

**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.*

**AGENDA**

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

**MONDAY, NOVEMBER 18, 2002**

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, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer

**Public Comments Regarding 5:00 P.M. Portion of Council Meeting (Study Session) and Closed Session Agenda Items**

**(City Council) Annual Joint Study Session between the City Council and the Investment Advisory Board for Fiscal Year 2001/02 ( . )**

**Roll Call – Investment Advisory Board** – Richard Ganulin (Chair), Paul Arms, Joe Foye, Bob Glass, Warren Hall, Bob Turicchi, Robert Winchell

The Investment Advisory Board (IAB) will provide its annual update to the City Council regarding activities for Fiscal Year 2001/02.

\*\*Communication is included in the agenda packet from the City Treasurer's Office titled *City of Huntington Beach Investment Advisory Board (IAB) Annual Report to the City Council for the Period October 1, 2001 to September 30, 2002*.

\*\*A Power Point presentation titled *Joint Study Session – IAB/City Council* is included in the agenda packet.

**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:

1. **(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 **Anthony Matteson v. City of Huntington Beach, et al.**; USDC Case No. SACV-98-563 AHS (Eex). Subject: **Matteson v. City of Huntington Beach.** (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 **John Butler v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC01270. Subject: **Butler 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 **Joseph Mohny v. City of Huntington Beach**, WCAB Case No. ANA 0358706, Claim No. COHB-01-0146 CT. Subject: **Mohny v. City of Huntington Beach.** (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 **Jason N. Anderson v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC02616. Subject: **Anderson v. City of Huntington Beach, et al.** (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 **Charles Nowotny v. Johnson, City of Huntington Beach, et al.**; U.S. District Court Case No. CV 99-13098-FMC. Subject: **Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)
6. **(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 **Citizens Against Redevelopment Excess v. City of Huntington Beach** [CARES 11]; Orange County Superior Court Case No. 00CC14550; California Court of Appeal, Fourth Appellate District, Division Three, Case No. G030388. Subject: **Citizens Against Redevelopment Excess v. City of Huntington Beach.** (120.80)
7. **(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; Jim Engle, Acting 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** – Jim Zack, Scoutmaster; Mike Keeley, Assistant Scout Master; Ryan Keeley, Patrol Leader; Huntington Beach Boy Scout Troop 1226.

**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.

**B. PUBLIC COMMENTS**

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

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

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

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

**C-1. Council Committee/Council Liaison Reports****C-1a. (City Council) Approve Intergovernmental Officers Committee Recommendations to Request the Executive Steering Committee of the Orange County League of California Cities to Perform a Financial Audit of its Records ( . )**

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: It has come to the attention of the Intergovernmental Affairs Committee that the Executive Steering Committee of the Orange County Division of the League of California Cities has never carried out a financial audit of its records. During the last year, the Executive Steering Committee has been requested to have an audit performed as required by the committee bylaws. These requests have not been honored.

\*\* Included in the agenda packet are previous letters requesting an audit, excerpts from the League bylaws and the Accounting Policies and Procedures Manual, and the budget document as submitted to and approved by the Executive Steering Committee of the League.

**Recommended Action:**

To address this situation, the following motions are requested:

1. It is moved that the Executive Steering Committee of the Orange County Division of the League of California Cities be requested to perform a financial audit of their records and that the process begin within 30 days,

**and**

(Continued on the next page)

2. It is moved that the Huntington Beach City Council withhold their Orange County Division dues of approximately \$24,000 until an audit is performed, which is deemed satisfactory by the Huntington Beach City Council;

and

3. It is moved that the audit request be sent to all members of the League's Executive Steering Committee.

**C-1b. (City Council) Adopt Resolution No. 2002-113 Declaring the *Cercis Occidentalis* (Western Redbud) as the Official Tree of the City of Huntington Beach as Recommended by the Beautification, Landscape and Tree Committee ( . )**

Communication from Mayor Debbie Cook, Mayor Pro Tem Connie Boardman and Councilmember Ralph Bauer, Members of the Beautification Landscape and Tree Committee informing Council that on April 6, 1964, the City Council passed a motion from the Huntington Beach Women's Division of the Chamber of Commerce to name the Lemon Bottlebrush the official tree of the City of Huntington Beach. This action apparently was never consummated with a formal resolution; thus, the Lemon Bottlebrush is currently the "unofficial" City tree.

In 1999, the Beautification, Landscape and Tree Committee (Committee) was formed to discuss issues related to the City's urban forest and landscaping. To preserve the authenticity of the City's urban forest, the Committee has recommended that the City formally adopt a tree native to California as the official City tree, and has selected the *Cercis Occidentalis*, more commonly known as the Western Redbud, due to its beauty, vitality, and ability to flourish in this climate.

