

**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, JUNE 2, 2003**

**6:00 P.M. - Room B-8**

7:00 P.M. - Council Chambers

Civic Center, 2000 Main Street

Huntington Beach, California 92648

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

**6:00 P.M. - Room B-8**

**Call City Council/Redevelopment Agency Meeting to Order**

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

**Present** (*Houchen arrived 6:04 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 had been received by the City Clerk's office following distribution of the agenda packet.)

**Public Comments Regarding 6:00 P.M. Study Session Portion of Council Meeting and Closed Session Agenda Items**

**None**

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

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

**(City Council) Study Session – Update by the Planning Department on the Neighborhood Preservation Program ( . )**

The Planning Department will provide an update on the City's Neighborhood Preservation Program. The presentation will include an overview of the program, accomplishments to date, and outline of future program activities.

\*\*PowerPoint presentation titled *Neighborhood Preservation Program Update* is included in the agenda packet.

***PowerPoint presented by Bill Zylla, Principal Planner/Code Enforcement Officer – Neighborhood Preservation Program Manager.  
Photographs were shown at the Study Session Meeting reflecting properties surveyed.  
Neighborhood Community meeting to be held at a future date uncertain after survey has been completed (approximately 3 to 4 months).***

**Call Closed Session of City Council/Redevelopment Agency  
*Approved 7-0***

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

**(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 **Epifania Huertero, et al., v. City of Huntington Beach, et al.**; United States District Court Case No. SA 01-1136. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: five. Subject: **Potential Litigation re Property at 17201 Ash Street, Unit D, Huntington Beach.** (120.80)

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

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

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)).**

**#2 – Approved 7-0 to initiate litigation against property owner, Gary Davis.**

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

**Pledge of Allegiance – Led by Sergeant-at-Arms Gary Meza**

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***F-1, F-2, F-3***

**Presentation** - By Mayor Connie Boardman, to Connie and Bob Mandic of Mandic Motors, Inc., a commendation to Mandic Motors, Inc., for receiving the Automobile Association of America (AAA)'s national recognition for 'Service Provider of Excellence.' Mandic Motors was chosen as one of five "Highway Heroes" for 2003 by the AAA, the nation's largest organization for motorists.

**Presentation** - By Mayor Connie Boardman and Jim Engle, Community Services Director, a \$100 Savings Bond to the 18 winners of the Youth Character Awards: Austenn Akers, Cameron Bauer, Scott Bogle, Erin Burke, Amanda Draeger, Veronica Gomez, Karina Hubbard, Elizabeth Irving, Taylor Ann Kendzierski, Ravin Kuman, Ryan Marks, Kristen Mc Croy, Michelle Monroe, Amanda Morgan, Scott Newman, Andrea Ostrowski, Melissa Preston, and Christina Sanchez.

**Presentation** - To Mayor Connie Boardman; Jim Engle, Community Services Director; and Louann Murray, Vice President, Friends of the Shipley Nature Center; by Steve Engel of the Boeing Company, a check in the amount of \$ 2,000 for the restoration of Shipley Nature Center.

**B. PUBLIC COMMENTS**

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 this agenda.

After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members 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.

Due 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.

**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  
\*\*\*\*\*

**Public Comments:**

1. ***Speaker in opposition to Agenda Item F-2 re: increase in fees and recommending approval of alternative action in staff report.***
2. ***Speakers in support of Agenda Item H-1a urging Council not to support the Harbour contract. Photographs submitted by second of two speakers.***
3. ***Speakers in opposition to Agenda Item F-3 relative to the HCP (Huntington Central Park) Sports Complex proposed parking, as adversely impacting Library users.***
4. ***Speaker in opposition to the absence of the Invocation from the Agenda and offering a prayer.***
5. ***Speaker rebutting alleged conflict of interest claims lodged against him and offering an explanation also available at his website: keithbohr@aol.com.***
6. ***Speaker in favor of the D.A.R.E., and requesting Council reconsideration for funding for the anti-drug abuse program.***
7. ***Speaker stating hazardous condition of curbside on Gothard Avenue near Central Library. Also inquired re: Rainbow Disposal fees and spoke in favor of Poseidon and desalinization process for water.***

