

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 APRIL 19, 2004

**4:30 P.M. – Public Comments &
Study Session - Room B-8**
**Approx. 5:00 P.M. – Recess to
Closed Session**

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

4:35 P.M. – 5:00 P.M. - Room B-8 for Special Meeting – 5:00 P.M. Regular Meeting Commences

The appropriate legal notices have been posted and distributed by the City Clerk's Office in order for Council to convene at 4:30 P.M. to allow for Closed Session items. (see *Call for Special Meeting* Notice at the end of this agenda.)

City Clerk Reads Call for Special Meeting

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
Present (Houchen arrived 4:40 p.m.)

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

None

Public Comments Regarding 4:30 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)

- 1. Speaker inquired as to what the disposition would be should there be any monies left over from Bond after debt is paid.***

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

2. ***Speaker, Vice President, Huntington Beach Police Officers Association informed Council of process regarding CALPERS negotiations requesting Council consider for health benefits. Also commended Kenneth Small as Chief of Police.***
3. ***Speaker spoke re: Proposition 50 funds in relation to the Bolsa Chica and the closed session item on the Southern California Water Company pending litigation case.***

(City Council/Redevelopment Agency) Study Session to Review the Process for Issuing Bonds Proposed to Fund Howard Jarvis Lawsuit Property Tax Override Refunds (630.40)

Administrative Services Department will present a review of the process for issuing bonds proposed to fund property tax override refunds. **(See Agenda Items E-8 and G-2b.)**

*****PowerPoint Presentation titled *Municipal Bonds and Judgment Obligation Bonds - City Council Study Session April 19, 2004 Prepared by Public Financial Management, Inc.* is included in the agenda packet.***

Administrative Services Director Clay Martin orally presented. He introduced Bond Counsel representative Chic Adams of Jones Hall and Craig Hoshijima of PFM, as well as members of his staff Bill McReynolds, Dan Villella, and Peter Grant.

Mr. Hoshijima of PFM presented PowerPoint report included in the agenda packet.

Councilmember Coerper inquired regarding coupons as shown on slide number 9.

Director Martin provided timelines on procedures to take place, including the completion of the validation process, which he stated will be around mid-September 2004.

Mr. Adams of Jones Hall reported on bond reserves in response to Councilmember Houchen's inquiry and penalties in response to Councilmember Sullivan's question.

Mr. Adams confirmed in relation to Public comments that Bonds will only be used for debt service and referred to page E-8.19 of the Consent Calendar Item.

Call Closed Session of City Council/Redevelopment Agency – Approx. 5:00 P.M.
Approved 7-0

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

1. **City Council Closed Session** - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: 1 to 200. (120.80)

2. **City Council Closed Session** - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: one. Subject: **City of Huntington Beach v. All Persons Interested in the Matter of the Issuance and Sale of Bonds for the Purpose of Refunding Certain Obligations Owed Under a Judgment of the Superior Court, Entitled Howard Jarvis Taxpayers Association v. County of Orange and City of Huntington Beach (OCSC No. 818780) (Retirement Property Tax Override), and All Proceedings Leading Thereto, etc.** (120.80)

3. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (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 **Southern California Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC02021. Subject: **Southern California Water Company v. City of Huntington Beach, et al.** (120.80)

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

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

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

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 Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
Present

Announcement to be made by Mayor Green that the meeting is dedicated to the Memory of Alberta Mandic, 94 years old.
Mayor Green announced

Pledge of Allegiance/Flag Salute – To be Led by Mayor Cathy Green.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – Led by Councilmember Sullivan

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

D-2, E-4

Presentation – Jim Starbird, City Manager for the City of Glendale representing the California Redevelopment Association, will present to Mayor Cathy Green, City Administrator Ray Silver, Economic Development Director David Biggs, Planning Director Howard Zelefsky, Building and Safety Director Ross Cranmer, Fire Chief Duane Olson and Public Works Director Bob Beardsley, an Award of Excellence Special Citation 2004 for the Huntington Beach Hyatt Regency Resort and Spa. A short video clip describing the project will also be shown. (160.40)
Steve Bone of the Robert Mayer Corporation also presented. Deputy Public Works Director Paul Emery was also in attendance.