The Western Redbud is indigenous to the region, is drought tolerant, and once established, requires little maintenance. The conditions present in our parkways will provide a suitable environment, while its deciduous nature will produce yellow and red colors in fall, magenta blooms in spring, and reddish-brown seedpods in winter.

The Committee recognizes the value of trees and their ability to enrich the quality of life and the beauty of our community and, by adopting the Western Redbud as the City's official tree, it wishes to continue the preservation of the City of Huntington Beach's natural environment as well as its history.

**Recommended Action:** Motion to:

Adopt attached **Resolution No. 2002-113** - "A Resolution of the City Council of the City of Huntington Beach Declaring *Cercis Occidentalis* (the Western Redbud) the Official City Tree."

**C-2. City Administrator's Report**

**C-2a. (City Administrator's Report)**

**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 Opened and Continued Open from 10/21/02 to Consider Adoption of Resolution No. 2002-93 Amending Resolution No. 5159 Establishing a Services Fee Schedule for the Vehicle Immobilizer "Boot" Under the Jurisdiction of the Police Traffic Bureau ( . )**

Communication from the Chief of Police.

Public hearing to consider adoption of a Resolution amending Resolution No. 5159 to establish a new fee for the booting or immobilization of vehicles towed for five or more unpaid parking citations.

**Service Fee Schedule for the Vehicle Immobilizer "Boot" Under the Police Traffic Bureau.** The fee of employing (that is, attaching and removing) the vehicle immobilizer "boot" by the Police Department shall be \$100.00. Be it further resolved that except as amended herein, the fees contained in Resolution No. 5159, as amended, shall remain in full force and effect.

On File: A copy of the proposed resolution is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California, 92648, for inspection by the public after Friday, November 15, 2002.

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

**Recommended Action:** Motion to:

**Adopt Resolution no 2002-93 – "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5159 entitled, 'A Resolution of the City Council of Huntington Beach Establishing a City Fee Schedule' pertaining to Establishment of a Vehicle Immobilizer Fee (Supplemental Fee Resolution No. 90.)"**

**Administrative Hearing**

D-2 is an administrative public hearing. This administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

**D-2. (City Council) Administrative Public Hearing Opened and Continued Open from 10/21/02 to Consider Adoption of Resolution No. 2002-96 – Approve Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)**

Communication from the City Treasurer and the City Attorney.

An Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

**Recommended Action:** Motion to:

Adopt **Resolution No. 2002-96** entitled “A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Recovery of Costs of Abatement of Nuisance.”

**D-3. (City Council) Public Hearing to Consider Zoning Map Amendment No. 02-02 and Local Coastal Program Amendment No. 02-03 (General Plan Consistency) to Rezone Four Subareas – Approve Introduction of Ordinance Nos. 3587, 3588, 3589 and 3590 – Adopt Resolution No. 2002-112 ( . )**

**Applicant:** City of Huntington Beach, Planning Department

**Request:** To rezone four subareas of properties to make the zoning designations consistent with the current General Plan land use designations as follows:

**Subarea A (First Christian Church):** Rezone from RL and RL-O (Residential Low Density – Oil Production Overlay) to PS (Public-Semipublic). Location: 1207 Main Street (south of Adams, between 17<sup>th</sup> and Main)

**Subarea B (Smith School):** Rezone from RM (Residential Medium Density) to PS (Public-Semipublic). Location: 770 17<sup>th</sup> Street (east side, north of Palm)

**Subarea C (AES Generating Station):** Rezone from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-PF2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay). Location: 21730 Newland Street (east side, north of Pacific Coast Highway)

**Subarea D (Edison Tanks):** Rezone from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) and from IL-CZ-FP2 (Limited Industrial – Coastal Zone Overlay – Floodplain Overlay) to PS-CZ-FP2 (Public-Semipublic – Coastal Zone Overlay – Floodplain Overlay). Location: Northwest corner of Magnolia Street and Banning Avenue

**Local Coastal Program Amendment (LCPA):** To amend the City's Local Coastal Program in accordance with the Zoning Map Amendment (ZMA) for Subareas C and D and forward to the California Coastal Commission for certification.

**Environmental Status:** Notice is hereby given that item is covered under Final Environmental Impact Report No. 94-1. The Environmental Impact Report is on file at the city of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

**Appealable Jurisdiction of Coastal Zone:** Notice is hereby given that **Subareas C and D** of this item are located in appealable jurisdiction of the Coastal Zone and includes local Program Amendment No. 02-03 filed on August 1, 2002, in conjunction with the above request. The LCPA will be forwarded to the California Commission if approved by the City Council.