**C-1. Council Committee/Council Liaison Reports - None**

**C-2. City Administrator's Report – None**

**D. Public Hearings – None**

**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 Regular Meetings of March 3, 2003, the City Council Adjourned Regular Meeting of March 14, 2003 and the City Council/Redevelopment Agency Regular Meetings of March 17, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.  
*Approved as amended to remove Late communication matrix received from Administration submitted for Jill Hardy's Council item on March 17, 2003 minutes. 7-0 (Houchen, Hardy abstained from 3/3 and Houchen from 3/17/03 minutes due to absence.)*
- E-2. (City Council) Adopt Resolution No. 2003-38 Approving Side Letter to the Memorandum of Understanding (MOU) between the City and the Police Officers' Association to Reflect a Mutual Agreement on an Administrative Appeal Procedure** ( . ) - Adopt **Resolution No. 2003-38** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Police Officers' Association to Reflect an Agreed Upon Administrative Appeal Procedure.” Submitted by the Administrative Services Director. Funding Source: No fiscal impact with this action.  
*Adopted 7-0*
- E-3. (City Council) Adopt Resolution No. 2003-39 Approving the Application and Assurances for Grant Funds from the California State Coastal Conservancy for South Beach Improvements, Phase II (Standard Agreement No. 02-145)** ( . ) – Adopt **Resolution No. 2003-39** – “A Resolution of the City Council of the City of Huntington Beach Approving the Application and Assurances for Grant Funds from the California State Coastal Conservancy South Beach Improvements, Phase II.” Submitted by the Community Services Director. Funding Source: Not Applicable.  
*Adopted 7-0*
- E-4. (City Council) Accept Bid and Award Maintenance Service Contract to Elite Bobcat Service, Inc. for Repair/Replacement of Pedestrian Improvements on Nantucket Drive (s/o Yorktown Avenue, w/o Bushard Street); MSC 419** ( . ) – 1. Accept the lowest responsible/responsive bid submitted by Elite Bobcat Service, Inc. in the amount of \$189,422.95; and 2. Authorize the Mayor and City Clerk to execute a contract in substantially the same form as the attached sample construction contract. Submitted by the Public Works Director. Funding Source: Measure M Fund Account, Pedestrian Improvements, \$200,000.  
*Approved 7-0*

F. **Administrative Items**

F-1. **(City Council) Approve the License Agreement between the City and U. S. Bank National Association ND for Implementation of the Surf City Huntington Beach Credit Card Affinity Program and Trademark (to Provide Fund Revenue for Parks and Recreation, Library, Cultural Activities and Other Community Services)** ( . )

Communication from the City Treasurer; the city's Special Projects Manager, and the Economic Development Director requesting Council approval of an agreement with U. S. Bank National Association to implement the Surf City Affinity Credit Card Program to provide revenue to fund city services for parks and recreation, libraries, cultural activities and other community programs.

**Recommended Action:** Motion to:

Approve the *Credit Card Affinity Program and Trademark License Agreement* with U. S. Bank National Association ND for the implementation of the Surf City Huntington Beach Affinity Credit Card Program; authorize the Mayor and City Clerk to sign the agreement, and forward to U. S. Bank National Association ND for execution.

***Economic Development Director David Biggs presented PowerPoint report included in the agenda packet. Approved 7-0 as amended (adding language to the recommended action re: marketing) by Late Communication announced by the Assistant City Clerk. (Goal is to return in July 2003 with agreement.)***

F-2. **(City Council) Adopt Resolution No. 2003-40 Establishing Residential Curbside Refuse Collection Rates and Approve Amendment (No. 1) to the Rainbow Disposal and Rainbow Transfer and Recycling Franchise Agreement (Increases Fees on Commercial Accounts)** (600.45)

Communication from the Public Works Director informing Council that the Refuse Collection and Disposal Services Franchise Agreement with Rainbow Disposal Company, Inc. requires an annual review of residential rates. Minor modifications to the franchise agreement will be made to allow for timelier customer notification. An increase to the franchise fee on commercial accounts is also included in the amendment.

**Recommended Action:** Motion to:

1. Adopt **Resolution No. 2003-40** – “A Resolution of the City Council of the City of Huntington Beach Establishing Residential Curbside Refuse Collection Rates;”

and

2. Approve and authorize the Mayor and City Clerk to execute the *Amendment to Refuse Collection and Disposal Services Franchise Agreement between the City of Huntington Beach and the Rainbow Disposal and Rainbow Transfer Recycling Companies.*

***Public Works Director Robert F. Beardsley presented PowerPoint report included in the agenda packet; which is amended on Page F-2.25 by Late Communication, as announced by the Assistant City Clerk. Councilmember Sullivan submitted Late Communication titled “City Rainbow Administrative Costs Using CPI.” Administrative Services Director reported in response. Adopted 7-0 Resolution No. 2003-40 as amended in item #1 to show revised figure of \$17.44 (which also adjusts the daily rate.)***

**F-3. (City Council) Approve Agreement with Community Parks Foundation, Inc. (CPF) for Installation of Equipment and Operation and Maintenance Services of Soccer, Hockey and Batting Facilities at HCP (Huntington Central Park) Sports Complex – Approve (After Review by the City Attorney) a Municipal Lease/Purchase Agreement with Prime Funding Source, Inc. for Phase II Sports Systems – Approve Amendment to Valley Crest Construction Company Contract to Complete Site Preparation ( . )**

Communication from the Administrative Services Director, the Community Services Director, and the city's Special Project Manager.

