

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) 536-5693** 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**

MONDAY, SEPTEMBER 16, 2002

6:00 P.M. - Room B-8 - Closed Session

7:00 P.M. - Council Chambers

Civic Center, 2000 Main Street

Huntington Beach, California 92648

The 5:00 p.m. portion of the meeting will be recessed by the City Clerk to 6:00 p.m. in Room B-8 due to an anticipated lack of quorum.

6:00 P.M. – Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer

Present

Public Comments Regarding Closed Session Agenda Items

None

**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 5-0-2 (Houchen, Winchell out of room)

(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 Case No. G020490, 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”). (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Ronald Hagan, Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **PMA, POA, MSOA, FMA, FFA, HBMEA, HBMEO, and SCLEA**. Subject: **Labor Relations – Meet and Confer**. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

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)).**

Roll Call Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer

Pledge of Allegiance – Led by Assemblyman Tom Harman

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 received on Agenda Items C-3; D-1; D-3; D-4; and D-5.

Presentation – By Mayor Debbie Cook and Public Works Director Robert F. Beardsley, of the Mayor's Award to Michael Fry, Leadworker Water Systems, Water Division of Public Works. (160.40)

Presentation – By Mayor Debbie Cook to Assemblyman Tom Harman and Assemblyman Ross Johnson, proclamations to thank them for their continued support in protecting local tax dollars and for ensuring that tax dollars will remain in local hands. (160.40)

Both legislators commended City Treasurer Shari Freidenrich for her major contribution in this effort, stating it would not have been possible without her perseverance.

Presentation – By Mayor Debbie Cook and Economic Development Director David Biggs, a commendation to Aranda Tooling President Pedro Aranda who recently received the U.S. Commercial Services "Export Achievement Award" from U.S. Secretary of Commerce Don Evans. (160.40)

A brief informational presentation was made re: Mr. Aranda's business.

Presentation – By Mayor Debbie Cook to Huntington Beach Band Director Tom Ridley, a commendation as he celebrates 25 years as Band Director with the Huntington Beach Band. (160.40)

Band Director Tom Ridley was present with his family to accept the commendation and the Council and Public's appreciation.

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 opposed to absence of Invocation from Council Agenda and offered Invocation.***
- (2) *Speaker protesting privatization of streets in Goldenwest Specific Plan and installed speed bumps, as his wife who is handicapped is obstructed from street access.***
- (3) *Speakers protesting neighbor's misdemeanors and behavior toward residents and requesting assistance.***
- (4) *Speaker opposed to Agenda Item E-2.***
- (5) *Speaker informing Council of his platform as a Council candidate relative to waste water treatment.***
- (6) *Speaker expressed appreciation to Council for retaining the Park Ranger on a part-time basis. Also spoke re: his candidacy for State Assembly relative to forming bi-partisan budget committee.***
- (7) *Speaker opposed to parking meters in downtown and requested Huntington Beach residents be allowed to park for free through a credit card system.***
- (8) *Speaker requested that fireworks be allowed in city and opposed increased city budget, taxes and Agenda Item G-1a.***
- (9) *Speaker opposed to staff's recommendation on the Public Works Commission Agenda which would remove the Public Works Commission's review of capital project expenditures exceeding \$50,000 and suggested citizens' advisory board to oversee.***
- (10) *Speaker requesting the problem of her trash not being removed be resolved.***

C-1. Council Committee/Council Liaison Reports

None

C-2. City Administrator's ReportC-2a. (City Administrator's Report) Presentation of Department of Justice Crime Statistics Report (530.10)

The City Administrator will provide a brief update of a recently released Department of Justice Crime Statistics report.

Police Chief Lowenberg reported on the communication distributed by the City Administrator: Crime statistics in Huntington Beach dropped 0.3 percent during 2001 according to a recently released Department of Justice report. Overall crime in Orange County rose 7 percent in 2001. California crime rose 5 percent during the same time period. This was the first rise in Orange County crime statistics after a nine-year decline. Huntington Beach was one of only eight Orange County cities to record a drop in crime for 2001. Huntington Beach continues to be rank in the top ten Safest City in America.

