

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.

*****Revised – Pages 7 and 11*****

ACTION AGENDA

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

MONDAY, MAY 17, 2004

4:00-4:30 P. M. - The Assistant City Clerk will recess meeting to 4:30 P. M. Due to an Anticipated Lack of Quorum
4:30 P.M. – Public Comments & Study Sessions - 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

4:00 P. M. – Recess to 4:30 P.M. – Room B-8

Assistant City Clerk Liz Ehring recessed the meeting to 4:30 p.m. due to the anticipated lack of quorum.

4:30 P.M. – 5:00 P.M. - Room B-8 for Adjourned Regular 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 4:00 P.M. to allow for Closed Session items.

Call City Council/Redevelopment Agency Meeting to Order

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

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

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

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

Public Comments Regarding 4:00 P.M. Portion of Council Meeting (See Next Page for the Closed Session Agenda Items)

None

(City Council/Redevelopment Agency) Study Session No. 1 – Review of the Proposed Zoning Code Amendments 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) (450.20)

The Planning Director Howard Zelefsky will present a review of the proposed Zoning Code Amendments regarding the City Wide Entitlement Permit Streamlining Project – Phase II.

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

Planning Director Zelefsky presented PowerPoint report. Mr. Zelefsky confirmed that all permits are appealable at both Zoning and Planning Commission levels. Councilmember Sullivan requested to be informed of all appeals due to the 10-day timeline. Mr. Zelefsky stated a list of all permit approvals can be published. He clarified the reason for the streamlining process is for convenience and cost-effectiveness for the applicant. Mr. Zelefsky informed that Neighborhood Notification (slides on page 11) is by staff decision. Acting City Administrator William Workman announced a Study Session to be scheduled August 2, 2004. Planning Director Zelefsky stated that the Public Hearing scheduled to be held June 7, 2004 will be opened and closed and readvertised at a date uncertain. Approved 7-0

(City Council/Redevelopment Agency) Study Session No. 2 – Review of the Regional Water Quality Control Board Waste Discharge Regulations – Fat Oil & Grease (FOG) Program Ordinance (1000.85)

The Public Works Director Robert. F. Beardsley will present a review of the Regional Water Quality Control Board Waste Discharge Regulations – Fat, Oil & Grease (FOG) Program Ordinance. An ordinance will be presented to Council at the July 6, 2004 Council Meeting.

****PowerPoint titled *Fats, Oils, and Grease (FOG) Control Ordinance* is included in the agenda packet.**

****A Draft Ordinance titled *An Ordinance of the City of Huntington Beach City Council Adopting Fats, Oil, and Grease Control Regulations Applicable to Food Service Establishments* is included in the agenda packet.**

Public Works Director Robert F. Beardsley reported. Principal Civil Engineer Todd Broussard reported on the timeline for a proposed ordinance, which he stated was drafted by many agencies for consistency.

Mr. Broussard stated that the City does not have a problem with Sanitary Sewer Overflows (SSOS), but the City and the Regional Water Quality Board would both like to see the numbers improved.

Mr. Broussard informed Council of the timelines for adoption of the proposed ordinance legally required to be put into effect July 30, 2004.

Councilmember Cook inquired about reporting of offenders. She informed that Firefighters who attended an Orange County Sanitation District may be in a good position for monitoring purposes.

Call Closed Session of City Council/Redevelopment Agency***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(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 **Tiep Nhu Bui and Thanh Cam Nguen v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC06575. Subject: **Tiep Nhu Bui and Thanh Cam Nguen v. City of Huntington Beach, et al.** (120.80)

2. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: William Workman, Acting 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)

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)).**

None

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

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 Deacon Matt Calabrese

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.)

C-1a, F-1, F-2a and F-2b, F-3

Councilmember Boardman announced pulling Council memo H-2a for further study at the July 19, 2004 meeting.