**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, November 15, 2002.

(Continued on the next page)

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

**Recommended Action:**

**Planning Commission and Staff Recommendation:** Motion to:

1. Approve Zoning Map Amendment No. 02-02 for Subareas A, B, C and D with Findings for Approval (Attachment No. 2);

and

2. Approve by roll call vote, introduction of **Ordinance Nos. 3587, 3588, 3589 and 3590** after the City Clerk reads by titles:

**Ordinance No. 3587** - *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from RL (Residential Low density) and RL O (Residential Low Density - Oil Production Overlay) to PS (Public–Semipublic) on Real Property Located **South of Adams Avenue between 17th Street and Main Street** (Zoning Map Amendment No. 02-02, Subarea A);”*

and

**Ordinance No. 3588** - *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from RM (Residential Medium Density) to PS (Public–Semipublic) on Real Property Located on the **East Side of 17th Street, North of Palm Avenue** (Zoning Map Amendment No. 02-02, Subarea B);”*

and

**Ordinance No. 3589** - *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public–Semipublic - Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) on Real Property located on the **East Side of Newland Street, North of Pacific Coast Highway** (Zoning Map Amendment No. 02-02, Subarea C);”*

and

(Continued on the next page)

**Ordinance No. 3590** - *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay - Floodplain Overlay) to PS-O-CZ-FP2 (Public–Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) and from IL-CZ-FP2 ((Limited Industrial – Coastal Zone Overlay- Floodplain Overlay) to PS-O-CZ-FP2 (Public–Semipublic - Coastal Zone Overlay- Floodplain Overlay) on Real Property located on the **Northwest Corner of Magnolia Street and Banning Avenue** (Zoning Map Amendment No. 02-02, Subarea D);”*

and

3. **Adopt Resolution No. 2002-112** - *“A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 02-03 to amend the Local Coastal Program Implementing Ordinances to Reflect Zoning Map Amendment No. 02-02 for Subareas C (AES Generating Plant and D (Edison Tank Site)” and requesting certification by the California Coastal Commission (Attachment No.3.)*

**D-4. (City Council) Public Hearing to Consider Appeal Filed by Councilmember Ralph Bauer of the Planning Commission’s Decision to Table for Sixty-Days Zoning Text Amendment No. 01-03 (Mobilehome Park Conversion) – Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Approve for Introduction Ordinance No. 3595 ( . )**

**Applicant:** City of Huntington Beach.

**Appellant:** Councilmember Ralph Bauer.

**Request: Zoning Text Amendment (ZTA):** To amend Chapter 234 Mobilehome Park Conversions of the Zoning Huntington Beach Zoning and subdivision Ordinance to bring the ordinance into compliance with State Law and add fair market value language for mobilehome purchases.

**Location:** Citywide.

**Environmental Status:** Notice is hereby given that Zoning Text amendment No. 01-03 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, November 15, 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 John Sisker dated November 15, 2002 expressing concern regarding the city’s maintenance of the existing percentage of affordable housing.

**Recommended Action:** Motion to:

- A. **Planning Commission Recommendation:**  
Table Zoning Text Amendment No. 01-03 allowing for a sixty day continuance for review of the Alternative Ordinance by the Mobile Home Advisory Board;

**OR**

- B. **Staff Recommendation:**
  1. Approve Zoning Text Amendment No. 01-03 with Findings for Approval (Attachment No. 4);

(Continued on the next page)

**and**

2. After the City Clerk reads by title, approve by roll call vote, **Ordinance No. 3595** - *“An Ordinance of the City of Huntington Beach Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Regarding Mobilehome Park Conversions”* that brings the ordinance into conformance with State law.

**E. CONSENT CALENDAR**

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

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

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of September 16, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
- E-2. **(City Council) Adopt Resolution 2002-114 Regarding Additions and Modifications to the City's Classification Plan Amendment ( . )** – Adopt **Resolution No. 2002-114** – *“A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Adding and Modifying Classifications and Establishing Compensation in the City Classification Plan.”* Submitted by the Administrative Services Director. Funding Source: (Video Engineer, Park, Tree and Landscape Operations Manager, Water Operations Manager and police Services Specialist.)
- E-3. **(City Council) Adopt Resolution No. 2002-115 to Consider the Fourth Level of 1959 Survivor Benefits (Memorandum of Understanding for Huntington Beach Firefighter's Association for Contract Years October 2000- September 30, 2003)** ( . ) – Adopt **Resolution No. 2002-115** – *“A Resolution of the City Council of the City of Huntington Beach to Approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Huntington Beach.”* Submitted by the Administrative Services Director. Funding Source: Employees contribute \$2.00 per month for this benefit. Due to excess assets in the Fourth Level pool, no employer contribution is required this fiscal year. If there were no excess assets, the normal employer cost would be \$7,680 per year.
- E-4. **(City Council) Approve Recommendations Made by the Intergovernmental Relations Committee on the List of Projects to Receive the Highest Level of Focus for Funding Efforts by the City's State and Federal Lobbyists during the 2002 Legislative Session ( . )** – Approve the projects as shown in the 2003 Funding Priorities List (Attachment 1) as those projects will be the focus of the City's funding efforts in the coming year. Submitted by Councilmember Shirely Dettloff, Chair, Intergovernmental Relations Committee on behalf of Mayor Debbie Cook and Councilmember Ralph Bauer, Council Liaisons. Funding Source: Not applicable.