Presentation - Mayor Cathy Green to present commendations to representatives of the different agencies who worked together with the City to maintain public safety and clean-up the oil that was spread during the eruption of March 17, 2004 of the oil well on the former Ascon Landfill site, at Magnolia and Hamilton. (160.40)

Mayor's Award - Mayor Cathy Green will be presenting the Mayor's Award. (160.40)
Presented to City Administrator Ray Silver by each member of Council, a Proclamation in tribute to Mr. Silver's many years of dedicated public service. Also presented was the "Ultimate Challenge" surfer sculpture.

Councilmembers also spoke each in turn to thank and commend Mr. Silver and congratulated him on his impending retirement.

City Administrator Silver also spoke and thanked Councilmembers for their leadership and support. He spoke regarding the achievements of the City to benefit the community. Mr. Silver thanked the Department Heads staff, volunteers and citizens.

Motion to pull Public Hearing D-2 for a Study Session, May 17th and open and continue D-2 to June 7, 2004.

Approved 7-0 – Public Hearing Opened and continued open to June 7, 2004.

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding **items of interest or agenda items OTHER than Public Hearings.**

Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council. Councilmembers strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

**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.

PUBLIC COMMENTS:

Speaker spoke re Agenda Item F-1, expressing his concern about changes to the Affordable Housing Program without giving notice to the homeowners.

Speaker inviting all to participate in the Annual Duck-A-Thon race sponsored by the HB Community Health Care Support Group. He stated the event will be held May 15 and 16, 2004. Call 714-374-1591.

Speaker, President of Neighborhood Watch introduced the program and spoke of the program's achievements and to thank the City for its support and the work of Suzie Wadja of the HB Police Department.

Speaker informed Council of the history of the Golden Bear as a monument and distributed a handout with a proposal.

Speaker spoke regarding what he stated as toxicity levels on the site of the Pacific City project. He requested an independent study and cautioned against what he states is the existence of urban run-off in the 31-Acre site.

Speakers requested Council to review the City's Coca-Cola Agreement for what they believe are the company's unethical practices and human rights abuses.

Speaker stated what she believes are damages to her property caused by the City's earth moving equipment. The speaker stated she incorrectly was cited a code violation.

Speaker invited all to attend Earth Day Celebration, Saturday, April 24, 2004 beginning at 10:00 a.m. for an all day cleanup at Big Shell Wetlands.

Speaker spoke in opposition to Agenda Item D-2 the streamlining Ordinance and expressed concern that weed abatement hearings be properly noticed in relation to Agenda Item D-1.

(7)

C-1. Council Committee/Council Liaison Reports
None

C-2. City Administrator's Report
None

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.

ADMINISTRATIVE HEARING

D-1 is an Administrative Public Hearing. This administrative hearing is required by Huntington Beach Municipal Code Section 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-1 (City Council) Administrative Public Hearing to be Held Pursuant to Resolution No. 2004-14 Adopted February 17, 2004 to Hear Protests Regarding Weed Abatement – Rubbish and Refuse Abatement (520.80)**
Communication from the Public Works Director.

Public hearing to hear objections and protests to the proposed removal of weeds, refuse and rubbish from undeveloped private properties at the owners' expense. This hearing is held pursuant to **Resolution No. 2004-14** adopted February 17, 2004.

Recommended Action: Motion to:

1. Open a public hearing for any objections and protests to the proposed removal of weeds, refuse, and rubbish;

and

2. Following hearing, authorize the Superintendent of Streets (Director of Public Works) to proceed with the abatement of said nuisance.
Deputy Director of Public Works Paul Emery presented PowerPoint report included in the agenda packet.