Presentation - Mayor Cathy Green to introduce Community Services Director Jim Engle who will announce the awardees of the American Youth Character Awards. The Children's Needs Task Force selected the winners of the American Youth Character Awards for 2004, which are designed to honor young people whose lives and achievements demonstrate an enduring commitment to qualities associated with good character. (160.40)

Presentation - Mayor Cathy Green to introduce Community Services Director Jim Engle who will announce the recipients of the Youth Sports Grants for the year 2004. The City Council previously approved funding totaling \$150,000 to be awarded in grants to local youth sports organizations to help provide better facilities for our children. (160.40)

Presentation – Mayor Cathy Green to present a proclamation to Public Works Director Robert F. Beardsley and Public Works Commission Chairman Richard Hart, in honor of Public Works Week - May 16 to 22, 2004. (160.40)

Presentation - Mayor Cathy Green to invite Pat Stier, from the July Fourth Parade Committee, to come forward and present a proclamation to Wal Mart for the enormous support they have given the Fourth of July Parade. (160.40)

Mayor's Award - Mayor Cathy Green will be joined by City Treasurer Shari Freidenrich to present the Mayor's Award to a valued staff member in the Treasurer's Office. (160.40)

Presented to Sylvia Giragosian, Account Technician II for her professional attitude, accuracy of work products and dedication to the City Treasurer's Office.

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 distributed Late Communication in support of opposition to the F-1 item on the proposed Indian gambling initiative. Speaker walked through material and urged Council to complete an opposition form attached.

Speaker informed Council of proponents of the proposed Indian gambling initiative including Larry Flynt and named many safety officers in opposition.

Speakers spoke in opposition to the proposed ban on smoking ordinance, item H-1a. One speaker recommended increase of fee on littering as an option to banning.

Speaker representing the American Cancer Society stated smoking as a Group A carcinogen and spoke in favor of the proposed ban on smoking on the beaches.

Speaker, President and CEO of the Conference and Visitors' Bureau, spoke on behalf of the Board and presented resolution for the proposed closure of the first block of Main Street after Council study. Speaker also spoke in favor of the ban on smoking proposed, recommending inclusion of the Pier and other sites of the beach.

Speaker spoke regarding request made of the City on parking enforcement at Georgia St. and Knoxville Ave. and cited parking deficiencies.

Mayor Green requested speakers to complete a blue contact form and submit it to the Police Chief for follow-up.

Speaker spoke regarding a Bushard project that he wished to see completed and inquired regarding agenda item E-11, stating that the City does not have the funds to take care of weeds nor recruit a City Clerk.

Councilmembers Boardman and Cook respectively informed that the Bushard project is not a City project and E-11 is an Orange County Transportation Authority project. Mayor Pro Tem Hardy stated that the position must be filled by July 3, 2004 or hold a special election.

Speaker spoke regarding weeds and tree removal issues, some of which caused plumbing and sewer problems.

Speaker was requested to complete a blue contact form for the Public Works Director.

Speaker commended Community Services Director Jim Engle for his work and integrity on a school board project with Ocean View School District and the Ocean View Little League.

Speaker representing Stop Tobacco and spoke in favor of a smoke-free beach and stated reasons why he believes people should not smoke at the beach.

Councilmember Cook inquired of Police Chief Small regarding the success of enforcing the proposed ordinance banning smoking on the beach.

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Discussion of the City Clerk Recruitment, Interviews, and Selection (700.60)**

Discussion regarding the City Clerk recruitment, interviews, and selection to appoint a City Clerk to fill the remainder of the unexpired term (December 6, 2004) left vacant on May 4, 2004 due to the resignation of the City Clerk.

City Attorney Jennifer McGrath spoke regarding the Late Communication from her office which sets forth the nine applications received and requested Council input on number of minutes allowed for each applicant.

Councilmember Boardman suggested that Councilmembers develop questions and the Human Resources Division of the Administrative Services Department as well. Administrative Services Director Clay Martin reported, and suggested Council may wish to consider follow-up interviews.

Mayor Pro Tem Hardy suggested 7-9 questions.

Mayor Green stated that it should be the same questions for each applicant.

Councilmember Cook inquired if there could be background checks conducted for an elected office.

Director Martin reported.

Councilmember Boardman asked regarding timelines for Human Resources to submit three questions.

A motion was made to create a committee to look at questions for City Clerk applicants made up of Mayor Green, Pro Tem Hardy and Councilmember Boardman.

Approved 7-0

Mayor Pro Tem Hardy requested a deadline for submitting questions and to change first interview appointment to 3:30, instead of 3:15 p.m.