- E-5. **(City Council/Redevelopment Agency) Approve Agency Resolution No. 341 of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement between the City and the Redevelopment Agency for the Huntington Beach Redevelopment Project ( . )** Adopt **Agency Resolution No. 341** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project.” Submitted by the Economic Development/Deputy Executive Director. Funding Source: Not applicable.
- E-6. **(City Council) Approve Three-Party Communications Site License Agreement between (1) the City; (2) Southern California Edison (SCE); and (3) Los Angeles SMSA Limited Partnership, dba Verizon Wireless to Install Wireless Equipment in an SCE Easement Area in Talbert Park ( . )** – Approve a three-party *Communications Site License Agreement* between the City of Huntington Beach, Southern California Edison, and the Los Angeles SMSA Limited Partnership DBA Verizon Wireless based on the attached terms and conditions, and authorize the Mayor and City Clerk to execute and process any and all documents necessary to conclude the transaction. Submitted by the Administrative Services Director and the Fire Chief. Funding Source: Not applicable.
- E-7. **(City Council) Approve Standard Agreement between the City and the State of California Department of Transportation for Purchase of Vans for the Senior Transportation Program – Approve Expenditure of Funds ( . )** – 1. Authorize the Mayor and City Clerk to execute the *Standard Agreement Contract No. 6401663* with the State of California, Department of Transportation for the purchase of vans for the Senior Transportation Program; and 2. Approve the expenditure of the 20 percent match of \$24,517 from the General Fund Designated Fund Balance Account #100.3130 for the purchase of vans for senior transportation. Submitted by the Acting Community Services Director. Funding Source: General Fund Designated Fund Balance Account - \$24,517.
- E-8. **(City Council) Approve Final Tract Map No. 15603 of Tentative Tract Map No. 15603 (Shea Vickers Development, LLC – 12 Numbered/2 Lettered-Lot Division) w/s of Stewart Street at Clay Avenue (420.60)** – 1. Approve Final Tract Map No. 15603 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); AND 2. Approve the *Subdivision Agreement between the City and Shea Vickers Development, LLC for Tract No. 15603* and authorize execution by the Mayor and City Clerk (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 15603 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 15603 Conditions of Approval, as approved by the City Council. **Requirements;** (1.) Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. (2.) The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. SV9966 (Attachment No. 7); (b) Labor and Material Bond

No. SV9966 (Attachment No. 7); (c) Monument Bond No. SV9965 (Attachment No. 7).  
**(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

**E-9. (City Council) Adopt Resolution No. 2002-116 for Temporary Closure of Various Local City Streets and Resolution No. 2002-117 for Temporary Closure of Pacific Coast Highway for the Operation of the Pacific Shoreline Marathon Run in 2003**

( . ) – **1.** Adopt **Resolution No. 2002-116** – “A Resolution of the City Council of the City of Huntington Beach for the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, and Central Park Drive for the Pacific Shoreline Marathon Run;” and **2.** Adopt **Resolution No. 2002-117** - “A Resolution of the City Council of the City of Huntington Beach Requesting CalTrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Pacific Shoreline Marathon Run.” Submitted by the Acting Community Services Director. Funding Source: \$17,500 - Specific Events Fund Account.

**E-10. (City Council) Approve the Release of Securities for Tract No. 15531 and Accept the Public Improvements – John Laing Homes, Developer – n/o Garfield Avenue, s/o Sea Gate Drive – Accept Guarantee and Warranty Bond (Seaboard Surety Company)**

( . ) – **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15531; and **2.** Release Faithful Performance/Labor and Material Bond No. 361549 and Monument Bond No. 3361550 pursuant to California Government Code Section No. 66499.7; and **3.** Accept Guarantee and Warranty Bond No. 361549, 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, John Laing Homes, of this action, and the City Treasurer to notify the Surety, **Seaboard Surety 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.

