upon \$830/month for each of the 13 member dealers. Increases in Administrative Expense, Community Relations and the Annual Shop at Home Campaign have been made in the budget. The majority of the assessment increases is due to the increased cost of electricity.

The Huntington Beach Auto Dealers Association (HBADA) is the Board of Directors for the BID and they proposed assessments for the BID for City Council review and approval. The HBADA unanimously approved the 2001-2002 BID budget at their July 2001 meeting.

**A PowerPoint presentation titled *HB Auto Dealer Business Improvement District (BID)* is included in the agenda packet.

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

Recommended Action: Motion to:

Adopt City Council **Resolution No. 2001-56** - "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment for Fiscal Year 2001-2002 to Fund Improvements within the Huntington Beach Auto Dealers Business Improvement District."

[Economic Development Director gave PowerPoint presentation]

[Adopted 5-0-2 (Green absent; Garofalo out of room)]

D-3. (City Council) Public Hearing Continued Open from November 6, 2000 on Appeal Filed by Former Councilmember/Mayor Pro Tem Tom Harman of the Planning Commission's Approval of Conditional Use Permit No. 00-39 (Police Department Parking Lot Expansion to Add 90 Secured Parking Spaces at City Hall, 2000 Main Street, n/e Corner of Main Street and Utica Avenue) (420.40)

Public hearing to consider the following:

Appellant: Former Councilmember/Mayor Pro Tem Tom Harman.

Applicant: City of Huntington Beach, Planning Department.

Request: To appeal the Planning Commission's decision to approve the expansion of the existing 108-space secured Police Department parking lot by adding 90 secured parking spaces for a total of 198 parking spaces.

Location: 2000 Main Street (City Hall, northeast corner of Main Street and Utica Avenue).

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, CA 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 August 31, 2001.

**Communication received from Roger Hosmer dated August 27, 2001 in opposition to the proposed parking lot expansion is included in the agenda packet.

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 714-536-5271 and refer to the above item. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Continuance of the public hearing
4. Republication and renotece

Recommended Action:

Staff Recommendation: Motion to:

1. Continue the open public hearing on the appeal filed by former Councilmember Harman relative to Conditional Use Permit No. 00-39;

and

2. Direct that the notice of public hearing be republished and renoticed.

[Approved Recommended Action to continue, republish and renotece (5-0-1-1 Julien Houchen abstain; Green absent)]

D-4. (City Council) Public Hearing to Consider Adoption of Resolution No. 2001-60 on the City Budget for Fiscal Years 2001/02 and 2002/03 (320.20)

Public hearing for the purpose of considering the City budget for Fiscal Years 2001/02 and 2002/03.

The proposed budget for FY 2001/02 totals \$277,283,890 including General Fund Expenditures of \$133,037,248. The proposed budget for FY 2002/03 totals \$267,051,408 including General Fund Expenditures of \$137,999,795.

The complete Preliminary, Two-Year Budget proposal can be reviewed by the public from 8:00 a.m. to 5:00 p.m., Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach after Friday, August 31, 2001. Copies of the proposed budget are also available for public review at the Huntington Beach Central Library located at 7111 Talbert Avenue (Goldenwest Street and Talbert Avenue), and all branch libraries. Copies of the **Preliminary Budget Message and Summaries** may be obtained by the public, free of charge, at the aforementioned locations.

~~Communication from the Community Services Department dated August 31, 2001 and titled *Effects of Proposed Budget Reductions in Project Self-Sufficiency and Seniors' Outreach* is included in the agenda packet.~~

All interested persons, especially senior citizens and handicapped individuals, are invited to attend the budget hearing to express their opinions for, or against, the proposed budget with written or oral comments. Written communications to the City Council also may be mailed to the City Clerk. Further information may be obtained from the Office of the City Clerk, 2000 Main Street, Huntington Beach, CA 92648, Phone No. (714) 536-5227.