Deputy Director Emery reported on the weed abatement process and its related budget process.

***Opened and Closed Public Hearing
Approved 7-0***

D-2. (City Council) Public Hearing to Consider Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Sections of the Downtown Specific Plan – Approve Introduction of Ordinance Nos. 3636 through 3651 (450.20)

Communication from the Planning Director.

Public hearing to consider the following:

Applicant: City of Huntington Beach

Request: To amend 15 chapters of the Huntington Beach Zoning and Subdivision Ordinance, codify policies and clarify certain sections of existing codes and amend various sections of the Downtown Specific Plan SP5. The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

Location: Citywide

Environmental Status: Notice is hereby given that the Zoning Text Amendment No. 03-02 is categorically exempt pursuant to Class 20, City Council Resolution No. 4501, which supplements 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 (Thursday before meeting) April 15, 2004.

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

**Powerpoint presentation titled *Zoning Text Amendment 03-02 Entitlement Permit Streamlining Phase II* is included in the agenda packet.

Recommended Action: Motion to:

A. Planning Commission Recommendation: Motion to:

Approve Zoning Text Amendment No. 03-02 with findings for approval (Attachment No. 3) and after the City Clerk reads by titles, approve for introduction the following ordinances (Attachment No. 1).

Ordinance No. 3636 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203-DEFINITIONS AND CHAPTER 241-CONDITIONAL USE PERMITS;”
and

(Continued on the Next Page)

Ordinance No. 3637 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED USE CLASSIFICATIONS;” **and**

Ordinance No. 3638 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED RESIDENTIAL DISTRICTS;” **and**

Ordinance No. 3639 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED COMMERCIAL DISTRICTS;” **and**

Ordinance No. 3640 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED INDUSTRIAL DISTRICTS;” **and**

Ordinance No. 3641 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 214 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED PS PUBLIC-SEMIPUBLIC DISTRICTS;” **and**

Ordinance No. 3642 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 220 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OIL PRODUCTION OVERLAY DISTRICT;” **and**

Ordinance No. 3643 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 222 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED FP FLOODPLAIN OVERLAY DISTRICT;” **and**

Ordinance No. 3644 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OFF-STREET PARKING AND LOADING PROVISIONS;” **and**

Ordinance No. 3645 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SITE STANDARDS;” **and**

Ordinance No. 3646 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 233 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SIGNS;” **and**

Ordinance No. 3647 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 244 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED DESIGN REVIEW;” **and**

Ordinance No. 3648 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 236 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED NONCONFORMING USES AND STRUCTURES;” **and**

(Continued on the Next Page)

Ordinance No. 3649 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 250 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED GENERAL PROVISIONS;” **and**

Ordinance No. 3650 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN OF THE CITY OF HUNTINGTON BEACH.”

OR

Staff Recommendation: Motion to:

Approve Zoning Text Amendment No. 03-02 with findings for approval (Attachment No. 3) and after the City Clerk **reads by titles**, approve for introduction the following ordinances as set forth in the Planning Commission recommendation above with the exception of Ordinance 3636 (Attachment No. 1 – **Ordinance Nos. 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, and 3650**) and the following **Ordinance No. 3651** (Attachment No. 2) to replace Chapter 203 and Chapter 241 (in lieu of Ordinance 3636):

Ordinance No. 3651 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203-DEFINITIONS AND CHAPTER 241-CONDITIONAL USE PERMITS.”
This item was moved forward after the Mayor’s Award and pulled for a 5/17/04 Study Session and Public Hearing opened and continued open to June 7, 2004. Approved 7-0

Public Hearing opened and continued opened to June 7, 2004.

Study Session scheduled for May 17, 2004.