**E-11. (City Council) Approve (1) Two Easement Deeds and (2) Maintenance Agreement between the City and the State of California for Pedestrian Overcrossing (POC) Purposes and Improvements at Pacific Coast Highway and the Hyatt Regency Hotel Site**

( . ) – **1.** Approve and authorize the Mayor and City Clerk to execute the *Easement Deed No. 12-ORA-1-KP38.7-102235-1* and *Easement Deed No. 12-ORA-1-KP38.7-102236-1* granting easements to the State of California for the purpose of a pedestrian overpass and improvements and facilities appurtenant thereto; and **2.** Approve and authorize the Mayor and City Clerk to execute the *Maintenance Agreement* between the City of Huntington Beach and the State of California for the Pedestrian Overcrossing. Submitted by the Public Works Director. Funding Source: Not applicable.

- E-12. **(City Council) Adopt Resolution No. 2002-118 Authorizing Execution of Program Supplements for Hazard Elimination Safety (HES) Grant Projects: (1) MO16 (Pavement Markers; CC-1140 and (2) MO17 (Traffic Signal Modifications; CC-1128) for Various City Streets ( . )** – Adopt Resolution No. 2002-118 – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement Nos. M016 and M017 to Agreement No. 12-5181 for the Installation of Pavement Markers on Various Streets within the City Limits, CC-1140; and for the Traffic Signal Modifications at the Intersections of Newland/Warner, Bolsa Chica/Warner, Edwards/McFadden, Gothard/Slater, and Golden West/Palm, CC-1128.” Submitted by the Public Works Director. Funding Source: Not applicable.
- E-13. **(City Council/Redevelopment Agency) Approve Credit for Debt Repayment for Lot AA and Lot BB of Tentative Tract Map 15549 for Acquisition Costs of the Waterfront Hotel Parcel ( . )** – Approve the debt repayment of \$3,556,003 (principal and interest accrued as of October 2002) from the Redevelopment Agency to the City and any additional amount accrued to date for the Agency’s acquisition costs associated with Lots AA and BB of Tentative Tract Map 15549. Submitted by the Economic Development/Deputy Executive Director. Funding Source: No actual monetary cost; the amount of debt owned to the city by the Redevelopment Agency will be reduced.
- E-14. **(City Council) Authorize Grant Award Agreement between the City and the California Energy Commission (CEC) to Install Traffic Signal Battery Backup Systems– Authorize Staff to (1) Prepare Contract Bid Documents; (2) Advertise for Bid; and (3) Purchase and Install at the 62 Highest Priority Locations ( . )** – 1. Authorize the City Administrator to execute a grant award agreement with the California Energy Commission (CEC); and 2. Authorize staff to prepare contract bid documents and advertise for bid, the purchase and installation of traffic signal batter backup systems at the 62 highest priority locations; and 3. Find that, because the funding for installation of traffic signal batter backup systems is a one-time allocation from the CEC, it is appropriate to limit the installations to the highest priority intersections in the city, due to unfounded, on-going maintenance and replacement obligations. Submitted by the Public Works Director. Funding Source: Matching funds of \$108,400 are available through Air Quality Funds (Traffic Signals). The project has a funding commitment of up to \$291,200 from the California Energy Commission (CEC) for 70 percent of the cost of equipment purchases. Grant funds will be appropriated at the time of project award.
- E-15. **(City Council) Approve Amendment No. 2 to the Reimbursement Agreement between the City and Shea Homes Limited Partnership in Connection with the Environmental Impact Report (EIR) No. 97-2 Relating to the Parkside Estates Project ( . )** – 1. Approve and authorize the Mayor and City Clerk to execute Amendment No. 2 to Reimbursement Agreement between the City of Huntington Beach and Shea Homes Limited Partnership for Costs Incurred for Professional Planning Services in Connection with the Environmental Impact Report 97-2 Relating to the Parkside Estates Project; and 2. Authorize acceptance of \$50,000 deposit funds and appropriate \$50,000 from the unappropriated, undesignated General Fund Balance into the Planning Operating Account for Contract Services (10060201.69365) in connection

with the Reimbursement Agreement between the City and Shea Homes Limited Partnership to be utilized by the Department of Planning for environmental consulting services. Submitted by the Planning Director. Funding Source: Unappropriated, undesignated General Fund Balance in the amount of \$50,000.