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

Recommended Action: Motion to:

1. Open the public hearing on the proposed \$277,283,890 FY 2001/02 city budget as outlined in the attached Resolution No. 2001-60;

and

2. Continue the hearing open to the September 17, 2001 meeting of the City Council.

[Approved 7-0]

(1) Motion to take closing of library branches off the Alternative Budget Reductions. [Approved 7-0]

(Continued on Next Page)

- (2) Motion to reinstate Assistant position for Project Self-Sufficiency and the Senior Outreach reduction and use money in the skateboard park budget w/skateboard park to be built in increments. [Motion WITHDRAWN] (because skateboard park funds cannot be used for purpose of PSS and Sr. Outreach.)**
- (3) Motion to establish a library card fee of \$1.00 per user per year. [Motion WITHDRAWN]**
- (4) Motion to adopt proposals of Library Services Director as set forth on Page D-4.45. [FAILED (Green, Boardman, Cook, Garofalo No)]**
- (5) Motion to cut a minimum of \$57,000 from the HBTV-3 budget and possibly up to \$125,000 from the budget to be reviewed by the Communications Committee, with \$40,000 to be put back in PSS & Senior Outreach. [Approved 7-0]**
- (6) Motion to eliminate subsidy to Visitor's & Conference Bureau and put \$180,000 toward the library. [Motion WITHDRAWN]**
- (7) Motion to put Concert Band \$10,000 back in budget. [Approved 4-3 (Garofalo, Dettloff, Bauer No)]**
- (8) Motion to reinstate Fire Protection Specialist with revenue recommended by the Fire Chief. [Approved 7-0]**
- (9) Motion to reinstate D.A.R.E. Program (\$158,356) with revenue suggested by the Police Chief and explore possibility of partnership funding such as with the school district. [Approved 6-1 (Cook No)]**
- (10) Motion that the use of the site of Dwight's Concession not be intensified, but that the lease be put out to bid. [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 adjourned regular meetings of July 23, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved 7-0]
- E-2. **(City Council) Accept Work Completed on the Contract to Elser Contractors, Inc. for the Water Main Replacement on Orange and Memphis Avenues; CC-1132 and File a Notice of Completion** (600.75) - Accept the Orange and Memphis Avenues Water Main Replacement Project, CC-1132 at a final project cost of \$817,291.15 and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office. Submitted by the Public Works Director. Funding Source: Water Capital Improvement Fund - \$817,291.15.
[Approved 7-0]
- E-3. **(City Council) Approve Agreement with County of Orange to Provide \$50,000 Rapid Response/Workforce Investment Act Grant to the City of Huntington Beach to Assist Dislocated Workers (in Collaboration with the Coastline Community College and the County's One-Stop Employment Center - Approve Inclusion of the \$50,000 in the FY 2001-2002 Budget** (600.25) - **1.** Approve and authorize the Mayor and City Clerk to execute the attached Agreement between the County of Orange and the City of Huntington Beach for workforce investment activities to improve the quality of the community workforce titled the *WIA Cost Reimbursement Agreement - County of Orange*; and **2.** Authorize the Director of Economic Development to execute all the appropriate certifications and exhibits that are attached to the Agreement; and **3.** Approve inclusion of the \$50,000 in the FY 2001-2002 budget. Submitted by the Economic Development Director. Funding Source: No additional city funds required. This is a County Grant from Federal Workforce Investment Act Funds.
[Approved 6-0-1 (Green out of room)]
- E-4. **(City Council) Approve Contract Between the Orange County Sanitation District and City for the Cooperative Projects Program to Accept Grant for the Sewer Rehabilitation of the Huntington Harbour Tributary Area** (600.25) - Approve and authorize the Mayor and City Clerk to execute the *Orange County Sanitation District Cooperative Projects Program Contract.* Submitted by the Public Works Director. Funding Source: Orange County Sanitation District grant funds - \$1 million.
[Approved 7-0]