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) Approve Amendment to Agreement between the City and William Workman to Serve as Acting City Administrator Until a Permanent Appointment** (600.10) - Approve the attached *Amendment to Employment Agreement Between the City of Huntington Beach and William Workman* and Authorize the Mayor and City Clerk to execute this Amendment for William Workman to serve as the acting City Administrator until a permanent appointment is made. Submitted by Administration. Funding Source: No additional appropriation is required.
Approved 7-0
- E-2. (City Council) Approve Additional Appropriation for Sales Tax Auditing Services – HdL Companies** (320.45) – Approve appropriation of \$50,000 in additional revenue for sales tax auditing service. Submitted by the Administrative Services Director. Funding Source: General Fund Unreserved Fund Balance. (There will be no negative effect on the unreserved general fund balance due to the recapture of \$141,019.64 in sales tax revenue for the City.)
Approved 7-0
- E-3. (City Council) Receive and File Fiscal Year 2002-2003 Park Impact Fee Annual Report Pursuant to Huntington Beach Municipal Code Section 230.30 of the City’s Zoning and Subdivision Ordinance** (310.10) – Receive and file *Park Impact Fee Annual Report Fiscal Year 2002-2003.* Submitted by the Community Services Director. Funding Source: Not applicable.
Approved 7-0
- E-4. (City Council) Accept Bid and Award Construction Contract to Sancon Technologies, Inc. for the 2003-2004 Sewer Rehabilitation Project; CC-1231 (Includes Districts 475, 485 and 486 Located Within the Southeast Area)** (600.60) – **1.** Accept the lowest, responsive and responsible bid submitted by Sancon Technologies, Inc., in the amount of \$977,723.55; and **2.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Budgeted through the Sewer Service Fund, Sewer Line CIP. Engineer’s estimate - \$1,200,000 including incidentals.
Approved 7-0
- E-5. (City Council) Accept Bid and Award Construction Contract to Cedro Construction for the Newland Street Water Pipelines Phase 1; CC-1187 (Pipeline is Located at Newland Street between Edinger Avenue and Warner Avenue)** (600.75) – **1.** Accept the lowest, responsive and responsible bid submitted by Cedro Construction in the amount of \$2,462,493; and **2.** Authorize the Director of Public Works to approve up to fifteen percent (15%) in construction change orders; and **3.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Budgeted in the Water Master Plan, OC-9 Water Main Account; Water Fund, Water Main Replacements Account; and West Orange County Water Board Water Vault Relocation Account.
Approved 7-0

- E-6. (City Council) Approve Reimbursement Agreement with 17th PCH Partners for Water Main Replacement (Located in Alley Between 17th and 18th Streets)** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Reimbursement Agreement for Water Main Construction Between the City of Huntington Beach and 17th PCH Partners*. Submitted by the Public Works Director. Funding Source: Reimbursement funds in the amount of \$20,000 are available in the Water Fund, Water Main Replacements Account.
Approved 7-0
- E-7. (City Council) Accept Bid and Award Construction Contract to Nobest Inc. for Street, Curb, Gutter, and Sidewalk Improvement Project; MSC-421 (Locations Sunlight Drive, Rambler Drive, Thunderbird Circle, Sparrow Drive, Fir Drive, Emerald Lane, Cypress Avenue, Michael Drive and Darsy Drive)** (600.90) – 1. Accept the lowest, responsive and responsible bid submitted by Nobest Inc. in the amount of \$854,828.22; and 2. Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Economic Development Director and Public Works Director. Funding Source: Funds in the amount of \$500,000 are budgeted in the Measure M Fund, Pedestrian Improvements Account; and funds in the amount of \$392,856 are budgeted in the Community Development Block Grant Fund, Curb-Sidewalk Construction 03-04 Account.
Approved 7-0
- E-8. (City Council) Adopt Resolution No. 2004-20 Authorizing the Issuance of Amount Not to Exceed \$24,000,000 Aggregate Principal Amount of Judgment Obligation Bonds Re: Howard Jarvis Property Tax Refund** (630.40) – Adopt **Resolution No. 2004-20** - “A Resolution of the City Council of the City of Huntington Beach Authorizing the Issuance of Not to Exceed \$24,000,000 Aggregate Principal Amount of Judgment Obligation Bonds, and Authorizing the Filing of an Action to Determine the Validity of Said Bonds.” Submitted by the Administrative Services Director and the City Attorney. Funding Source: Not applicable. (See Study Session and Agenda Item G-2b.)
Adopted 7-0
- E-9. (City Council) Approve Agreements for Equipment and Funding for Weapons of Mass Destruction (WMD) for the Departments of Fire, Police and Community Services Marine Safety Division** (600.25) – Approve and authorize the Mayor and City Clerk to execute the attached agreements: 1. Transfer funding of \$61,417 to the City of Huntington Beach for the purchase of a decontamination unit titled *Agreement to Transfer Property or Funds for Fiscal Year 2003 State Homeland Security Grant Purposes*; and 2. Transfer of WMD equipment to the Fire Department titled *Agreement to Transfer Equipment for Fiscal Year 2003 State Homeland Security Grant Purposes*; and 3. Transfer of WMD equipment to the Police Department and the Marine Safety Division titled *Agreement to Transfer Equipment for Fiscal Year 2003 State Homeland Security Grant Purposes*. Submitted by the Fire Chief. Funding Source: The Homeland Security Business Unit established during the budget process authorized the expenditure of \$62,000 for a decontamination unit with the cost for purchase to be reimbursed to the City through a Weapons of Mass Destruction Grant. No City funds are required to purchase this unit.
Approved 7-0