Motion was made to have meeting on May 24, 2004 at 3:00 p.m. and the first interview to commence at 3:30 p.m. and be held every half hour.

Councilmember Boardman inquired of Human Resources timeline for submitting their questions.

A motion was made to not submit questions to the applicants.

Approved 7-0

A motion was made to include the proposed questionnaire attached to City Attorney's Late Communication to be submitted at the time of the applicant's interview time.

Approved 7-0

C-2. City Administrator's Reports – Acting City Administrator William Workman congratulated Community Services Department on the Nissan Agreement, agenda item E-3.

E. CONSENT CALENDAR

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

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

- E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Special/Regular Meetings of April 19, 2004 and the Adjourned Regular/Special Meetings of April 23, 2004 (including Recessed Special Meetings of April 26 and continued Special Meetings of April 27, 2004) as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and adopted 7-0
- E-2. (City Council) Receive and File City Clerk's Quarterly Report Listing Professional Services Agreements Filed in the City Clerk's Office Between January 1, 2004 through April 30, 2004** (600.05) – Receive and file the Quarterly List of Professional Services Agreements entered into by City Departments as submitted to the Office of the City Clerk for the period January 1, 2004 through April 30, 2004. Submitted by the City Clerk. Funding Source: Not Applicable. (Report presented pursuant to City Council directed policy of November 19, 2001.)
Approved 7-0
- E-3. (City Council) Approve Promotional Agreement between the City and Nissan North America, Inc. for Provision of 17 Vehicles at No Cost to the City for the Community Services Departments' Marine Safety and Parking/Camping Beach Operations** (600.10) – Approve *City of Huntington Beach Promotional Agreement with Nissan North America, Inc.* for the provision of seventeen vehicles at no cost to the city for two years, with two, two-year options for use in the Marine Safety, Beach Maintenance, and Parking/Camping Operations of Community Services, and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director. Funding Source: Not applicable.
Acting City Administrator commended Community Services Director Jim Engle on the project.
Approved 7-0
- E-4. (City Council) Adopt Resolution No. 2004-25 Authorizing Local Street Closures for the Fourth of July Parade and Adopt Resolution No. 2004-26 Requesting Caltrans Approve the Closure of Pacific Coast Highway for the Fourth of July Parade** (800.60) Adopt **Resolution No. 2004-25** – “A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July,” and **Resolution No. 2004-26** - “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 Fourth of July Parade.” Submitted by the Community Services Director. Funding Source: Not applicable.
Adopted 7-0

- E-5. **(City Council) Adopt Resolution No. 2004-27 Approving the Application for Grant Funds Under the California State Parks Land and Water Conservation Fund for Blufftop Park Infill Project (Located at the Southern Boundary of Bolsa Chica State Beach to 17th Street, and Inland to Pacific Coast Highway)** (340.80) – Adopt **Resolution No. 2004-27** – “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Land and Water Conservation Funds for Bluff Top Infill Project.” **Submitted by the Community Services Director.** Funding Source: Not applicable; city will use already approved state grant for matching portion; if grant application is successful, the Park Acquisition & Development Fund would be used to advance the money for the project.
Adopted 7-0
- E-6. **(Redevelopment Agency) Receive and File Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2002-2003 for Submission to the State Controller** (400.20) – Receive and file the 2002-2003 State Controller’s Report. **Submitted by the Deputy Executive Director.** Funding Source: Not Applicable. (Report is submitted to the State Controller as required by §33080.1 of the State of California Health and Safety Code (“Redevelopment Law”).
Approved 7-0
- E-7. **City Council) Receive and File the 2003 Mobile Home Advisory Board (MHAB) Annual Summary Report** (430.80) – Receive and file the *Mobile Home Advisory Board (MHAB) 2003 Summary Report.* **Submitted by the Economic Development Director.** Funding Source: Not applicable.
Approved 7-0
- E-8. **(City Council) Approve Final Tract Map No. 16490 of Tentative Tract Map No. 16490 (Bel Air 104 Numbered - 16 Lettered Lot Subdivision) s/e Corner of Promenade Parkway and Gothard Street at 18800 Gothard Street – Approve Subdivision Agreement with PLC Bel Air LLC (Holly-Seacliff Specific Plan)** (420.60)
1. Approve Final Tract Map No. 16490 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and 2. Approve the *Subdivision Agreement By and Between the City of Huntington Beach and PLC Bel Air LLC for Tract No. 16490* (A Delaware Limited Liability Company) 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. 16490 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16490 Conditions of Approval, as approved by the Planning Commission. **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. SU5007037 (Attachment No. 7); (b) Labor and Material Bond No. SU5007037 (Attachment No. 7); (c) Monument Bond No. SU5007040 (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.
Mayor Pro Tem Hardy recused herself due to a conflict of interest.
Approved 6-0-1 (Hardy abstain)