- E-5. **(City Council) Adopt the City's Proposed Strategic Plan** (100.10) - Adopt the *Proposed Strategic Plan - City of Huntington Beach - July 2001*. Submitted by the City Administrator. Funding Source: Not Applicable. (Developing the Strategic Plan has been a priority for the Organizational Effectiveness staff since the City Council approved the concept in April 2000.)
[Approved 6-0-1 (Green out of room)]
- E-6. **(City Council) Approve a Grid Connection Agreement Between the City and Southern California Edison Company for the Microturbine Project (Electrical Generating Facility Located in the City Hall's East Parking Lot)** (600.10) - Approve and authorize the Mayor and the City Clerk to execute the *Generating Facility Interconnection Agreement GFID 7054* with Southern California Edison Company to operate an electrical generating facility. Submitted by the Building & Safety Director. Funding Source: On June 4, 2001 the City Council approved the execution of an agreement with South Coast Air Quality Management District and sole-source contract with Capstone California and authorized cost not to exceed \$150,000. Cost of Edison Grid Agreement was included in the \$150,000 already appropriated.
[Approved 7-0]
- E-7. **(City Council) Approve Modifications to Local Coastal Program Amendment (LCPA) No. 3-99 Approved by the California Coastal Commission (Coastal Element) - (Zone 1) Huntington Harbour Area (Zone 2) Bolsa Chica Area (Zone 3) Bolsa Chica Boundary to Goldenwest Street (Zone 4) Downtown Area and (Zone 5) Beach Boulevard to the Santa Ana River - Adopt Resolution Nos. 2001-57 and 2001-58** (420.85) - 1. Adopt **Resolution No. 2001-57** - "A Resolution of the City Council of the City of Huntington Beach, California which Acknowledges Receipt of the Coastal Commission Action and Accepts and Agrees to Local Coastal Program Amendment No. 3-99 as Modified;" and 2. Adopt **Resolution No. 2001-58** - Approving revisions to the Local Coastal Program Coastal Element incorporating the modifications suggested by the California Coastal Commission - "A Resolution of the City Council of the City of Huntington Beach, California, Amending the Local Coastal Program by Amending the Coastal Element." Submitted by the Planning Director. Funding Source: Not applicable.
[Adopted 7-0]

- E-8. (City Council) Accept the Bid and Award Construction Contract to Lavey Roofing Corporation for the Central Library Asbestos Abatement Roofing System Project (600.80) - 1.** Accept the bid submitted by Lavey Roofing Corporation for the roofing system and asbestos abatement at the Central Library, which is the lowest responsible/responsive bid received; and **2.** Approve and authorize the Mayor and the City Clerk to execute a construction contract between the City of Huntington Beach and Lavey Roofing Corporation in the amount of \$298,000 for the roofing system and abatement of asbestos-containing materials on the Central Library roof in substantially the same form as the previously approved sample contract; and **3.** Authorize the Finance Director to appropriate \$40,000 from the General Fund undesignated fund balance to Central Library Roof Replacement Account; and **4.** Authorize the Director of Public Works to expend up to \$335,000, which includes the contract cost of \$298,000 and an estimated contingency of \$29,800 and \$7,200 in supplemental expenses. Submitted by the Public Works Director. Funding Source: \$180,000 - Capital Improvement Fund Central Library Roof Replacement Account. An additional \$115,000 is available in Capital Improvement Projects that have funds remaining after project completion, as follows: \$40,000 - City Yard Roof Replacement; \$50,000 - Lower Level Improvements; \$25,000 - American Disabilities Act (ADA) Improvements. An appropriation from the undesignated General Fund in the amount of \$40,000 will be required to complete the \$335,000 project.
[Approved 7-0]
- E-9. (City Council) Approve Reappointments to the Mobile Home Advisory Board - Cole/Sobek/Kato/Novarro/Kittredge - Terms to Expire August 5, 2005 (110.20) - 1.** Approve the reappointment of Daniel Kittredge as a Citizen At-Large Representative to the Mobile Home Advisory Board to his first full four-year term ending August 5, 2005; and **2.** Approve the reappointments of the following board members to a second four-year term ending August 5, 2005: Sandra Cole (Mobile Home Resident Representative), Thomas Sobek (Mobile Home Resident Representative), Steven Kato (Park Owner Representative), and Steve Novarro (Park Owner Representative). Submitted by the Economic Development Director and recommended by Council Liaisons, Mayor Pro Tem Debbie Cook and Councilmember Peter Green. Funding Source: Not Applicable.
[Approved 7-0]
- E-10. (City Council) Approve First Amendment to Legal Services Contract Agreement Between the City and Richards, Watson & Gershon in Re: Beach Maintenance Yard Oil and Gas Lease Agreement (600.10) - Approve the *First Amendment to Agreement between the City of Huntington Beach and Richards, Watson & Gershon, a Professional Corporation, for Legal Services*; and authorize the Mayor and City Clerk to execute the agreement. Submitted by the City Attorney. Funding Source: General Fund, Contract Legal Services Account. (The original contract was for under \$20,000. The existing legal services being performed by Richards, Watson & Gershon will exceed \$20,000 in legal services. Consequently, an amended agreement is now being brought to the City Council for approval.)
[Approved 7-0]**