C-3. (City Council) Review and Accept Shari Freidenrich, City Treasurer's July 2002 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for July 2002.

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 Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for July 2002*, 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) Opened and Continued Open from September 3, 2002 – Public Hearing to Consider Adoption of the City Budget for Fiscal Year 2002-2003 – Adopt Resolution No. 2002-89 (320.20)

Public hearing for the purpose of considering the City budget for Fiscal Year 2002-2003.

The proposed budget for FY 2002/03 total \$303,968,246 including General Fund Expenditures of \$134,171,651. The complete, updated Preliminary Budget for FY 2002/03 can be reviewed by the public from 8:00 AM to 5:00 PM, Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach. Copies of the proposed budget are also available for public review at the City's Central Library located at 7111 Talbert Avenue (Goldenwest St. and Talbert Ave.), 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.

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. After Friday, September 6, 2002, further information may be obtained from the Office of the City Clerk, 2000 Main Street Huntington Beach, CA 92648 – Phone No. (714) 536-5227.

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:

1. Conduct the public hearing on the proposed \$369,540,335 of appropriations for the FY 2002/2003 city budget as outlined in the budget resolution (public hearing continued open from September 3, 2002).

and

2. Adopt **Resolution No. 2002-89**, approving the FY 2002/2003 City Budget and incorporating the "Addendum" to the proposed budget. – *"A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2002/03."*

(Continued on Next Page)

Motion to: Reestablish monies for Project Self-Sufficiency through a method of not having the same number of recurrents in the level of positions in Beach Maintenance in the coming year and to supplement the remainder through the revenue which would be derived from revenue if Councilmember Bauer's Agenda Item relative to refuse fee reimbursement is approved. 4-3 (Boardman, Cook, Houchen No)

Go to H-Item –

Motion to: Adopt Res. No. 2002-89 as amended by approval of Agenda Item H-1a and incorporating addendum into budget. Approved 7-0

Go to D-5 –

D-2. (City Council) Public Hearing for Adoption of Ordinance No. 3572 (Administrative Code); Ordinance No. 3573 (Building Code); Ordinance No. 3574 (Mechanical Code); Ordinance No. 3575 (Plumbing Code); Ordinance No. 3576 (Swimming Pool, Spa and Hot Tub Code); and Ordinance No. 3577 (Electrical Code); Approved for Introduction - Adoption by Reference of the 2001 Editions of the California Building & Safety Codes (Introductions of Ordinances Approved on August 19, 2002) (640.15)

Communication from the Building & Safety Director.

Public hearing (which was set at the August 19, 2002 meeting) to receive and consider statements of all persons who wish to be heard relative to the application described below:

Ordinance Nos. 3572, 3573, 3574, 3575, 3576 and 3577 (as described by title in the recommended action to follow).

Adoption of the State of California Codes – an Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by repealing Chapters 17.04, 17.40, 17.44, and 17.48 and adding thereto new Chapters 17.04, 17.40, 17.44, and 17.48 to adopt the California Building Code, 2001 edition, California Mechanical Code, 2001 edition, California Plumbing Code, 2001 edition and California Electrical Code 2001 edition and modifications to Chapter 17.02, Uniform Administrative Code and Chapter 17.46 Uniform Swimming Pool, Spa & Hot Tub Code.

Notice is further given that at least one copy of the Uniform Administrative Code, California Building Code, California Mechanical Code, California Plumbing Code, and California Electric Codes are on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public. A copy of the proposed Ordinances are on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the proposed ordinances. If there are any further questions, please call the Building & Safety Department at 714/536-5455 and refer to the above item. Direct any written communications to the City Clerk.