- E-9. (City Council) Reject Lowest Bid by Southwest Engineering, Inc. and Accept the Lowest Responsive/Responsible Bid and Award Contract to Caliagua, Inc. for Water Well No. 12 Improvements per the 2000 Water Master Plan; CC-1063** (600.75) **1.** Reject the lowest bid submitted by Southwest Engineering, Inc. in the amount of \$1,455,000 as nonresponsive; and **2.** Accept the bid submitted by Caliagua, Inc. in the amount of \$1,506,846 as the lowest, responsive and responsible bid for the construction of Water Well No. 12 Improvements Project; CC-1063; 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: Funds are available in the Water Master Plan Fund Account. Engineer's estimate \$1,500,000. (On April 2, 2004 attorneys for Caliagua, Inc. filed a formal bid protest which identified certain apparent deficiencies in the bid submitted by Southwest Engineering, Inc. The City Attorney's office has evaluated and determined that the bid submitted by Southwest Engineering, Inc. was non-responsive and recommended contract award to Caliagua, Inc.)
Approved 7-0
- E-10. (City Council) Approve Amendment No. 1 to the Waste Disposal Agreement (WDA) Between the City of Huntington Beach and the County of Orange Integrated Waste Management District (IWMD)** (600.25) – Approve and authorize the Mayor and City Clerk to execute the *Amendment No. 1 to the Waste Disposal Agreement with City of Huntington Beach* and the County of Orange. Submitted by the Public Works Director. Funding Source: This agreement will not financially impact the City since it holds the landfill tipping fee at \$22 per ton for an additional 3 years through June 30, 2010.
Approved 7-0
- E-11. (City Council) Accept Bid and Award Construction Contract to Popular Paver Rental for the Beach Boulevard Widening Improvements at the s/e Corner of Edinger Avenue; CC-1105** (600.50) **1.** Accept the lowest responsive and responsible bid submitted by Popular Paver Rental, in the amount of \$220,116.41 for the Beach Boulevard Widening Improvements at the southeast corner of Edinger Avenue, CC-1105; 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: Funds in the amount of \$500,000 have been budgeted in the Orange County Transportation Authority (OCTA) Grant Fund, Beach/Edinger Improvements, Street Improvements Account. This amount includes grant funds in the amount of \$452,519 and \$47,500 matching funds from Traffic Impact Fund. The engineer's estimate was \$259,566.
Approved 7-0
- E-12. (City Council) Adopt Resolution No. 2004-28 to Approve Plans and Specifications for the County's Flood Control Improvements to the Huntington Beach Channel (Facility No. DO1) from Indianapolis Avenue to Adams Avenue** (550.20) – Adopt **Resolution No. 2004-28** – “A Resolution of the City Council of the City of Huntington Beach Approving Plans and Specifications for the Construction of Improvements to the Huntington Beach Channel (Facility No. DO1) from Indianapolis Avenue to Adams Avenue by the Orange County Resources and Development Management Department and Funded by the Orange County Flood Control District.” Submitted by the Public Works Director. Funding Source: City funding is not required for this action.
Approved 7-0