- E-11. **(City Council) Approve Two Contracts Between the City and (1) the U.S. Department of Health and Human Services for Development of Metropolitan Medical Response System (MMRS) Program and (2) Employment Systems, Inc. (ESI) for MMRS Staffing Sole Source Contract - Approve Modifications to ESI Insurance Indemnification Requirements** (600.15/600.10) - **1.** Approve and authorize the Fire Chief/Information Systems Director to execute the United States Department of Health and Human Services 18-month *Contract No. 233-01-0057* for \$400,000 for development of a Metropolitan Medical Response System (MMRS); and **2.** Approve and authorize the Mayor and City Clerk to execute an 18-month Employment Systems, Inc. (ESI) agreement titled *Employment Systems, Inc. Agreement to Provide Staffing Services to the City of Huntington Beach* for \$100,000 to provide qualified staffing resources for the management and supplemental staffing for the project; and **3.** Approve a change to the standard indemnification language in Article 5 of the Employment Systems, Inc. (ESI) Agreement, wherein the City will indemnify ESI from any claims arising out of or related to the services performed by ESI personnel under this Agreement. Submitted by Fire Chief/Information Systems Director. Funding Source: The U.S. Department of Health and Human Services is offering the City of Huntington Beach \$400,000 in funding for administration of the program, equipment purchases and medical supplies to manage weapons of mass destruction incidents. No general fund expenditures or matching funds are required.
[Approved 6-0-1 (Garofalo out of room)]
- E-12. **(City Council) Approve the Professional Services Contract Between the City and the Public Sector Personnel Consultants for a Personnel Classification and Compensation Study for Municipal Employee Association (MEA) Positions - Waive the City's Insurance Policy Cancellation Requirements** (600.12) - **1.** Approve the *Professional Services Contract between the City of Huntington Beach and Public Sector Personnel Consultants, for a Personnel Classification and Compensation Study* and authorize the Mayor and City Clerk to execute; and **2.** Waive the City's insurance requirement for mandatory policy cancellation notification as approved by the City Attorney. Submitted by the Administrative Services Director. Funding Source: \$100,000 - Other Contractual Services Account.
[Approved 7-0]
- E-13. **(City Council) Adopt Resolution No. 2001-59 Amending Resolution No. 6336 to Designate the Director of Administrative Services as Plan Administrator for the Employees Deferred Compensation Plans and Direct the City Treasurer to Approve the Investment of Funds** (700.55) - Adopt **Resolution No. 2001-59** - "A Resolution of the City Council of the City of Huntington Beach Amending City Council Resolution No. 6336 and Designating the Director of Administrative Services as Plan Administrator for the Employees Deferred Compensation Plan and Directing the City Treasurer to Approve the Investment of Funds." Submitted by the Administrative Services Director. Funding Source: Not Applicable.
[Adopted 7-0]

- E-14. (City Council) Approve City Council Position on Legislation Pending Before the State Legislature, and Congress as Recommended by the City Council Intergovernmental Relations Committee** (120.70) –The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on the following items and authorize the Mayor to send letters reflecting those positions to the legislators: **Motion: Oppose SB 71 (Burton)** Worker's Compensation - which would increase the cost for administration of the worker's compensation system. **Motion: Support SB 1069 (Chesbro)** Plastic Pollution Fee - which would require manufacturers of products sold or offered for sale in plastic containers, as specified, to pay a plastic pollution prevention fee to the Integrated Waste Management Board (IWMB) for every plastic container of a resin type that fails to meet or exceed a recycling rate of 50% or more by January 1, 2005. **Approve the Sample Resolution** (Re: SB 1069) requesting that the Congress support higher levels of funding for beach restoration projects (Attachment No. 4). Submitted by Councilmember Shirley Dettloff, Chairperson, Intergovernmental Relations Committee for Mayor Pro Tem Debbie Cook and Councilmember Ralph Bauer. Funding Source: None required.