F. Administrative Items**F-1. (City Council/Redevelopment Agency) Approve City of Huntington Beach and Huntington Beach Redevelopment Agency Affordable Housing Program Policies and Procedures (400.30)**

Communication from the Economic Development/Deputy Executive Director transmitting the following **Statement of Issue**: The City and Redevelopment Agency provide affordable ownership housing to low, median, and moderate-income residents. This program is administered by both the Planning and Economic Development Departments. Economic Development is primarily responsible for administering affordable units upon their completion. These activities, which include determining home buyer eligibility, calculating maximum affordable sales prices, approving transfers, and monitoring for program compliance, are described in detail in the proposed Affordable Housing Program Policies and Procedures submitted for approval.

Recommended City and Redevelopment Agency Action: Motion to:

Approve the *City of Huntington Beach and Huntington Beach Redevelopment Agency Affordable Housing Program Policies and Procedures*.

Pro Tem Hardy recused herself due to a conflict of interest.

Economic Development Director David Biggs orally presented.

Assistant Project Manager Steve Holtz presented PowerPoint slide report included in the agenda packet.

Economic Development Director Biggs addressed the Public Speaker's comments regarding pricing calculations.

Approved 6-0-1 (Hardy abstained)

G. Ordinances**G-1. Ordinance for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3635 Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Undergrounding of Utilities for Provider, Verizon** (640.10) – **Ordinance 3635** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Underground Utilities.”* (This ordinance will facilitate a citywide upgrade to a fiber-optic network by an existing utility provider (Verizon). Submitted by the Economic Development Director, Public Works Director, and the Planning Director. (Approved for Introduction April 5, 2004.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3635**, by roll call vote.

Verizon representative reported based on Council inquiry re: Undergrounding and fibre optics. City Administrator Silver stated there will be no impact on adjacent residential properties.

Adopted 7-0

G-2. Ordinances for Introduction

- G-2a. (City Council) Approve for Introduction Ordinance No. 3652 Amending Chapter 8.21 of the Huntington Beach Municipal Code Re: Refuse Management** (640.10) – Communication from the Public Works Director transmitting the following **Statement of Issue:** The current Huntington Beach Municipal Code, Chapter 8.21 relating to Refuse Management requires amendments to clarify the types of containers approved for residential refuse, as well as to modify two sections that were not in compliance with the exclusive Franchise Agreement the City’s franchised hauler, Rainbow Disposal, Inc. (Rainbow). - **Ordinance 3652** – *“An Ordinance of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Relating to Refuse Storage and Containers.”* Submitted by the Public Works Director.