- E-13. (City Council) Adopt Resolution No. 2004-29 Establishing Residential Curbside Refuse Collection Rates with Rainbow Disposal Company, Inc. and Approve Modifications to the Downtown Refuse Can Collection Schedule (600.45) – 1. Adopt Resolution No. 2004-29 – “A Resolution of the City Council of the City of Huntington Beach Establishing Residential Curbside Refuse Collection Rates;” and 2. Accept Rainbow Disposal’s offer to credit the City for one additional trash collection on each Friday, Saturday and Sunday that is normally scheduled between June and December of 2004. Submitted by the Public Works Director. Funding Source: An increase of \$0.21 per residential unit will be paid to Rainbow. There will be no impact to the Refuse Fund as the full amount of the increase is paid to Rainbow. (Rainbow Disposal submitted addendum to Attachment 2 which states that the company is pleased to offer a 50% reduction from \$.42 to \$.21 in this rate increase to residential customers due to economic conditions within the community.)**
Councilmember Sullivan recognized Rainbow Disposal for not taking the full increase in fees over the years.
Adopted 7-0
- E-14. (City Council) Approve the Release of Securities for Tract No. 16196 Located w/s of Delaware Street, between Main Street and Garfield Avenue - Accept the Public Improvements (Sassounian, Adams and Zuckerman, LLC) (420.60) - 1. Accept the improvements constructed and dedicated for public use with Tract No. 16196; and 2. Accept the Guarantee and Warranty Bond No. 833254S; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release Faithful Performance/Labor and Material Bond No. 833254S and Monument Bond No. 833255S pursuant to California Government Code Section No. 66499.7(a); and 4. Instruct the City Clerk to notify the developer, Sassounian, Adams and Zuckerman, LLC of this action and the City Treasurer to notify the surety, **Developers Surety and Indemnity Company**, of this action; and 5. Instruct the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.**
Approved 7-0
- E-15. (City Council) Approve the Release of Securities for Tract No. 16180 Located e/o Goldenwest Street and n/o Summit Drive - Accept the Public Improvements (Shea Vickers Development, LLC) (420.60) - 1. Accept the improvements constructed and dedicated for public use with Tract No. 16180; and 2. Accept the Guarantee and Warranty Bond No. 00-255-268-A; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release Faithful Performance/Labor and Material Bond No. 00-255-268 and Monument Bond No. 00-255-267 pursuant to California Government Code Section No. 66499.7(a); and 4. Instruct the City Clerk to notify the developer, Shea Vickers Development, LLC, a Delaware limited liability company of this action and the City Treasurer to notify the surety, **American Home Assurance Company**, of this action; and 5. Instruct the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.**
Approved 7-0

Revised - E-18

- E-16. **(City Council) Adopt Resolution No. 2004-30 Approving a Side Letter to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Employees Association (MEA) Regarding the 9/80 Work Schedules** (720.20) – Adopt Resolution No. 2004-30 – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Municipal Employees Association, by Adopting the Side Letter of Agreement Regarding Work Schedules.” Submitted by the Administrative Services Director. Funding Source: Non-Applicable.
Adopted 7-0
- E-17. **(City Council) Approve Amendment No. 1 to Cooperative Agreement No. 0124 with the Orange County Sanitation District (OCSD) for Sewer Rehabilitation Project - Approve Project Plans and Specifications and Authorize Advertisement for Bids for the Ross One-Quarter Section Sewer Rehabilitation Project (Roughly Bounded by Heil Avenue, I-405 Freeway, Warner Avenue and Newland Street); CC-1215** (600.25)
1. Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Cooperative Projects Program Contract No. 0124* between the Orange County Sanitation District and the City of Huntington Beach; and 2. Approve the project plans and specifications and authorize the Director of Public Works to request bids for the Ross One-Quarter Section Sewer Rehabilitation Project; CC-1215. Submitted by the Public Works Director. Funding Source: A grant from the Orange County Sanitation District (OCSD) will cover one half of the cost for this project. Funds for this project are budgeted through the Sewer Service Fund, Sewer Line CIP account. The Engineer’s cost estimate is \$820,000.
Approved 7-0
- E-18. **(City Council) Approve the Appointment of Dr. Penelope Culbreth-Graft as City Administrator Effective June 1, 2004 and Execute a Personal Services Agreement** (600.10) - 1. Approve the appointment of Dr. Penelope Culbreth-Graft as City Administrator; and 2. Authorize the Mayor and City Clerk to execute a personal services agreement between the City of Huntington Beach and Dr. Penelope Culbreth-Graft titled *Agreement for Personal Services – City Administrator - Dr. Penelope Culbreth-Graft.* Submitted by the Public Works Director **Mayor Cathy Green.** Funding Source: Sufficient funds exist in the City Administrator’s budget account.
Approved 7-0
- E-19. **(City Council) Approve Agreement Between the City of Huntington Beach and the Franchise Tax Board** (600.20) - 1. Approve and authorize the Mayor and City Clerk to execute *Standard Agreement Number C2323193* between the City of Huntington Beach and the Franchise Tax Board; and 2. Approve an appropriation and authorize an expenditure of an amount not to exceed \$6,622.00. Submitted by the City Treasurer. Funding Source: Appropriate \$6,622.00. Cost to be offset by new revenues.
Approved 7-0

