

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 special assistance, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, 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** at the meeting or the **City Clerk (714) 536-5227**.

ACTION AGENDA

****Revised Page 2 – Added Closed Session Item****

CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH

MONDAY AUGUST 15, 2005

4:30 P.M. - Room B-8

6:00 P.M. - Council Chambers

Civic Center, 2000 Main Street

Huntington Beach, California 92648

4:35 P.M. - Room B-8

The City Clerk will recess the 4:00 P.M. portion of the Meeting to 4:30 P.M. due to an anticipated lack of quorum.

Deputy City Clerk Kelly Mandic recessed.

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

Present *(Cook arrived at 4:42 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.)

LAFCO Commissioners' Roster

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

Speaker spoke regarding Planning Director Howard Zelefsky. Handed out a Late Communication and vocalized support for Mr. Zelefsky, referring to work with General Plan, relationship with Coastal Commission and improved relations among Department Heads. Also stated many instances when he received accurate information from Mr. Zelefsky and asked Council to treat him fairly.

Speaker stated concerns with methods used to revise Planning Director's contract. Stated positive qualities of Mr. Zelefsky and his history. Suggested City hire an outside investigator to determine actions taken are proper.

(City Council/Redevelopment Agency) Study Session – Presentation Regarding the Local Agency Formation Commission (LAFCO) Annexation Process (610.40)

Presentation by staff members from the Local Agency Formation Commission regarding the annexation process.

PowerPoint titled *Orange County Local Agency Formation Commission (LAFCO) City of Huntington Beach Council Meeting August 15, 2005* is included in the agenda packet. **Principal Planner Mary Beth Broeren gave an overview and introduced Joyce Crosthwaite, Executive Director of LAFCO. PowerPoint report was given detailing LAFCO process, annexation process and spheres of influence. Council discussion followed regarding potential areas of annexation, protest mechanisms, and timelines. The Mayor and Councilmembers thanked the LAFCO representatives for their presentation.**

Call Closed Session of City Council/Redevelopment Agency

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

(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 **Lynn Copeland v. City of Huntington Beach**, Orange County Superior Court Case No. 04CC10768. Subject: **Lynn Copeland v. City of Huntington Beach (120.80)**

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Director of Administrative Services, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MSOA, and SCLEA**. Subject: **Labor Relations – Meet & Confer. (120.80)**

→ **(City Council) Closed Session** - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Termination of At-Will Employment Status of Planning Director and Resumption of Planning Director Duties and Responsibilities Effective September 10, 2005, Pursuant to Paragraph 6(b) of the Employment Agreement Dated September 21, 1998. (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).

6:00 P.M. 6:10 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)).

Two items – 1.) *Shugart v. City, U.S. District Court Case No. SACV 91-0475 AHS Council voted on 6/5/05 to authorize settlement up to \$100,000 with vote of 4-2-1 (Hansen, Hardy-No, Cook-absent.) Case settled in the amount of \$90,000* 2.) *Termination of at-will employment status of Planning Director and resumption of Planning Director duties and responsibilities effective 9/10/05 pursuant to paragraph 6b of employment agreement dated 9/21/98, approved by a vote of 6-1 (Sullivan-No).*

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present

Pledge of Allegiance/Flag Salute – To be led by the Mayor

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 – To be announced by the Mayor – ***Reverend Steve Isenman, First United Methodist Church***

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.**

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Study Session, Closed Session, E-4, E-20, F-2

Presentation - Mayor Jill Hardy to present a commendation to Olivia Zumwalt who was named "Most Outstanding Eight-Year-Old" in the Pre-Teen America Scholarship and Recognition Program. (160.40)

Presentation - Mayor Jill Hardy to call on Library Director Ron Hayden to recognize the members of the inter-departmental team that recently completed implementation of the automated computer circulation system including new pcs for patrons and staff. The new sophisticated system will enhance access to the Library's collection and data bases, expand the public Internet stations and offer Wi-Fi access at the Central Library. (160.40)

Sherrie Daugherty, Principal Librarian, detailed some of the enhancements.

Mayor's Award - Mayor Jill Hardy to call on Community Services Director Jim Engle to present the Mayor's Award to Junior Lifeguard Coordinator II Dave Simcox and Junior Lifeguard Coordinator I Mike Eich. (160.40)

Director Engle listed the successes of the Junior Lifeguard Program and the involvement of the two individuals.

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.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms (the Police Officer located near the speaker's podium).