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

Pursuant to Government Code Section 50022:

Recommended Action: Motion to:

After City Clerk reads by title, adopt **Ordinance Nos. 3572, 3573, 3574, 3575, 3576, and 3577** (approved for introduction on August 19, 2002), for the adoption of the 2001 amended editions of the California Building Code, California Plumbing Code, California Mechanical Code, and California Electrical Code and amendments to previously adopted Uniform Administrative Code and the Uniform Swimming Pool, Spa and Hot Tub Code:

(Continued on Next Page)

Ordinance No. 3572 – “An Ordinance of the City of Huntington Beach Amending Chapter 17.02 of the Huntington Beach Municipal Code Adopting the **Uniform Administrative Code;**”

Ordinance No. 3573 – “An Ordinance of the City of Huntington Beach Amending Chapter 17.04 of the Huntington Beach Municipal Code Adopting the **Uniform Building Code;**”

Ordinance No. 3574 – “An Ordinance of the City of Huntington Beach Amending Chapter 17.40 of the Huntington Beach Municipal Code Adopting the **Uniform Mechanical Code;**”

Ordinance No. 3575 – “An Ordinance of the City of Huntington Beach Amending Chapter 17.44 of the Huntington Beach Municipal Code Adopting the **Uniform Plumbing Code;**”

Ordinance No. 3576 – “An Ordinance of the City of Huntington Beach Amending Chapter 17.46 of the Huntington Beach Municipal Code Relating to the **Uniform Swimming Pool, Spa and Hot Tub Code;**”

Ordinance No. 3577 – “An Ordinance of the City of Huntington Beach Amending Chapter 17.48 of the Huntington Beach Municipal Code Adopting the **Uniform Electrical Code.**”

Adopted all Ordinances 6-0-1 (Cook out of room)

D-3. (City Council) Public Hearing for Adoption of Ordinance No. 3571 (Approved for Adoption by Reference of the 2001 Edition of the State of California Fire Code and Supplements Thereto) Introduction of Ordinance 3571 Approved at the August 19, 2002 Council Meeting (640.15)

Communication from the Fire Chief/Information Systems Director.

Public hearing held to consider adoption of the State of California Codes – an Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by repealing Chapter 17,56 and adding thereto a new Chapter 17.56 to adopt the Uniform Fire Code, 2000 Edition and the California Fire Code, 2001 edition, including Appendices I-A, I-B, I-C, II-A, II-C, II-D, II-E, II-K, II-H, IIIA, III-C, and IV-A.

Notice is further given that at least one copy of the Uniform Fire Code, 2000 Edition and the California Fire Code, 2001 edition, including Appendices I-A, I-B, I-C, II-A, II-C, II-D, II-E, II-K, II-H, IIIA, III-C, and IV-A, is on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public. A copy of the proposed Ordinances are on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the proposed ordinances. If there are any further questions, please call the Fire Department at 714/536-5411 and refer to the above item. Direct your written communications to the City Clerk.

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

Recommended Action: Motion to:

1. Conduct the Public Hearing as set on August 19, 2002;

and

2. Adopt **Ordinance No. 3571**, by roll call vote, after the City Clerk reads by title – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code Chapter 17.56 Adopting the **California Fire Code.***”

Adopted 7-0

D-4. (City Council) Public Hearing for Consideration of the Annual Review and Monitoring Report – Downtown Parking Master Plan (Downtown Specific Plan Generally Bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) (440.30)

Public hearing to consider:

Applicant: City of Huntington Beach Planning Department

Request: Annual Review of the Downtown Parking Master Plan addressing building activity between June 1, 2001 and June 1, 2002.

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 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 on Friday, September 13, 2002.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlines 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 items. Direct your written communications to the City Clerk.

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

Recommended Action: Motion to:

Planning Commission and Staff Recommendation: Motion to:

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

Approved 7-0

D-5. (City Council) Public Hearing to Consider Appeal Filed by Lester C. Smull, (Business Properties Partnership) of the Planning Commission's Denial of Conditional Use Permit No. 02-31/Variance No. 02-10 – Step by Step Daycare Facility at 10156 Adams Avenue (S/E Corner of Brookhurst Street and Adams Avenue) (420.40)

Communication from the Planning Director.

Public hearing to consider:

Applicant/Appellant: Lester C. Smull.