- E-16. (City Council) Approve Agreement between the City and the County of Orange to Provide \$50,000 Rapid Response/Workforce Investment Act Grant to the City for Employment and Training Activities and Services for Economically Disadvantaged and Dislocated Workers** ( . ) – Approve and authorize the Mayor and City Clerk to execute the *WIA Cost Reimbursement Agreement* between the County of Orange and the City of Huntington beach for workforce investment activities to improve the quality of the community workforce and authorize the Director of Economic Development to execute all the appropriate certifications and exhibits that are attached to the agreement. Submitted by the Economic Development Director. Funding Source: No additional city funds required. This is a county grant from the Federal Workforce Investment Act funds.
- E-17. (Redevelopment Agency) Receive and File Second Amendment to the Office Space Lease between Abdelmuti Development Company and Martin Menichiello (Suite 360, Oceanview Promenade – Main Pier Redevelopment Project Subarea)** ( . ) – Receive and file attached lease titled *Second Amendment to Office Space Lease* between Abdelmuti Development Company and Martin Menichiello for Suite 360 renewing the lease for three (3) years commencing January 1, 2003 at the rental rate of \$2.25 per square foot per month. Submitted by the Deputy Executive Director. Funding Source: Redevelopment Tax Increment.
- E-18. (City Council) Approve Appointment of Sid Kuperberg to the Library Board of Trustees with a Term to Expire 6/30/03 (to Fill the Unexpired Term Held by Richard McGrath)** ( . ) – Approve the appointment of Sid Kuperberg to fill the unexpired term held by Richard McGrath (7/1/99 – 6/30/03) to the Library Board of Trustees as recommended by the City Council Library Board Liaisons, Councilmembers Peter Green and Shirley Dettloff. Submitted by City Council Library Board Liaisons, Councilmembers Peter Green and Shirley Dettloff. Funding Source: Not applicable.
- E-19. (City Council) Adopt Resolution No. 2002-123 Revising Local Coastal Program Amendment No. 96-4 (Parkside Estates Residential Project, w/o Graham Street, S/o Keniworth Drive) and Requesting Certification by the California Coastal Commission** ( . ) – Adopt **Resolution No. 2002-123** - “*A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 96-4 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Reflect General Plan Amendment No. 98-1 and Zoning Map Amendment Nos. 96-5A and 96-5B by Amending Zone 2 – Land Use Plan and Accompanying Text of the City’s Coastal element for the Real Property Generally Located on the West Side of Graham Street, South of Kenilworth Drive and Requesting Certification by the California Coastal Commission.*” Submitted by the Planning Director. Funding Source: Not applicable.

**F. Administrative Items****F-1. City Council) Continued from 11/6/02 –Approve the Implementation Strategy of the Downtown Specific Plan/ Parking Master in Lieu Fee Program ( . )**

Communication from the Planning Director and the Economic Development/Deputy Executive Director requesting City Council direction on the use of the fees and future of the program.

**Recommended Action:** Motion to:

Direct staff to continue administering the parking in lieu fee program while **implementing one or more of the following strategies** for the use of the fees:

1. Increase by approximately 26 spaces the capacity of the subterranean parking structure proposed as part of The Strand project (Blocks 104/105) by negotiating with CIM developers;

**and**

2. Direct staff to amend the Downtown Specific Plan/Parking Master Plan to allow for the development of a surface parking lot at First Street and Atlanta Avenue;

**and**

3. Direct staff to implement the acquisition of land in the Downtown Parking Master Plan boundary for purposes of land banking for future parking opportunities;

**and**

4. Direct staff to investigate providing additional on-street parking by restriping and/or reorienting existing parking spaces and/or closing existing driveways.

**F-2. (City Council) Adopt the 2002 Water Quality Element Framework and Direct Staff to Return in Mid-2003 with Complete Citywide Urban Runoff Management Plan (CURMP) Including Drainage and Flood Study Elements ( . )**

Communication from the Public Works Director informing Council that the 2002 Water Quality Element Framework of the Citywide Urban Runoff Management Plan has been completed. Adoption by the City Council is necessary to validate components of the element and provide direction to staff for continuing development of the final Citywide Urban Runoff Management Plan (CURMP).

**Recommended Action:** Motion to:

1. Adopt the *Citywide Urban Runoff Management Plan - 2002 Water Quality Element Framework*;

**and**

(Continued on the next page)

2. Direct staff to complete the Citywide Urban Runoff Management Plan, including further refinements of the Water Quality Element (incorporating drainage and flood study elements, monitoring and sampling data, related ordinances and standards), and completion of the Drainage Element;

and

3. Direct staff to return with the complete Citywide Urban Runoff Management Plan to the City Council for adoption by mid-2003.