**Recommended Action:** Motion to:

1. Approve the *Agreement between the City of Huntington Beach and Community Parks Foundation, Inc. for Installation of Equipment and for Operation and Maintenance Services of Soccer and Hockey Facilities at the Huntington Central Park Complex;* and authorize execution by the Mayor and City Clerk upon receipt of the required insurance certificate approved as to form by the City Attorney;

and

2. Approve the allocation of \$129,198 (\$94,200 for NUVIS Landscape Architects and \$34,998 for six months consultant services of Community Parks Foundation) from the Park Acquisition & Development Fund, unappropriated fund balance into Central Park Sports Complex Construction Account #30187927.82200 for preparation of plans and specifications for Phase II improvements;

and

3. Authorize the Mayor and City Clerk to execute a lease/purchase agreement with Prime Funding Source, Inc. in substantially the same form as the attached sample municipal lease and option agreement for \$2,370,191 upon the review and approval of lease/purchase documents by the City Attorney for the acquisition and installation of the Phase II sports systems by Valley Crest Construction Company and Community Parks Foundation;

and

4. Approve an amendment to the Valley Crest Construction Company contract for \$1,213,353 from the lease/purchase financing agreement with Prime Funding Source, Inc. to complete Phase II site preparation and installation;

and

5. Approve appropriation of \$1,156,838 from the lease/purchase financing agreement with Prime Funding Source, Inc. for Community Parks Foundation to acquire and complete installation of Phase II sports systems.

***Community Services Director Jim Engle presented PowerPoint report included in the agenda packet, which is amended by Late Communication (adding 2 additional motions to the alternative action), as announced by the Assistant City Clerk.***

1. #1-5 above approved 7-0; and
2. Amendments per Late Communication memo approved 6-1 (Sullivan – No)

**G. Ordinances****G-1. Ordinance for Adoption****G-1a. (City Council) Adopt Ordinance No. 3609 Amending Chapter 2.56 of the Municipal Code Relating to Enforcement Duties of the Public Works Director ( . ) –**

**Ordinance No. 3609 – “An Ordinance of the City of Huntington Beach Amending Chapter 2.56 of the Huntington Beach Municipal Code Relating to the Public Works Department.” Submitted by the Public Works Director.** (The staff report sets forth that the ordinance will provide the Director of Public Works the authority to manage “administration and enforcement of appropriate sections of Title 8 (Health and Safety), Title 12 (Streets and Sidewalks), Title 13 (Public Property) and Title 14 (Water and Sewers) of the Huntington Beach Municipal Code.” (Introduction approved 5/19/03.)

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3609** by roll call vote.

***Adopted 7-0***

**G-2. Ordinances for Introduction - None****H. City Council/Redevelopment Agency Items****H-1a. Submitted by Councilmember Debbie Cook**

**(City Council) Direct Staff to Suspend Request for Proposal and Award of Contract Process Pending Recommendations for Water Quality and Maintenance Services by the Huntington Harbour Waterways Committee ( . )**

Communication from Councilmember Debbie Cook transmitting the following **Statement of Issue:** The city is currently in the process of reviewing proposals received from private contractors to award a contract for maintenance services of the waterways in Huntington Harbour. Additionally, City Council established a Council Sub-Committee (Huntington Harbour Waterways Committee) that is currently meeting and will return to Council in July or August with recommendations on how to address a number of Harbour issues, including water quality. There has been a request by several participants at the committee meetings to review the scope of work, tasks and performance measures in the proposed Request for Proposal and Maintenance Contract for Huntington Harbour. They feel the level of maintenance and contract compliance is directly related to addressing the water quality issue in the Harbour. They would like the committee to have the opportunity to review the scope of services, tasks and performance measures in the contract to see if there should be any recommended changes prior to the city awarding the contract. Since the city has its current contractor in place, and until a new contract is awarded, there is no impact in delaying the award of bid until the committee has the opportunity to review and make recommendations.

**Recommended Action:** Motion to:

Direct staff to suspend the Request for Proposal and Award of Contract process until the Huntington Harbour Waterways Sub-Committee has submitted its recommendations to the city. Staff will then have an opportunity to review the recommendations to determine if any changes should be made to the scope of services, tasks or performance measures in the Request for Proposal and contract for the Huntington Harbour waterway maintenance.

***Approved 7-0***

**H-2a. Submitted By Mayor Connie Boardman****(City Council) Discuss Alternative Actions Regarding the City's Code of Ethics/Gift Ban Ordinance/State Laws ( . )**

Communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: At a recent study session on our Code of Ethics, the City's Gift Ban Ordinance, and State Laws regulating the acceptance of gifts by elected and appointed officials, and some city employees, it was obvious that there are significant differences between these three types of regulations. I am placing this item on the agenda to allow for Council discussion as to how the council would like to reconcile the above three types of rules governing ethics and the acceptance of gifts.

Alternatives that have occurred to me are:

1. ~~Request the City Attorney to draft an Ethics code that is consistent with the City's Gift Ban Ordinance.~~
2. Request the City Attorney to draft a new Gift Ban Ordinance and Ethics Code that is consistent with State Law.
3. ~~Form a Council Committee to address this issue and make suggestions to the full council.~~

**#2 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 from Mayor Pro Tem Green to all Youth Character Award recipients.***

***Reminder from Mayor Boardman that budget survey to go offline tomorrow, 6/3/03.***

***Award of the Philharmonic "Golden Lyre" by Mayor Boardman to Community Services Director Jim Engle.***

**Council/Agency Adjournment to Monday, *June 9, 2003, at 1:00 p.m., in the Council Chambers*, 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>