Request: Appeal of the Planning Commission's denial of Conditional Use Permit No. 02-31 and Variance No. 02-10 to permit the operation of a daycare facility with a maximum of 88 children within a 5,525 square foot suite including a 6,000 square foot outdoor play area. The facility is proposed within an existing 135,484 square foot commercial center. The proposed request includes a parking variance to allow a reduction of approximately 28 parking spaces within the shopping center.

Location: 10156 Adams Avenue (southeast corner of Brookhurst Street and Adams 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, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Friday, September 13, 2002.

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 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

**Communication from the Planning Department titled *Acoustical Analysis, Step-by-Step Early Learning Enrichment Center* is included in the agenda packet.

**Three Communications dated September 3, 2002 and September 4, 2002 in opposition to approval of the variance are included in the agenda packet.

Recommended Action: Motion to:

A. Planning Commission Recommendation:

Deny Conditional Use Permit No. 02-31 and Variance No. 02-10 to permit the establishment of Step by Step Daycare with Findings for Denial (Attachment No. 1);

2nd Vote: Concurred with Planning Commission and Denied 5-2 (Dettloff, Winchell No)

OR

(Continued on Next Page)

B. Staff Recommendation:

Approve the appeal and approve Conditional Use Permit No. 02-31 and Variance No. 02-10 to permit the establishment of Step by Step Daycare with Findings and Conditions of Approval (Attachment No. 2) ***and those conditions added by Council.***

1st Vote: FAILED 2-5 (Green, Boardman, Cook, Houchen, Bauer No)

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency Adjourned Regular meetings of August 12, 2002, City Council Special meeting of August 15, 2002, City Council/Redevelopment Agency Regular meetings of August 19, 2002 and Adjourned Regular meetings of August 26, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
August 12, 2002 Minutes: Houchen, Winchell arrived at 3:05 p.m. - Approved 7-0
August 15, 2002 Minutes: Approved 6-0-1 (Bauer abstain)
August 19, 2002 Minutes: Approved 7-0
August 26, 2002 Minutes: Approved 6-0-1 (Winchell abstain)
- E-2. (City Council) Appoint Gail Hutton to the Office of City Attorney from 9/30/02 to 12/02/02 to Fill the Vacancy to be Created by Her Retirement and Rescind the Agreement Between the City and Gail Hutton for Early Retirement and Provision of Transitional Consultant Legal Services Which Was Approved on July 15, 2002** (700.90) –
1. Appoint Gail Hutton to the Office of City Attorney, from September 30, 2002 to December 2, 2002; to fill the vacancy to be created by her retirement effective September 28, 2002; and
 2. Adopt **Resolution No. 2002-86** – “A Resolution of the City Council of the City of Huntington Beach Providing Benefits and Salary for the City Attorney for the Period of September 30, 2002 to December 2, 2002;” and
 3. Approve rescinding the Agreement between the City of Huntington Beach and Gail C. Hutton for Early Retirement and Provision of Transitional Consultant Legal Services which was approved on July 15, 2002. Submitted by the City Administrator. Funding Source: Proposed FY 2002-2003 Budget.
Approved and Adopted 5-1-1(Cook No; Green out of room)
- E-3. (City Council) Adopt Resolution No. 2002-87 Establishing Annual Appropriation Limit for Fiscal Year 2002-2003 Pursuant to Article 13B of California Constitution (\$386,282,166) – (GANN)** (340.90) – Adopt **Resolution No. 2002-87** – “A Resolution of the City Council of the City of Huntington Beach Establishing the Appropriation Limit for Fiscal Year 2002/2003.” Submitted by the Administrative Services Director. Funding Source: Not Applicable.
Adopted 7-0

- E-4. **(City Council) Approve Grant Agreement Between the City and the Huntington Beach Conference & Visitors Bureau (HBCVB) for Fiscal Year 2002/2003 for Public Relations Services** (600.10) – Approve and authorize execution by the Mayor and City Clerk of the *Grant Agreement Between the City of Huntington Beach and the Huntington Beach Conference and Visitors Bureau, Inc. (HBCVB) for Public Relations Services* for Fiscal Year 2002/2003 in the amount of \$250,000. Submitted by the Economic Development Director. Funding Source: Budgeted Item.