F. Administrative Items

F-1. (City Council) Approve City Council Position on Legislation Pending before the Federal, State, or Regional Government as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

Communication from Mayor Pro Tem Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Dave Sullivan transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the Federal or State Legislatures, a State or regional body or to be put on a ballot for approval by the voters?

Recommended Action: Motion to:

1. **OPPOSE - S 2084 – Internet Tax – 2 Year Extension of Current Moratorium and Expansion to include DSL Lines (As Introduced 02/12/04)**

and

2. **OPPOSE - AB 3007 (Plescia) Brown Act – Deleting Real Estate Transactions from Subject that Council could discuss in Closed Session (As Amended 03/23/04)**

and

3. **SUPPORT - SB 1351 (Soto) – Political Reform Act of 1974 – Conflict of Interest (As Introduced)**

and

4. **WATCH – AB 2690 (Hancock) Public Works – Prevailing Wage (As Amended 04/26/04)**

and

5. **WATCH – SB 1774 (Johnson / Torlakson) – Local Government Finance – Alternative to League's Local Government Initiative (As Amended 04/01/04)**

and

6. **OPPOSE – The Proposed Indian Gaming Initiative (SA03RF0059)**

and

7. **OPPOSE Use of Prop 50 Funds for Private Water Companies - Authorize Letter from Mayor to Governor**

and

8. **Affirm Letters opposing cut in the Weapons of Mass Destruction, Metropolitan Medical Response System (MMRS)**

Approved 7-0 (Green – No on 1)

Agenda Items F-2a and F-2b are interrelated.

F-2a. (City Council) Part 1 of 2 - Adopt Resolution Nos. 2004-31, 2004-32 and 2004-33 Respectively Approving Election of the City to be Subject to the Public Employees' Medical and Hospital Care Act with (1) the POA (Police Officers' Association), (2) the PMA (Police Management Association), and (3) the MSOA (Marine Safety Officers' Association) – California Public Employees' Retirement System (CALPERS) Health Insurance (720.20)

Communication from Administrative Services Director transmitting the following **Statement of Issue:** The City and Huntington Beach Police Officers' Association, Huntington Beach Police Management Association, and the Huntington Beach Marine Safety Officers' Association have come to an agreement to have the California Public Employees' Retirement System administer health insurance through the Public Employees' Medical and Hospital Care Act.

Recommended Action: Motion to:

1. Adopt **Resolution No. 2004-31** – *“A Resolution of the City Council of the City of Huntington Beach Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to the Huntington Beach Police Officers' Association and Fixing the City's Contribution for Employees and the Contribution for Annuitants at Different Amounts;”*

and

2. Adopt **Resolution No. 2004-32** – *“A Resolution of the City Council of the City of Huntington Beach Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to the Huntington Beach Police Management Association and Fixing the City's Contribution for Employees and the Contribution for Annuitants at Different Amounts;”*

and

3. Adopt **Resolution No. 2004-33** – *“A Resolution of the City Council of the City of Huntington Beach Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to the Huntington Beach Marine Safety Officers' Association and Fixing the City's Contribution for Employees and the Contribution for Annuitants at Different Amounts;”*

Administrative Services Director Martin reported. Councilmember Boardman received clarification on the relationship between the two interrelated items. Councilmember Sullivan stated his reasons for opposition due to cost. Councilmember Boardman stated her reasons for opposition concerned about the City's ability to leave CalPers once enrolled. (Vote taken with F-2b following page.)

F-2b. (City Council) Part 2 of 2 - Adopt Resolution Nos. 2004-34, 2004-35 and 2004-36 Respectively Approving Side Letters to the Memoranda of Understanding between the City and (1) the POA (Police Officers' Association), (2) the PMA (Police Management Association), and (3) the MSOA (Marine Safety Officers' Association) Regarding Health Insurance(CALPERS) (720.20)

Communication from Administrative Services Director transmitting the following **Statement of Issue:** The City and Huntington Beach Police Officers' Association, Huntington Beach Police Management Association, and the Huntington Beach Marine Safety Officers' Association have come to a side letter agreement regarding health and other insurance.