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3652** by roll call vote.

Approved for introduction 7-0

- G-2b. (City Council) Approve for Introduction Ordinance No. 3653 Establishing Procedures to Pay Retirement Tax Refund Claims in Connection with Howard Jarvis Taxpayers Association v. City of Huntington Beach (This Ordinance Supercedes Resolution No. 2001-19)** (640.10) Communication from the City Attorney transmitting the following **Statement of Issue:** Staff recommends that the City Council adopt an Ordinance establishing procedures to process Retirement Tax refund claims following the decision in *Howard Jarvis Taxpayers Association v. City of Huntington Beach*, OCSC Case No. 818780. – **Ordinance No. 3653** – *“An Ordinance of the City of Huntington Beach Directing the City Administrator to Approve all Valid Tax Refund Claims Filed in Connection with the Case Entitled Howard Jarvis Taxpayers Association v. County of Orange and Real Party in Interest City of Huntington Beach, Orange County Superior Court Case No. 818780, and Establishing Procedures to Determine Their Validity.”* Submitted by the City Attorney.

(Continued on the Next Page)

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3653** by roll call vote. **(See Study Session and Agenda Item E-8)** ***City Attorney Jennifer McGrath reported on the verification process with the intent to refund individuals. City Attorney McGrath and Principal Administrative Analyst Peter Grant responded to Councilmember Sullivan's inquiries.***

Amended page No. G-2b.7 paragraph 3 in the agenda packet- to change "5" to "14" days

Approved for introduction as amended 7-0

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Councilmembers Connie Boardman and Debbie Cook****(City Council) Adopt Resolution No. 2004-21 Prohibiting the Use of Styrofoam at City Facilities and During City Sponsored Events** (120.10)

Communication from Councilmember Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue**: Expandable polystyrene products (commonly called Styrofoam) constitute a huge litter and ocean pollution problem. Because it is so light, it floats in water and is easily blown from place to place even when disposed of properly. It also doesn't biodegrade in the environment, but merely breaks down into smaller particles that litter the city's streets, parks, beaches and ocean.

The 1999-2000 Orange County Grand Jury report entitled "The Rainy Season's First Flush Hits the Harbors of Orange County," strongly recommended that the County of Orange and the cities within it, institute a procedure to substantially reduce the use and sale of disposable plastics and expandable polystyrene.

Because of these reasons, there is an effort to have cities in Orange County adopt resolutions banning the use of Styrofoam at city events and at city facilities. We thought the Council Meeting immediately preceding Earth Day to be an appropriate time to take up this issue.

Recommended Action:

We request the City Council to adopt the attached **Resolution No. 2004-21** – "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, PROHIBITING THE USE OF EXPANDABLE POLYSTYRENE (COMMONLY REFERRED TO BY THE TRADE NAME "STYROFOAM") FOOD SERVICE PRODUCTS WITHIN CITY FACILITIES AND AT CITY-SPONSORED EVENTS."

Councilmember Boardman orally reported Resolution No. 2004-21 amended as follows:

Where leases are concerned, add to the negotiation.

Directed City Attorney to amend Resolution No. 2004-21 as follows: on page H-1a.3, (page 2 of Resolution) –

Section 1: First line, insert "prospectively" after the word, "not."

Section 2: First line insert "All future" at the beginning of the sentence before "rental agreements."

Section 3: First line, insert "at future" before the word, special; and fifth line, change "have" to "enter into."

On page H-1a.4, (Page 3 of Resolution) –

First line, Insert “All future” at the beginning of the sentence before “written agreements.”