**F-3. (City Council) Adopt Resolution No. 2002-120 Modifying Certain Salary and Benefits for the Elected City Attorney ( . )**

Communication from the City Attorney requesting Council approval of **Resolution No. 2002-120** which authorizes the salary and benefits for the City Attorney be modified to be the same as proposed for the Non-Represented Employees.

**Recommended Action:** Motion to:

Adopt **Resolution No. 2002-120** – “A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Calendar Year 2003 for the City Attorney.”

**F-4. (City Council) Approve City Administrator’s 2001-2002 Annual Report (A Companion to the Strategic Plan and Budget Containing Capital Improvement Information) ( . )**

Communication from the City Administrator requesting City Council review, comment, and adoption of the 2001-2002 Annual Report. A companion to the Strategic Plan and Budget, the Annual Report contains highlights of some of the city’s major accomplishments from Fiscal Year 2001-02, an update on the Strategic Plan, and information about the 2002-03 Budget and Capital Improvement Program.

**Recommended Action:** Motion to:

Approve the *2001-2002 Annual Report*.

**F-5. (City Council) Adopt Resolution No. 2002-122 Approving the Memorandum of Understanding between the City and the Huntington Beach Fire Management Association for December 21, 2002 through December 19, 2003 ( . )**

Communication from the City Administrator requesting Council adoption of the Memorandum of Understanding between the city and the Huntington Beach Fire Management Association for the period covering December 21, 2002 through December 19, 2003.

**Recommended Action:** Motion to:

Adopt **Resolution No. 2002-122** – “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 (FMA and the City of Huntington Beach for 12/21/02 through 12/19/03.”

**G. Ordinances**

**G-1. Ordinances for Adoption**

**Regular Ordinance for Adoption**

**G-1a. (City Council) Adopt Ordinance No. 3586 Amending the Huntington Beach Municipal Code by Adding Chapter 7.14 Prohibiting Performances of Wild and Exotic Animals for Public Entertainment or Amusement and Restricting the Display of Wild and Exotic Animals ( . ) – Ordinance No. 3586 – “An Ordinance of the City of Huntington Beach Adding Chapter 7.14 to the Huntington Beach Municipal Code Prohibiting the Performances of Wild and Exotic Animals for Public Entertainment or Amusement and Restricting the Display of Wild and Exotic Animals.” Submitted by the City Attorney.** (Approved for introduction 11/6/02.)

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3586** by roll call vote.

**Emergency Ordinance for Adoption**

**G-1b. (City Council) Approve Adoption of Emergency Ordinance No.3593 Repealing Chapter 9.07 of the Huntington Beach Municipal Code – Repeals Ordinance 3578 which Prohibited Aerial Advertising (Banner Towing Aircraft) ( . )**

Communication from the City Attorney requesting Council approval to adopt Emergency **Ordinance No. 3593** - “An Emergency Ordinance of the City of Huntington Beach Repealing Chapter 9.07 of the Huntington Beach Municipal Code which Prohibited Aerial Advertising,” which repeals Ordinance No. 3578.

**Recommended Action:** After City Clerk reads by title, adopt **Emergency Ordinance No. 3593** by roll call vote.

(Five Affirmative Votes are Required for Adoption of this Emergency Ordinance)

**Emergency Ordinance and Resolution for Adoption**

**G-1c. (City Council) Approve Zoning Text Amendment No. 02-05 - Adopt Emergency Interim Ordinance No. 3594 Amending Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) – Adopt Resolution No. 2002-121 Establishing Parkland and Recreation In-Lieu Fees (Including Fees Relating to Section 254.09 of the ZSO - Quimby Fee) ( . )**

Communication from the Planning Director requesting Council approval of an emergency ordinance and resolution pertaining to the payment of Parkland In-Lieu Fees for new commercial and industrial development, and new residential development not covered under Section 254.08 (Quimby Fee) of the Huntington Beach Zoning and Subdivision Ordinance.

**Recommended Action:** Motion to:

1. Approve Zoning Text Amendment No. 02-05 with findings for approval (Attachment No. 1);

**and**

2. After City Clerk reads by title, approve by roll call vote, adoption of **Emergency Interim Ordinance No. 3594**– “An Emergency Ordinance of the City of Huntington Beach Amending Chapter 2.30 of the Huntington Beach Zoning and Subdivision Ordinance” (Attachment No. 2);

(Six Affirmative Votes are Required for Adoption of this Emergency Interim Ordinance)

and

3. Adopt **Resolution No. 2002-121** – *“A Resolution of the City Council of the City of Huntington Beach Relating to the Payment of a Park Fee Pursuant to Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance.”*

**G-2. Ordinances for Introduction**

**Ordinance for Introduction with Resolution for Adoption**

**G-2a. (City Council) Approve Introduction of Ordinance No. 3591 Amending Chapter 2.111 of the Huntington Beach Municipal Code Relating to the Duties of the Public Works Commission and Adopt Resolution No. 2002-119 Authorizing the Director of Public Works to Approve Revised Construction Contract Change Orders ( . )**

Communication from the Public Works Director requesting Council approval of a revised construction contract change order resolution to implement a more practical procedure and to reflect the current cost of projects. The duties of the Public Works Commission require modification by ordinance to include recently adopted chapters of the Huntington Beach Municipal Code.