Special Projects Coordinator from Second Harvest Food Bank in Orange spoke regarding upcoming Food Drive, the needy individuals in Orange County and the clients of the Food Bank. She announced declining returns of donations in Huntington Beach since 2000. Asked any interested parties to contact 714-771-1343 X139. A challenge was made for every resident to donate 1 can of food or \$1.

Speaker announced that she had volunteered to host a Food Drive for Second Harvest Food Bank on August 27 and 28 at her home located at 20642 Egret Lane in Huntington Beach 92646. Encouraged attendance & stated there will be entertainment as well. For more information see website FacesofHunger@Yahoo.com.

Mayor Hardy asked for clarification on items acceptable for donation.

President of Huntington Beach Conference and Visitor's Bureau suggested grant and budget amendments and increased funding for the Bureau, as detailed in a Late Communication he submitted to Council.

Representative from Southern California Edison thanked Councilmembers Green, Bohr, Hansen, City Attorney McGrath and Community Services Director Engle for their efforts with the Animals in the Park Ordinance. He voiced his satisfaction with the results.

Speaker regarding items E-3 and G-2 related the events leading up to the Animals in the Park Ordinance on the agenda and thanked Council, City Attorney and Southern California Edison.

Councilmember Bohr thanked everyone involved with the issue, referred to by the previous two speakers, for their hard work.

Councilmember Green also thanked everyone involved and commented on the positive process.

Representative from SaveourField.org spoke on agenda item F-2 and inquired if the City needs to act immediately. He asked Council for an extended amount of time to consider issues, asking Council to direct staff to renegotiate.

Speaker, Superintendent of Fountain Valley School District (FVSD), spoke on item F-2. Noted Memorandum of Understanding (MOU) was built on trust between the City and FVSD. Noted MOU represents compromise on both sides. Lastly noted the historic nature of the agreement and the support for it. Urged Council approval.

Speaker spoke regarding item F-2 and stated concerns about moving the playing fields to the back of the lot. She also stated that 5.2 acres is too small and the need for significant setback from new development in relation to existing homes.

Resident adjacent to Wardlow Field thanked staff and Council, but stated concerns that 5.2 acres is too small due to parking concerns.

Resident across the street from Wardlow Field voiced disappointment with how FVSD handled the situation. Stated opinion that 5 acres is not enough. Stated concerns with parking and open space for residents.

Representative from Edinger Project Steering Committee and Sea Isle Garden Club thanked Council for participating in funding for Edinger project study. Asked Council to partner with group and to place Edinger project in budget. Stated the city is requiring approximately \$94,000 for curb and gutters.

Speaker spoke regarding sidewalk on Frankfort Street, damaged by tree roots approximately 7 years ago. Also stated neighbor problems in his complex and within his Homeowners Association and Health & Safety concerns.

Speaker congratulated Council on Junior Lifeguard Program. Asked about sidewalk conditions downtown. Spoke regarding proposed Poseidon desalination plant and potential problems. Stated inland options are now available and desalination plant is unnecessary. Asked Council to deny Poseidon application.

Speaker in opposition to Poseidon Resources Corp. asked Council to review the EIR in detail prior to making a decision. Alleged that there are untruths in the EIR.

Member of the Huntington Beach and Seal Beach Surfrider Foundation spoke regarding the proposed desalination plant and concerns about the AES plant. Stated that he isn't opposed to desalination, but to conditions of the plant. Asked Council not to rush into a decision.

A 38-year resident voiced dissatisfaction with industrial facilities in the area he lives. Listed Sewer Treatment plant, AES and Ascon. Asked Council to beautify the area rather than adding another plant.

Southeast Huntington Beach resident spoke in opposition to proposed Poseidon desalination plant. Stated EIR needs more research, is inadequate, and should be rejected. Asked Council to review reports from environmental authorities and to consider what is left out of the document.

A 38-year resident and former teacher at Gisler Middle School spoke in opposition to Poseidon desalination plant. Stated opinion that desalination plant should be public enterprise and not a private one.

C-1. Council Committee/Appointments/Liaison Reports (.)

(This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports.)

C-1a. Approve a City Council Representative to the Orange County Transportation Authority (OCTA) Policy Advisory Committee (PAC) Re: Study of Potential Garfield Avenue/Gisler Avenue Bridge (800.45)

Communication from Mayor Jill Hardy transmitting the following **Statement of Issue**: The Orange County Transportation Authority (OCTA) has recently initiated the process of preparing a supplemental Environmental Impact Report and Preliminary Engineering Study for a potential bridge over the Santa Ana River, connecting Garfield Avenue and Gisler Avenue.