Approved 7-0

H-2a. Submitted By Councilmember Gil Coerper

(City Council) Direct Staff to Provide Monthly Status Memos to Council Assessing the Level of Customer Water Usage to Maintain Public Awareness Through the Critical Summer Months - Expedite Completion of the Water Master Plan (1000.90)

Communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: I recently met with the Assistant City Administrator William Workman, Director of Public Works Robert Beardsley, and Utilities Manager Howard Johnson to discuss water issues and, particularly, water conservation. As summer is nearly upon us, we need to remember that water in Southern California has always been a concern. This is truer today than ever before. Our ever-increasing population is faced with a reduction of water supplies from the Colorado River and a sixth consecutive year of drought. Here in Huntington Beach, seawater intrusion into our groundwater basin continues to threaten our water supply. Water conservation has come to encompass our commitment to water-use lifestyle changes.

Conservation efforts in Huntington Beach have worked remarkably well. The city’s water customers now actually use less water than over ten years ago. We continue to be one of the most active communities in plumbing retrofits. Our residents have changed out over 12,000 toilets and over 25,000 showerheads with low flow models. However, as we look to the future, our efforts need to be continued and, in fact, intensified.

As part of the update of the Water Master Plan reported on at our January 5, 2004 Study Session, staff and a professional services consultant will be examining a new conservation-based water rate structure for our consideration in several months. In the interim, it is important for the residents in our community to be vigilant in their water conservation efforts.

Recommended Action:

Since the draft water rate structure component of the Water Master Plan is not scheduled to be available until this fall, I request that staff;

(1) provide monthly status memos to the Council, assessing the level of customer water usage, to maintain public awareness through the critical summer months; and

(2) expedite the completion of the Water Master Plan at the earliest possible date.

Public Works Utilities Manager Howard Johnson was requested by Councilmember Cook and reported on the Master Plan.

Approved as amended to contact the Metropolitan Water District with a letter of support for a tiered water program.

Approved 7-0

Council Comments - (Not Agendized)

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

Congratulations extended to Mayor Pro Tem Jill Hardy on her engagement.

Councilmember Coerper spoke regarding a 5-mile Multiple Sclerosis walk-a-thon attended by Mayor Green and himself.

Councilmember Sullivan announced opening of the HB Sports Complex on Saturday April 24, 2004 at 6:00 p.m.

Mayor Green extended condolences to the Mandic family and the family of a CERT volunteer, Patricia Rouse.

Council/Agency Adjournment to Adjourned Regular Meeting of ***Friday, April 23, 2004***, at ***8:00 a.m., Hilton Waterfront Hotel, West Coast Club (for Roll Call and Public Comments and then recess to Closed Session Re: Recruitment of City Administrator), 21100 Pacific Coast Highway, Huntington Beach, California.*** Adjourned to Adjourned Regular/Regular Meetings of Monday, May 3, 2004 at ***4:30 p.m.***, in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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

Internet: <http://www.surfcity-hb.org>

CALL FOR CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL MEETING

**CITY OF HUNTINGTON BEACH
MONDAY, APRIL 19, 2004**

Cathy Green, Mayor
Jill Hardy, Mayor Pro-Tem
Dave Sullivan, Council Member
Gil Coerper; Council Member
Debbie Cook, Council Member
Pam Houchen, Council Member
Connie Boardman, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held in the **Lower Level, Room B-8 at the Civic Center, 2000 Main Street, Huntington Beach, CA 92648** at the hour of **4:30 p.m.** on **Monday, April 19, 2004** to allow for Public Comments and the following Study Session to be held:

(City Council/Redevelopment Agency) Study Session to Review the Process for Issuing Bonds Proposed to Fund Property Tax Override Refunds (630.40)

Administrative Services Department will present a review of the process for issuing bonds proposed to fund property tax override refunds. **(See Agenda Items E-8and G-2b.)**

Dated: April 13, 2004

ATTEST: City Clerk _____

Mayor

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 4:00 p.m. on Sunday, April 18, 2004.

Mayor