Recommended Action: Motion to:

1. Adopt **Resolution No. 2004-34** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Officers’ Association by Adopting the Side Letter of Agreement;”

and

1. Adopt **Resolution No. 2004-35** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Management Association by Adopting the Side Letter of Agreement;”

and

2. Adopt **Resolution No. 2004-36** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Marine Safety Officers’ Association by Adopting the Side Letter of Agreement.”

Administrative Services Director Martin reported on the PowerPoint presentation announced as a Late Communication by Assistant City Clerk Liz Ehring.

Discussion was held which included inquiry regarding dates of coverage for new employees and their dependents.

Acting City Administrator Workman confirmed that there are caps on the city’s contributions for all employee associations.

Adopted all resolutions 5-2 (Sullivan, Boardman – No)

F-3. (City Council) Receive and File: (1) the Fiscal Year 2003-2004 Second Quarter Report; (2) the Fiscal Year 2002-2003 Comprehensive Annual Financial Report; and (3) the Management Letter to the Fiscal Year 2002-2003 Comprehensive Annual Financial Report (300.20)

Communication from the Administrative Services Department transmitting that

1. The second quarter (January 1, 2004 through March 31, 2004) of the city’s fiscal year 2003-2004 budget has been completed.
2. The fiscal year 2003-2004 second quarter budget report provides an overview of the current state of fiscal year 2003-2004 budget. The General Fund Unreserved, Undesignated Fund Balance at the end of the fiscal year 2003-2004 is projected to be \$5,405,000.
3. The city’s Comprehensive Annual Financial Report has been completed for the 2002-2003 fiscal year.
4. The city’s auditors Caporicci and Larson, CPAs, have issued the final draft of the Management Letter to the fiscal year 2002-2003 Comprehensive Annual Financial Report.

Recommended Action: Motion to:

1. Receive and file the fiscal year 2003-2004 second quarter budget report.

and

2. Receive and file the fiscal year 2002-2003 Comprehensive Annual Financial Report;

and

3. Receive and file the Management Letter to the fiscal year 2002-2003 Comprehensive Annual Financial Report.

***Administrative Services Director Martin reported on the PowerPoint presentation announced as a Late Communication by Assistant City Clerk Liz Ehring.
Approved 7-0***

G. Ordinances

G-1. Ordinances for Adoption - None

G-2. Ordinances for Introduction - None

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Councilmember Gil Coerper****(City Council) Direct Staff to Prepare an Ordinance Banning Smoking on our Beaches, in our Coastal Waters, and in Adjacent Areas such as the Pier, to be Considered by the City Council at a Future Meeting** (520.15)

Communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: Several cities along the coast of California have recently adopted or considered adoption of an ordinance to prohibit smoking on their beaches, including the City of Los Angeles.

The United States Environmental Protection Agency has classified second-hand smoke as a Group A carcinogen, the most dangerous class of carcinogens. They have also concluded that second-hand smoke causes coronary heart disease in non-smokers. Additionally, the Center for Disease Control notes that second-hand smoke causes children to suffer from lower respiratory tract illnesses such as bronchitis and pneumonia and it exacerbates childhood asthma and increases the risk of acute chronic middle ear infections in children. Smoking on beaches endangers both children and adults by exposing them to second-hand smoke.

Beyond the risk to human health, cigarette and cigar butts and used matches dropped onto the ground in public spaces degrade the aesthetic quality of those spaces. Cigarette and cigar butts, and used matches dropped into the sand on the beach are particularly dangerous because young children play in the sand and may ingest them. Cigarettes are the most common litter on California's beaches. Cigarette butts also wash into the ocean where they pollute the water and can be ingested by ocean mammals. As an example of the amount of pollution smoking causes, over 300,000 cigarettes were removed on one Coastal Cleanup Day in 2002.

Because of the devastating impact that smoking has on health and the environment, I would like to make the following motion:

Recommended Action:

That the City Council direct staff to prepare an ordinance banning smoking on our beaches, in our coastal waters, and in adjacent areas such as the pier, to be considered by the City Council at a future meeting.