The City Council authorized the Mayor to execute a Memorandum of Understanding with OCTA, Fountain Valley, and Costa Mesa regarding participation in the study process. As part of the study process, OCTA is establishing a Technical Advisory Committee (TAC), composed of staff members from OCTA, Fountain Valley, Costa Mesa, Huntington Beach, Newport Beach, and the County of Orange. OCTA is also establishing a Policy Advisory Committee (PAC) for the project that will include a City Manager representative and City Council representative from the same agencies. Therefore, the city of Huntington Beach is being asked to identify the representatives that will be assigned to the PAC.

The first PAC meeting is being held the week of August 15, and it is necessary for the Mayor to make an appointment at this time.

Recommended Action: Motion to:

Approve a City Council representative to the OCTA Policy Advisory Committee (PAC) to participate in the study for a potential bridge over the Santa Ana River, connecting Garfield Avenue and Gisler Avenue.

Appoint Councilmember Coerper.

Approved 7 – 0

C-1b. Approve Appointments of Sarah Martin; Dorey Poder, Thach Nguyen, Alene Tchekmedyian, and Natalie Kumaratne and Approve Reappointment of Nicolette Ulrich, Ann Quan, Andrew Kreitz and Amelia Huss to the Youth Board for One Year Terms to Expire May, 31 2006 (110.20)

Mayor Hardy and Councilmember Bohr to recommend Council approval of appointments of **Sarah Martin**, Oceanview High School; **Dorey Poder**, At-Large Representative; **Thach Nguyen**, At-Large Representative; **Alene Tchekmedyian**, At-Large Representative; and **Natalie Kumaratne**, At-Large Representative; and reappointment of **Nicolette Ulrich**, Marina High School Representative; **Ann Quan**, At large Representative; **Andrew Kreitz**, Huntington Beach High School Representative; and **Amelia Huss**, Edison High School Representative to the Youth Board for One Year Terms to Expire May 31, 2006.

Recommended Action: Motion to:

Approve the appointments and reappointments of the above mentioned to the Youth Board with terms to expire May 31, 2006.

Councilmember Bohr spoke regarding interviews and quality of the candidates.

Approved 6 – 0 – 1 (Sullivan out of room)

C-2. City Administrator's Report

C-2a. Overview of the City Administrator's Preliminary Recommended Fiscal Year 2005/2006 Budget (100.30)

City Administrator and Finance Department to present an overview of the City Administrator's Preliminary recommended fiscal year 2005/2006 Budget.

PowerPoint titled *City of Huntington Beach Proposed Budget Fiscal Year 2005/06 City Administrator Finance Officer* is included in the agenda packet.

City Administrator Culbreth-Graft announced documents available on the website and gave PowerPoint report. She gave details of the Capital Improvement Program and commended Deputy Director Paul Emery and Principal Analyst Linda Daily from Public Works on project information. She announced the Public Hearing and proposed budget adoption is scheduled for 9/6/05. Extensive Council discussion relative to increases in tax revenue, fund balance reserves, programming of capital improvement reserves, unfunded liabilities, and the Fee Study. Staff to report back to Council on 1) the amount of last year's increase in tax dollars and 2) PERS position on the City paying more than required to reduce \$50 million unfunded liability. Motion to move Public Hearing to 9/12/05 and televise meeting.

Approved 7 – 0

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's June 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report and Summary of Investments for June 2005.

Recommended Action: Motion to:

Review and accept the Monthly Investment Report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for June 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Council inquiries regarding Capital Improvement Program, reprogramming of funds between short-term and long-term. City Treasurer Freidenrich will work with City Administrator Culbreth-Graft.

D - PUBLIC HEARING – 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) Appropriate Funds and Approve Contract with Management Partners, Inc. for Development of a Strategic Plan - (600.10) – 1. Approve use of Management Partners, Inc. to facilitate the City Council Strategic Plan; and **2.** Approve the *Professional Services Contract Between the City of Huntington Beach and Management Partners for Strategic-Plan Facilitation* for an amount not to exceed \$28,751; and **3.** Appropriate \$28,751 from the unappropriated General Fund Balance to cover the cost of the contract with Management Partners, Inc. Submitted by the City Administrator. Funding Source: To be appropriated out of the unappropriated general Fund Balance.

Councilmember Green asked if this is necessary and for input from other Councilmembers. Councilmembers Hansen and Bohr reported on their reasons for supporting item. Mayor Hardy also spoke in support.