**Recommended Action:** Motion to:

1. After City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3591** – *“An Ordinance of the City of Huntington Beach Amending Chapter 2.111 of the Huntington Beach Municipal Code Relating to the Duties of the Public Works Commission;”*

and

2. Adopt **Resolution No. 2002-119** – *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works to Approve Contract Change Orders.”*

**G-3. Regular Ordinance for Introduction**

**G-3a. (City Council) Approve Introduction of Ordinance No. 3592 Amending Chapter 14.08010 of the Huntington Beach Municipal Code Relating to the Service Connections for Water ( . )**

Communication from the City Treasurer and the Public Works Director requesting amendment of Ordinance 14.08.010 entitled Service Connections Applications Form of the City of Huntington Beach Municipal Code to reflect the changes in the water application process resulting from the upcoming implementation of the new utility billing system.

**Recommended Action:** After City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3592** – *“An Ordinance of the City of Huntington Beach Amending Chapter 14.08 of the Huntington Beach Municipal Code Relating to Service Connections.”*

**H. City Council/Redevelopment Agency Items**

**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.

**Redevelopment Agency Adjournment** to Monday, December 2, 2002 at **6:00 p.m.**, in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California. This meeting which normally meets at 5:00 p.m. will be adjourned to 6:00 p.m. by the City Clerk due to an anticipated lack of quorum.

**Recess City Council to Wednesday, November 20, 2002 at 6:45 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, CA to meet jointly with the City Personnel Commission. See Agenda Below:**

**AGENDA  
CITY COUNCIL  
CITY OF HUNTINGTON BEACH**

**WEDNESDAY, NOVEMBER 20, 2002**

**(RECESSED FROM MONDAY, NOVEMBER 18, 2002)**

**6:45 P.M. - Room B-8**  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**6:45 P.M. - Room B-8 - Reconvene Council Meeting Recessed on 11/18/02**

**Call Joint City Council/Personnel Commission Meeting to Order**

**City Council Roll Call** Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer

**Personnel Commission Roll Call** Morrison, Taylor, Deight, Gooch, Hunt, Zeleznikar

The City Council will meet jointly with the Personnel Commission to conduct a workshop to review and discuss commission and staff roles and responsibilities, significant legal developments, protocols and procedures, and communication improvements.

- I. Introduction** Ray Silver, City Administrator
- II. Public Comments**
- III. Personnel Commission's Role and Responsibilities** Michael Miller, Legal Counsel
- IV. Overview of Significant Legal Developments** Michael Miller, Legal Counsel

(Continued on the next page)

**V. Roles**

- |  |   |
|--|---|
| a. City Administrator                    | Ray Silver, City Administrator                |
| b. Legal Counsel                         | Michael Miller, Legal Counsel                 |
| c. Secretary to the Personnel Commission | Clay Martin, Administrative Services Director |
| d. City Attorney                         | Scott Field, Assistant City Attorney          |

**VI. Protocols and Procedures**

Michael Miller, Legal Counsel

- a. Meeting Agenda and Minutes
- b. Personnel Commission Procedures for:
  1. Review of Hearing Officer Recommendations Regarding Discipline Appeals
  2. Disciplinary Grievance Appeal Hearing Procedures

- |   |  |
|---|--|
| c. Amendments to the City's Classification Plan | Irma Youssefieh, Human Resources Manager |
|---|--|

**VIII. Communication Improvements**

Irma Youssefieh, Human Resources Manager

- a. Pre-Agenda Meetings
- b. Timeline on Classification Issues
- c. Grievance Status Report
- d. Annual Commission Update on Protocols and Procedures/New Member Orientation
- e. Department Presentations – Projects/Update
- f. Other

Communication and materials relating to these topics will be made available at the workshop. The complete Personnel Commission Agenda for Wednesday, November 20, 2002 is included in the **agenda packet** following this City Council Agenda.

**Recommended Action: None**

**City Council Adjournment** to Monday, December 2, 2002 at **6:00 p.m.**, in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California. This meeting which normally meets at 5:00 p.m. will be adjourned to 6:00 p.m. by the City Clerk due to an anticipated lack of quorum.

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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>