[Approved 7-0]

- F-1. (City Council) Approve Basic Terms and Conditions for the Lease at the Central Library Theatre for the Huntington Beach Playhouse, 7111 Talbert Avenue (600.10)**
 Communication submitted by the City Administrator requesting Council approval of the proposed basic terms and conditions for the Huntington Beach Playhouse to lease the city's Library Theatre. The Playhouse prepared a Business Plan (Attachment No. 3) that outlines their mission, community benefits, goals & objectives and organization and operations. Included are their bylaws, financial statement, 501 C 3 tax statement and supplemental information.

Adoption of the recommendation and execution of a lease would generate approximately \$25,000 of new revenue for Theater debt service and capital needs, in addition to approximately \$31,000 of base rent payments for operational costs in calendar year 2002.

Recommended Action: Motion to:

1. Adopt the recommended basic terms and conditions for leasing the City's Library Theater to the Huntington Beach Playhouse and agree to a non-exclusive five-year lease;

and

2. Return the current annual base lease rental formula adjusted by the Consumer Price Index (CPI) which generates about \$31,000 per year;

and

3. Establish a phased per ticket "Library Facility Debt Service/Capital Equipment Charge:" **\$1.00** for 2002 and 2003 (\$25,000 annually), **\$2.00** for 2004 and 2005 (\$50,000 annually) and **\$3.00** for 2006 (\$75,000).

***(1) Motion to charge all non-profit groups who lease the library \$125 per hour and for profit groups \$275-300 per hour.
 [Motion FAILED for lack of second]***

***(2) Amendment to main motion to include giving 7 weeks back to the library for their use or that the 7 weeks are determined by mutual agreement no less than 4 to be selected by the Playhouse and to be selected by the library.
 [Approved 6-1 (Green No)]***

(3) Approved main motion as amended above and Recommended Action 1, 2 and 3. [Approved 6-1 (Green No)]

G. Ordinances**G-1. Ordinance for Adoption****G-1a. (City Council) Adopt Ordinances Establishing Sewer Service User Fee, Rates and Charges (640.10)**

Communication from the Director of Public Works transmitting the following three ordinances which are required to implement the different elements of the sewer service user charge: (Approved for introduction on August 20, 2001.)

Note: Five Affirmative Votes of Council Required for Adoption of Ordinance No. 3504 and Ordinance No. 3505.

Recommended Motions: After the City Clerk reads each ordinance by title:

(City Council) Adopt Ordinance No. 3504 – Implementation of Sewer Service Charge (640.10)

1. **Adopt Ordinance No. 3504** – *“An Ordinance of the City of Huntington Beach Adopting Chapter 14.54 of the Huntington Beach Municipal Code Regarding Implementation of a Sewer Service User Charge Pursuant to California Health & Safety Code Section 5470, Et Seq. and Making Findings in Support Thereof;”*
[Adopted 7-0]

and

(City Council) Adopt Ordinance No. 3505 – Adoption of Rates, Charges, Annual Inflation Adjustment and Billing Methodology for the Sewer Service User Charge (640.10)

2. **Adopt Ordinance No. 3505** – *“An Ordinance of the City of Huntington Beach Adopting Chapter 14.55 of the Huntington Beach Municipal Code Regarding Adoption of Rates, Charges, Annual CPIU Adjustment, and Billing Methodology for the Sewer Service User Charge.”* (CPIU is Consumer Price Index for All Urban Consumers in Los Angeles, Orange and Riverside Counties established by the U.S. Bureau of Labor Statistics);
[Adopted 7-0]

and

(City Council) Adopt Ordinance No. 3506 – Amends the Huntington Beach Municipal Code by Amending Section 2111.030 Pertaining to the Public Works Commission (640.10)