Approved 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 During the Period of April 1, 2005 through June 30, 2005 (100.30) – Receive and file the *List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03* and submitted to the City Clerk’s Office during the period April 1, 2005 to June 30, 2005. Submitted by the City Clerk. Funding Source: Not Applicable.

Approved 7 – 0

E-3. (City Council) Approve Two Amendments to Southern California Edison License Agreements to Modify Current Prohibition of Dogs on Their Property (500.10) - Authorize the Mayor and City Clerk to execute two original *License Agreement Amendments* with Southern California Edison. Submitted by the City Attorney. Funding Source: Not applicable.

Approved 7 – 0

E-4. (City Council) Adopt Resolution Number 2005-51 Amending the Classification Plan by Modifying the Positions of Finance Officer, Parking/Traffic Control Officer, Community Services Recreation Supervisor, Construction Inspector Trainee, Construction Inspector, Senior Construction Inspector, Building Plan Checker – Adding Safety Officer, Crime Analyst, Code Enforcement Technician and Building Plan Checker II (700.10) – Adopt Resolution Number 2005-51 – “A Resolution of the City Council of the City of Huntington Beach Amending the Classification Plan by Modifying and Adding Class Specifications” for the following positions: Modify Finance Officer, Parking/Traffic Control Officer, Community Services Recreation Supervisor and Senior Construction Inspector; Add Safety Officer, Crime Analyst, Code Enforcement Technician and Building Plan Checker II; and Modify and Retitle from Construction Inspector Trainee to Construction Inspector I and from Construction Inspector to Construction Inspector II; Change job title from Building Plan Checker to Building Plan Checker I. Submitted by the Acting Administrative Services Director. Funding Source: There is no fiscal impact to this action.

Adopted as amended by Late Communication to include compensation levels. 7 – 0

E-5. (City Council) Contract for Legal Services with Frandzel Robins Bloom & Csato,L.C. (600.10) – Authorize the City Administrator to execute a contract in a form acceptable to the City Attorney to retain the services of Hal Goldflam via an agreement with Frandzel Robins Bloom & Csato, L.C. Submitted by the City Attorney. Funding Source: Not applicable. There are sufficient funds in the current budget.

Approved 7 – 0

E-6. (City Council) Approve Huntington Beach Auto Dealers' Business Improvement District (BID) 2004-2005 Annual Report - Adopt Resolution of Intention No. 2005-52 to Levy an Annual Assessment for Fiscal Year 2005-2006 - Schedule Public Hearing for September 6, 2005 (460.30) – **1.** Approve the Huntington Beach Auto Dealers' Business Improvement District Annual Report for Fiscal Year 2004-2005; **2.** Adopt City Council **Resolution No. 2005-52** – “A Resolution of the City Council of the City of Huntington Beach Declaring The City's Intention to Levy an Annual Assessment Within the Huntington Beach Auto Dealers' Association Business Improvement District for Fiscal Year 2005-2006;” and **3.** Direct the City Clerk to **schedule a public hearing to be held on September 6, 2005**, and send copies of the Resolution of Intention, BID Boundary Map, and assessment formula to each business to be assessed. Submitted by the Acting Economic Development Director. Funding Source: Not applicable.

Approved 7 – 0

E-7. (City Council) Approve Huntington Beach Downtown Business Association Improvement District (BID) 2004-2005 Annual Report - Adopt Resolution of Intention No. 2005-53 to Levy an Annual Assessment for Fiscal Year 2005-2006 – Schedule Public Hearing for September 6, 2005 (460.30) – **1.** Approve the Huntington Beach Downtown Business Association Improvement District Annual Report for Fiscal Year 2004-2005; **2.** Adopt **Resolution No. 2005-53** – “A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment For Fiscal Year 2005-2006 within the Huntington Beach Downtown Business Improvement District; and **3.** Direct the City Clerk to **schedule a public hearing to be held on September 6, 2005**, and send copies of the Resolution of Intention, BID Boundary Map, and assessment formula to each business to be assessed. Submitted by the Acting Economic Development Director. Funding Source: Not applicable.