Approved 7-0

- E-5. **(City Council) Approve First Amended and Restated Affordable Housing Agreement for PLC Land Company (Siena Apartments, Project at N/W Corner of Main and Gothard Streets) – To Restrict 26 Instead of 27 as Affordable Units** (600.10) – Approve the *Amended and Restated Agreement Containing Covenants Affecting Real Property – Affordable Rental Housing by and between the City of Huntington Beach and PLC*, and authorize the Mayor and City Clerk to execute and the City Clerk to record with the County Recorder. Submitted by the Planning Director. Funding Source: Not Applicable.

Approved 7-0

- E-6. **(City Council) Adopt Annual Disadvantage Business Enterprises (DBE) Goal for Fiscal Year 2002/2003 Receipt of Federal Funds Through (CalTrans)** (340.70) – Adopt the Annual Disadvantaged Business Enterprises (DBE) goal of 7%. Submitted by the Public Works Director. Funding Source: Not Applicable. (To be eligible for financial assistance from the Federal Highway Administration (FHWA), the City must adopt an annual DBE goal, which sets target levels for female-owned and ethnic, minority-owned businesses in its contracts on Federal aid projects.)

Adopted 7-0

- E-7. **(City Council) Approve Agreement Between the City and Rainbow Disposal to Provide AB939 Educational Assistance (Waste Management Public Information)** (600.45) – Approve and authorize the Mayor and City Clerk to execute the *Agreement between the City of Huntington Beach and Rainbow Disposal for Waste Management Public Education.* Submitted by the Public Works Director. (Pursuant to Integrated Waste Management Act of 1989.)

Approved 7-0

- E-8. **(City Council) Approve the Release of Securities for Tract No. 14829 and Accept the Public Improvements (S/O Talbert Avenue, W/O Joyful Lane) – Parkside Court, LLC – (Sassounian Capital Ventures)** (420.60) – **1.** Accept the improvements constructed and dedicated for public use with Tract No. 14829; and **2.** Release Faithful Performance/Labor and Material No. 3SM95693600 pursuant to California Government Code Section No. 66499.7(b); and **3.** Accept the Guarantee and Warranty Bond No. 3SM954935-A (**American Motorists Insurance Company**) 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, Parkside Court, LLC, 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-9. **(City Council) Approve Amendment No. 5 (Updating the Exhibit which Lists Approved Funded Projects) to Cooperative Agreement No. C-95-975 Between the City and the Orange County Transportation Authority (OCTA) – (Measure M Funding Eligibility)** (420.60) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 5 to Cooperative Agreement No. C-95-975 between Orange County Transportation Authority (OCTA) and the City of Huntington Beach.* Submitted by the Public Works Director. Funding Source: Not Required for this Action.

Approved 7-0

- E-10. **(City Council) Approve Agreement Between the City and the Orange County Water District (OCWD) for the Groundwater Replenishment Project (Injection Barrier Wells and Pipeline Property Exchange) and the Ellis Avenue Widening Project, CC-891** (600.25) – Approve *Agreement for Groundwater Replenishment System Injection Barrier Wells and Pipeline Property Exchange with City of Huntington Beach* and authorize execution by the Mayor and City Clerk. Submitted by the Public Works Director. Funding Source: \$250,000 in Measure M Funds – Ellis Avenue Widening CC-891 Account.

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

- E-11. **(City Council) Approve Final Tract Map No. 16287 of Tentative Tract Map No. 16287 (PLC One Lot Subdivision) N/S Clay Avenue, E/O Holly Street (Holly-Seacliff Development Agreement Area)** (420.60) – Approve Final Tract Map No. 16287 pursuant to findings and requirements – see Attachment No. 1 as follows: **Findings for Acceptance of Final Map:** Final Tract Map No. 16287 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16287 conditions of approval, as approved by the Zoning Administrator. **Requirements:** 1. Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map; and 2. The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. B34224566 (Attachment No. 7); (b) Labor and Material Bond No. B34224566 (Attachment No. 7); (c) Monument Bond No. B34224565 (Attachment No. 7) (Gulf Insurance Co.); and 3. The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange; and Approve the Subdivision Agreement between the City and PLC, a California General Partnership, and authorize execution by the Mayor and City Clerk (Attachment No. 6). Submitted by the Planning Director. Funding Source: Not Applicable.