Ordinances from other cities are attached along with other relevant information (and are included in the agenda packet).

Councilmember Coerper reported.

City Attorney Jennifer McGrath reported on the parameters of the beach, stating it would only be on the City Beach.

Police Chief Kenneth Small reported on enforcement issues.

Councilmember Cook informed Council that she will bring forward a Council memo to study the item further.

Community Services Director Jim Engle reported on parameters of the beach and if City can regulate.

Approved 5-2 (Cook, Houchen – No)

H-2a. Submitted By Councilmember Connie Boardman**(City Council) Direct the City Attorney as to Changes, if any, the Council Wishes to Make to the Mobile Home [Park] Conversion Ordinance – Direct the City Attorney to Return with an Amended Ordinance to Council for Approval (640.10)**

Communication from Councilmember Connie Boardman transmitting the following **Statement of Issue:** At the November 18, 2002, Council Meeting, then Council Member Bauer brought to the Council the Mobile Home Conversion Ordinance with a recommended change in how the residents were to be compensated for their homes. At the meeting, the Chair of the Mobile Home Advisory Board (MHAB) spoke and asked the Council to refer the issue to the advisory board since there were other issues in the ordinance that the members of the board wanted to review. The Council was assured this would take just a few months. The Council then voted to send the ordinance to the MHAB for review.

In February of this year, a resident contacted me inquiring about the status of the ordinance. A subcommittee of the MHAB has been meeting to make recommended changes to the ordinance. As the Council liaison to the MHAB, I attended the March 2004 meeting and inquired about the progress the subcommittee was making. At the March meeting, it was decided that the subcommittee would report back to the MHAB at its April meeting with recommendations for changes to the ordinance so the entire MHAB could vote on which changes to recommend to the Council.

At the April meeting, the subcommittee members had different recommendations. Mr. Steve Kato, a park owner representative on the subcommittee, recommended no changes to the ordinance, while Mr. Steve Gullage, the resident member of the subcommittee, recommended several changes. At the meeting, the board voted 3-3 with one abstention on the motion to recommend to the Council the changes Mr. Gullage suggested. Since the MHAB is divided on this issue and the board has had well over a year to discuss this, I thought it was time to bring the issue back to the Council.

I have attached the current ordinance as well as an amended ordinance submitted by Mr. Steve Gullage, a resident member of the subcommittee. The changes Mr. Gullage recommends, and three board members support, mainly concern three issues:

1. *The payment made by park owners to the residents for their coaches when a park is converted.* Mr. Gullage recommends in place full market value be paid to the resident, while the park owner representative recommended no change from the current minimum \$ 5,000 payment. There was discussion at the March meeting of payment to residents equal to that of a new coach, but that was not voted on by the committee, and the park owner representative who at first recommended it, now does not.
2. *The distance away from Huntington Beach where residents could be located.* The current ordinance allows for a distance of within 50 miles of the city, and the proposal from Mr. Gullage is a 30-mile limit.

(Continued on the Next Page)

3. *Depreciation of homes.* The current ordinance calls for a depreciation of units of 4.7% per year beginning with the date the mobile home owner originally purchased the home and ending with the date the homeowner receives notice of intent to change use of the park. Mr. Gullage recommends this be removed since the homes are actually appreciating in value.

I have also encouraged both the resident members of the MHAB and the park owner representatives of the MHAB to contact the Council Members to discuss any changes they would like to see to the ordinance.

Recommended Action:

That the Council give direction to the City Attorney as to what changes, if any, the Council wishes to make to the Mobile Home Conversion Ordinance, and that the City Attorney return the amended ordinance to the Council for approval.

Attachments are included in the agenda packet.

Councilmember Boardman pulled from agenda for further study at the July 19, 2004 meeting.

Council Comments - (Not Agendized)

Councilmember Coerper expressed his enjoyment at Mr. Ray Silver's retirement as City Administrator. Mr. Coerper spoke regarding the Police Officers Memorial Association and spoke in gratitude to Police Chief Small for sending his officers to the event.

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

Council/Agency Adjournment to *Monday May 24, 2004, at 3:00 p.m., in Room B-8*, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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