Approved 7 – 0

E-8. (Redevelopment Agency) Receive and File Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2003-2004 for Submission to the State Controller (400.20) – Receive and file the 2003-2004 State Controller's Report. Submitted by the Acting Assistant 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-9. (City Council) Adopt Resolution Number 2005-54 Declaring the Disposition of Three City Owned Parcels Located Near the Southeast Corner of Goldenwest Street and Garfield Avenue – Accept Offer to Purchase from B. G. Williams – Convey Ownership - Prepare, Execute and Process all Necessary Documents (650.70) – **1.** Adopt **Resolution Number 2005-54** – “A Resolution of the City Council of the City of Huntington Beach Declaring the Disposition of Certain Surplus Property;” and **2.** Accept the Offer to Purchase City owned properties from B. G. Williams dated July 6, 2005; and **3.** Authorize the Mayor and City Clerk to execute all necessary documents to convey ownership of those certain properties; and **4.** Authorize the Director of Economic Development to prepare, execute, and process all necessary documents to facilitate the transfer of ownership of those certain properties. Submitted by the Acting Economic Development Director. Funding Source: Not applicable.

Adopted 7 – 0

E-10. (City Council) Adopt Resolution Number 2005-55 Establishing Tax Proceeds for Fiscal Year 2005-2006 Gann Annual Appropriation Limit (340.90) – Adopt Resolution Number 2005-55 *“A Resolution of the City Council of the City of Huntington Beach Establishing the Appropriation Limit for Fiscal Year 2005-2006”* of \$512,161,427. Submitted by the Finance Officer. Funding Source: Not applicable.

Adopted 7 – 0

E-11. (City Council) Adopt Resolution No. 2005-56 Levying a Retirement Property Tax Rate for Fiscal Year 2005-2006 of \$0.00696 Per \$100 of Assessed Valuation Representing Cost of Pre 1978 Benefits (340.90) - Adopt Resolution No. 2005-56 – *“A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2005-2006 to Pay for Pre-1978 Employee Retirement Benefits,”* of \$0.00696 per \$100 of assessed value. Submitted by the Finance Officer. Funding Source: Not applicable.

Adopted 7 – 0

E-12. (City Council) Approve Appointments of Don Lewis, Ben Miles and Dionne Cox and Reappoint Richard Moore to the Library Board of Trustees for Four-Year Terms from July 1, 2005 – June 30, 2009 (110.20) – Appoint Don Lewis, Ben Miles and Dionne Cox to a four-year term (July 1, 2005-June 30, 2009) and ratify the reappointment of **Richard Moore** to his last four-year term (July 1, 2005-June 30, 2009) as recommended by the City Council Library Board liaisons, Councilmembers Gil Coerper and Don Hansen. Submitted by the Library Services Director. Funding Source: Not applicable.

Approved 7 – 0

E-13. (City Council) Approve Huntington Beach Hotel/Motel Business Improvement District (BID) 2004-2005 Fiscal Year Annual Report - Adopt Resolution of Intention Number 2005-57 to Levy an Annual Assessment for Fiscal Year 2005-2006 - Schedule Public Hearing for September 6, 2005 (460.30) – 1. Approve the Huntington Beach Hotel/Motel Business Improvement District Annual Report for Fiscal Year 2004-2005; **2.** Adopt City Council **Resolution No. 2005-57 –** *“A Resolution of the City Council of the City of Huntington Beach Declaring the City’s Intention to Levy an Annual Assessment for Fiscal Year 2005-2006 Within the Huntington Beach Hotel/Motel Business Improvement District;”* and **3.** Direct the City Clerk to **schedule a public hearing to be held on September 6, 2005,** and send copies of the Resolution of Intention and assessment formula to each business to be assessed. Submitted by the Acting Economic Development Director. Funding Source: Not applicable.

Approved 7 – 0

E-14. (City Council) Approve the Project Plans and Specifications and Award Construction Contract to GMC Engineering for the Underhill Lane Improvements; CC-1272 (600.50) – 1. Approve the project plans and specifications for the Underhill Lane Improvements, CC-1272; and **2.** Accept the lowest responsive and responsible bid submitted by GMC Engineering in the amount of \$577,577.50; 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 Acting Public Works Director. Funding Source: Funds are budgeted in the Measure M Fund for Pedestrian Improvements; Account 21390004.82300. The engineer’s estimate for construction was \$500,000.

Councilmember Green highlighted projects that used Measure M funds.