Approved 7-0

- E-12. **(City Council) Approve Final Tract Map 16289 of Tentative Tract No. 16289 – PLC One Lot Subdivision – NE Corner of Clay Avenue and Main Street – (Holly-Seacliff Development Agreement Area)** (420.60) – Approve Final Tract Map No. 16289 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements – see Attachment No. 1 as follows: **Findings for Acceptance of Final Map:** Final Tract Map No. 16289 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16289 conditions of approval, as approved by the Zoning Administrator. **Requirements:** 1. Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map; and 2. The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. B34224555 (Attachment No. 7); (b) Labor and Material Bond No. B34224555 (Attachment No. 7); (c) Monument Bond No. B34224557 (Attachment No. 7) (Gulf Insurance Co.); and 3. The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange; and Approve the Subdivision Agreement between the City and PLC, a California General Partnership, and authorize execution by the Mayor and City Clerk (Attachment No. 6). Submitted by the Planning Director. Funding Source: Not Applicable.

Approved 7-0

- E-13. **(City Council) Approve Agreement Between City and Los Angeles Times Communications, LLC (dba Huntington Beach Independent) for Legal Advertising Services** (600.10) – Approve and authorize execution of the *Agreement Between the City of Huntington Beach and Los Angeles Times Communications, LLC, doing Business as the Huntington Beach Independent, for Legal Advertising.* Submitted by the City Administrator and City Clerk. Funding Source: General Fund Budgeted.

Approved 7-0

- E-14. **(City Council) Appropriate Funds and Authorize Payment to County of Orange for March 2002 Special Municipal Election and for Verification of Signatures on Property Rights Protection Measure Petition** (620.50) – Authorize appropriation and payment to the County of Orange in the amount of \$45,814 for signature verification (Property Rights Protection Measure EE) and payment in the amount of \$87,717.95 to the County of Orange for services and supplies relating to the Huntington Beach March 5, 2002 Special Municipal Election consolidated with the Statewide Primary Election. Submitted by the City Clerk. Funding Source: Unappropriated, Undesignated General Fund Balance – Account No. 100.31100.1999.

Approved 7-0

F. Administrative Items – None

G. Ordinances

G-1. Ordinance for Adoption

G-1a. (City Council) Adopt Ordinance No. 3578 Amending the Huntington Beach Municipal Code by Adding Chapter 9.07 Prohibiting Aerial Advertising (Banner Towing Aircraft) (640.10) – **Ordinance No. 3578** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Thereto Chapter 9.07, Prohibiting Aerial Advertising.”* Submitted by the City Attorney. (Approved introduction on September 3, 2002.)

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3578**, by roll call vote.

Adopted 5-2 (Green, Bauer No)

G-2. Ordinances for Introduction – None

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Councilmember Ralph Bauer****(City Council) Approve Recommendation for Reimbursement by General Fund of Unfunded Liability in the Refuse Fund (Trash Collection) (340.10)**

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: As of September 30, 2002, it is estimated that the Refuse Fund will have a fund deficit of approximately \$500,000. This balance is based on the deficit fund balance of \$369,000 as of 9/30/01 and assumes an estimated additional operating deficit of \$131,000 for the year ending 9/30/02. In response to this increasing deficit, I would like to make the following motions:

Recommended Action:

1. That the fund deficit of the Refuse Fund be reimbursed by the General Fund on an annual basis;

and

2. That all current non-paying households for the refuse service be required to pay at least 50% of the actual cost of the trash pick-up (generating \$42,414 in new revenue) and that a fool-proof method be instituted to confirm the income levels of all persons residing at the household requesting an exemption.

Approved 5-2 (Boardman, Houchen No)

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, October 7, 2002, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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**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>