3. **Adopt Ordinance No. 3506** – *“An Ordinance of the City of Huntington Beach Amending Chapter 2.111 of the Huntington Beach Municipal Code by Amending Section 2.111.030 Pertaining to Duties of the Public Works Commission.”*
[Adopted 7-0]

- G-1b. (City Council) Adopt Ordinance No. 3501 to Amend the Contract with PERS (Public Employees' Retirement System) to Provide Benefits for Local Police Safety and Ocean Lifeguard Members: (1) Section 21362.2 (3% @ 50 Full Formula) and (2) Section 21574 (Fourth Level of 1959 Survivors) (600.20) - Adopt Ordinance No. 3501 - "An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract between the City Council of the City of Huntington Beach and the Board of Administration of the California Public Employees' Retirement System, Concerning Retirement Benefits for Local Police Safety Members and Ocean Lifeguards." (Introduction approved August 6, 2001.)**
- Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3501** by roll call vote.

[Adopted 7-0]

- G-1c. (City Council) Adopt Ordinance No. 3503 - Modifying Permitting Requirements and Increasing Rates of Police-Directed Towing Services (530.30)**
Adopt **Ordinance No. 3503** - "An Ordinance of the City of Huntington Beach Amending Chapter 5.66 of the Huntington Beach Municipal Code Relating to Police-Directed Motor Vehicle Towing Service" removing permitting requirements for non-consensual towing services (Introduction approved August 20, 2001.)
- Recommended Action:** After City Clerk ready by title, adopt **Ordinance No. 3503** by roll call vote.

[Adopted 4-3 (Boardman, Cook, Bauer No)]

- G-2. Ordinances for Introduction - None**

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Councilmember Ralph Bauer****(City Council) Direct Staff to Prepare Feasibility Study on Huntington Harbour Recommendations Re: Water Quality Improvements and Urban Runoff Prevention Measures Including Adoption of (1) Inoperable Boats Ordinance; (2) Restaurant Grease Receptors; (3) Sewage Dumping Administrative Citation; and (4) Storm Drain Program** (120.90)

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: There may be some steps the Council would be willing to take that could deal with contaminated urban run-off. These comments came as a result of meetings of the Huntington Harbour Water Quality Meeting. It is the purpose of this discussion to request the staff to return to the Council with a cursory examination of the issues listed below and the cost to implement them.

1. Elimination of all of live aboards in Huntington Harbour. The current ordinances allow 72 hours live aboard, but it is difficult to prove that the live aboard is staying more than 72 hours. An ordinance on non-operable boats may also be in order. The dye tablet program, although appealing, is difficult to administer, especially at night. Any program will cost money; thus a fee on boats or docks may be in order. To my knowledge, there are four marinas in Huntington Harbour and may private docks.
2. Installation of grease traps in all restaurants. Brochure on guidelines for restaurant cleaning.
3. More frequent street sweeping in high trash areas.
4. A helpful hint brochure like that prepared by Dana Point for preventing urban run-off.
5. A video similar to that produced at Dana Point that shows people how to prevent urban run-off.
6. Permission from homeowner groups to stand on their docks to retrieve trash trapped in the corner of channels.
7. More pump-out stations at convenient locations.
8. Sewer fines for anyone pumping bilges or emptying sewage into Huntington Harbour. Institute an Administrative Citation Program.
9. Improved debris booms and catch basins. Start an "Adopt a Storm Drain" Program
10. On-site local treatment of run-off.
11. Hot line for suspicious activities related to pollution.

After discussion is complete, I move the following:

Recommended Action: Motion to:

Direct that the staff return to the Council with proposals mutually agreed to as being effective.

[Continued to September 17, 2001]

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 12:50 a.m. to Monday, September 17, 2001, at **5:00 p.m., in Room B-8, Civic Center, 2000 Main Street,** ~~4:00 p.m., in Rooms C & D at the Central Library, 7111 Talbert Avenue, Huntington Beach, California.~~

[Interim Budget Session cancelled]

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.

**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.ci.huntington-beach.ca.us>