Approved 7 – 0

E-15. (City Council) Approve the Project Plans and Specifications and Award Construction Contract to R. J. Noble Company for the 2004/2005 Arterial Rehabilitation and Residential Street Overlay Project Phase 1; CC-1223 (600.50) – 1. Approve the project plans and specifications; and **2.** Accept the lowest responsive and responsible bid submitted by R. J. Noble Company, in the amount of \$2,895,952.98 for the 2004/2005 Arterial Rehabilitation and Residential Street Overlay Project – Phase 1; CC-1223; 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 Acting Public Works Director. Funding Source: Funds for this project are budgeted through Measure M Fund, Street Improvements Account No. 21390008.82300. The engineer's cost estimate for this construction contract is \$2,891,600.
Councilmember Green highlighted projects that used Measure M Funds.
Approved 7 – 0

E-16. (City Council) Reject all Bids for Sewer Lift Stations Number 26 and Number 28 Replacements; CC-1240 and CC-1241 – Return all Bid Bonds – Authorize to Re-Advertise (600.60) – 1. Reject all bids received for the Sewer Lift Station #26 and #28 Replacements, CC-1240 and CC-1241 and direct the City Clerk to return all bid bonds; and **2.** Authorize the Director of Public Works to re-advertise the project. Submitted by the Acting Public Works Director. Funding Source: Funds for this project are available in the Sewer Service Charge Fund, Sewer Lift Stations CIP, Account 51189001.82600. The engineer's estimate for construction of Sewer Lift Station # 26 is \$600,000 and for Sewer Lift Station #28 is \$400,000 for a combined estimate of \$1,000,000.
Approved 7 – 0

E-17. (City Council) Approve the Project Plans and Specifications and Award Construction Contract to Garcia Juarez Construction, Inc. for Newland Street Water Transmission Pipeline Replacement; CC-1274 (600.75) 1. Approve the project plans and specifications; and **2.** Accept the lowest responsive and responsible bid submitted by Garcia Juarez Construction, Inc., in the amount of \$4,110,840; and **3.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract; and **4.** Appropriate \$3.2 million to the project budget from the Water Master Plan Fund; and **5.** Authorize the Director of Public Works to approve up to fifteen percent (15%) in construction change orders. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$2.1 million are budgeted in the Water Master Plan Fund, OC-9 Water Main, Account 50791020.82100. An additional appropriation of \$3.2 million from the Water Master Plan undesignated fund balance is requested. The total project cost will be \$5.3 million.
Approved 7 – 0

E-18. (City Council) Approve the Project Plans and Specifications and Award Construction Contract to MSL Electric, Inc. for Traffic Signals at Graham Street and Heil Avenue; CC-1217; and Nichols Street and Slater Avenue; CC-1236 – Declare Inspection Engineering Construction as Non-responsive (600.55) – 1. Approve the project plans and specifications for the Traffic Signals at Graham Street and Heil Avenue, CC-1217; and at Nichols Street and Slater Avenue, CC-1236; and **2.** Declare the apparent low bid from Inspection Engineering Construction, Inc. as non-responsive; and **3.** Accept the lowest responsive and responsible bid submitted by MSL Electric, Inc. in the amount of \$368,900; and **4.** Appropriate \$187,000 to the project budget; and **5.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$350,000 are budgeted in Traffic Impact Fund, Traffic Signals, Account No. 20690007.82700. An additional appropriation of \$187,000 is requested from the Traffic Impact Fund balance. The

project cost, including the purchase of equipment, will be \$537,000. The engineer's estimate for construction was \$290,000.

Approved 7 – 0

E-19. (City Council) Approve the Project Plans and Specifications and Award Construction Contract to BRH-Garver West, Inc. for Downtown Water Main Replacement Project; CC-1262 (600.75) – **1.** Approve plans and specifications; and **2.** Accept the lowest responsive and responsible bid submitted by BRH-Garver West, Inc., in the amount of \$2,791,103; and **3.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract; and **4.** Appropriate \$3.5 million to the project budget from the Water Master Plan (WMP) Fund; and **5.** Authorize the Director of Public Works to approve up to fifteen percent (15%) in construction change orders. Submitted by the Acting Public Works Director. Funding Source: An appropriation of \$3.5 million from the Water Master Plan undesignated fund balance, to Water Master Plan System Improvements, Account 50791017.82100 is requested. The project was originally budgeted in the Water Fund.

Approved 7 – 0

E-20. (City Council) Approve the Purchase of a New NOTAR Helicopter from MD Helicopters, Inc. and Retrofitting One MD 520N – Appropriate Funds – Enter into a Three Year Financing Agreement (330.10) – **1.** Authorize the Police Chief to expend \$1,393,495 for the purchase (from MD Helicopters, Inc.) and retrofitting of one MD 520N, NOTAR replacement helicopter; and **2.** Appropriate \$161,119 from Holly Seacliff Fund to expend for the purchase of a helicopter; and **3.** Appropriate \$453,000 from the State Abandoned Vehicle Fund to expend for the purchase of the helicopter; and **4.** Appropriate \$248,211 from the Narcotics Forfeiture Fund to expend for the purchase of the helicopter, install avionics and other equipment for retrofitting; and **5.** Direct the Finance Officer to enter into a 3-year financing agreement with a lending institution to borrow a current estimate of \$507,830 plus fiscal costs of \$23,335. The interest rate on this transaction is 4.24%. The estimated first quarterly payment of \$45,291 will begin on September 1, 2006 and the final payment to be made on June 1, 2009. These amounts will need to be budgeted in subsequent fiscal years. Submitted by the Police Chief. Funding Source: The total cost for the new helicopter is \$1,393,495. This amount represents the purchase price, tax, financing charges (presently quoted at 4.24%) and retrofitting costs.

Approved 7 – 0

E-21. (City Council) Approve Employment Agreement Between the City of Huntington Beach and Paul Emery as a Deputy City Administrator (600.10) **1.** Approve the appointment of Paul Emery to the position of Deputy City Administrator; and **2.** Approve and authorize execution by the City Administrator the Employment Agreement between the City of Huntington Beach and Paul Emery for the position of Deputy City Administrator. Submitted by the Acting Administrator Services Director. Funding Source: The position of Deputy City Administrator is a budgeted position in the fiscal year 2004/2005. No additional funding is required.

Approved 7 – 0

E-22. (City Council) Approve Employment Agreement Between the City and Jack K. Marshall as the Director of Information Services (600.10) – **1.** Approve the appointment of Jack K. Marshall to the position of Director of Information Services; and **2.** Approve and authorize execution by the City Administrator the Employment Agreement between the City of Huntington Beach and Jack K. Marshall for the position of Director of Information Services. Submitted by the Acting Administrator Services Director. Funding Source: The position of Director of Information Services is a budgeted position in the fiscal year 2004/2005. No additional funding is required.

Approved 7 – 0

F. Administrative Items

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

Communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee on an amendment to Regulation 1802 pending before the California Board of Equalization, and authorize the Mayor to communicate the City's position to the members of that Board.

Recommended Action: Motion to:

OPPOSE – The proposed amendment to Board of Equalization Rule 1802, and request that if the amendment is approved that the change be prospective rather than retroactive.

Approved 7 – 0

F-2. (City Council) Approve Surplus Schools Draft Memorandum of Understanding with Fountain Valley School District (110.10)

Communication from the Planning Director, Community Services Director and City Attorney transmitting the following **Statement of Issue**: There is a need for the city to conceptually approve a draft Memorandum of Understanding between the City and the Fountain Valley School District relating to the disposition of Wardlow and Lamb School sites.

Recommended Action: Motion to:

Direct City staff to meet and confer with the Fountain Valley School District and return to City Council with a Memorandum of Understanding (MOU) that provides for the disposition of Wardlow and Lamb School sites consistent with the terms contained in the draft MOU included herein.

Director Engle and Deputy City Attorney Leonie Mulvihill gave a PowerPoint report. Council inquiries ensued regarding deadlines for negotiation. Councilmember Hansen reported on a Town Hall Meeting held the prior week, suggested 6.8 – 7.0 acres would be more adequate, and that the City concurrently pursue the Naylor Act purchase in the event negotiations fail.

Motion to approve Recommended Action, amended to convey that 5.2 acres is inadequate and Council goal is to preserve park, 6 fields and parking on the site, to expedite the MOU negotiation process, and to continue to negotiate a purchase should Memorandum of Understanding fail.

Approved as amended 7 – 0

G. Ordinances

G-1. Ordinance for Adoption

Five (5) affirmative votes are required to adopt this Ordinance per Health & Safety Code §5471

G-1a. (City Council) Adopt Ordinance No. 3720 Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Annual CPIU Adjustment for Sewer Services (1000.20) - Ordinance Number 3720 - "An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Annual CPIU Adjustment for Sewer Service" Relating to Rates, Charges, and Annual CPIU (Consumer Price Index for all Urban Consumers and Billing Methodology for the Sewer Service User Charge.) (Approved for introduction August 1, 2005.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3720**, by roll call vote.

Adopted 7 – 0

G-2. Ordinances for Introduction

G-2a. (City Council) Approve for Introduction Ordinance No. 3721 Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park (500.10) - Ordinance No. 3721 - "An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park."

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3721**, by roll call vote.

Approved for Introduction 7 – 0

H. City Council/Redevelopment Agency Items

H-1a. Submitted by Mayor Hardy

(City Council) Appoint Voting Delegate and Alternate to the Annual League of California Cities Conference October 5-8, 2005 (120.20)

Communication from Mayor Jill Hardy transmitting the following **Statement of Issue:** The Annual Conference for the League of California Cities will be held in San Francisco, October 5-8.

An important aspect of the annual conference is the annual business meeting when the membership takes action on conference resolutions. Each city is entitled to one vote in matters affecting municipal or League policy. The League has requested that we notify them no later than Monday, Sept 6, 2005 of the names of our delegate and alternate.

Councilmembers Bohr, Coerper, Cook, Green, and Hansen are currently registered to attend the annual conference.

Recommended Action: Motion to:

To make these appointments, I move the following:

Appoint **Councilmember Cook** to serve as the delegate and **Councilmembers Coerper (1st alternate) and Hansen (2nd alternate)** to serve as the alternate delegates for the City of Huntington Beach at this year's Annual Conference of the League of California Cities, October 5-8.

Approved 7 – 0

H-2a. Submitted by Mayor Pro Tem Sullivan and Councilmember Coerper

(City Council) Direct Staff to Conduct a Six-Month Trial and Report Back to Council a Recommendation Regarding the Opening of the Gate Between the HCP Sports Complex and the Central Library (560.10)

Communication from Mayor Pro Tem Dave Sullivan and Councilmember Gil Coerper transmitting the following **Statement of Issue:** City Council approved opening the gate between the HCP Sports Complex and Central Library parking lot for a trial period. The goal was to determine if this action would generate additional weekend business for The Stadium Club, the food concession within the sports complex, as well as evaluating the impact, if any, on the Central Library patrons' ability to have adequate parking.

Library Services stationed a recurrent staff person near the gate to survey the number of persons who parked their personal vehicles in the Central Library lot and then walked into the Sports Complex. On average, 31 such cars with 60 passengers used the Central Library lot each day; at \$1 per vehicle; this resulted in an average daily loss of \$31 in revenue. During that same time, the Stadium Club generated \$12,000 or \$923 per day in gross revenue. The city receives 7½ percent or \$69 per day from this concession. There is no relevant historical data with which to compare this revenue because the concessionaire had only begun operating and establishing a customer base in April. The HB Outdoor BBQ Snacks concession off Goldenwest generated \$9,787 or \$612 per day in gross revenue for the same period.

A copy of the public's comments is attached, along with survey overview and revenues from both food concessions. Ron Hayden, Library Services Director, informed the Central Library support groups of the trial period and solicited comments. He reports that there were two individuals, Friends of Library Board members, who indicated opposition to opening the gate.

We feel that the impact on the Central Library parking lot was minimal and, in fact, there were positive comments by park users, including mothers with children who accessed the food concession and playground. Before a final decision is made regarding the access gate, we recommend that the issue be evaluated for an additional six-month period. We propose continuing to open the gate on weekends, and give the Library Services Director the authority to close the access gate when he feels the amount of library activity projected for a weekend might create a shortage of parking. While Library Services would not station a staff person at the gate, Mr. Hayden's staff would monitor Central Library patron and support group comments during this extended trial period. Also, additional temporary signs would be posted on the weekends to identify the lot as "Central Library Parking Only." This extended trial period would provide a more realistic evaluation of any potential impacts on Central Library parking by HCP Sports Complex participants.

Recommended Action: Motion to:

Direct staff to conduct a six-month trial of opening the HCP Sports Complex gate adjacent to the Central Library, and return to City Council with a final recommendation at the end of that period.

Mayor Hardy stated she would vote no for reasons given at a previous meeting.

Approved 6 – 1 (Hardy No)

Council Comments - (Not Agendized)

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

Councilmember Hansen spoke regarding the success of the AVP Pro Event held at the beach.

Mayor Pro Tem Sullivan congratulated Councilmember Cook on her Verizon presentation at the League of California Cities meeting.

Councilmember Cook stated concerns with legislation that could restrict the City's revenues from video and cable broadcasts.

Mayor Hardy congratulated William Raschke on his Eagle Scout award.

Council/Agency Adjournment at 9:41 P.M. to an Adjourned Regular Meeting **Monday August 22, 2005, at 4:00 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.

JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
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