

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

MONDAY OCTOBER 3, 2005

6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8
The City Clerk will recess the 4:00 P.M. portion of the Meeting to 6:00 P.M. due to an anticipated lack of quorum.
Deputy City Clerk Kelly Mandic recessed.

(City Council/Redevelopment Agency) No Study Session Scheduled.

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. - Council Chambers 6:08 p.m.

City Council/Redevelopment Agency Meeting

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

Pledge of Allegiance/Flag Salute – To be led by Cub Scout Pack #506, Den 2 Webelos.

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 Mayor Hardy.
Robert Jabro, Heritage Memorial

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

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

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

D-1, D-2

Presentation – Mayor Hardy to call on Connie Pedenko, president of the Surf City Kiwanis Club to make a presentation \$8,000 to Rose Saylin (Director) and Janed Sax (Chairman of the Literacy Board) for the Literacy Programs of the Huntington Beach Public Library. The money was raised by the club through their Trivia Challenge held September 15, 2005. (160.40)

Presentation – Mayor Hardy to call on Fire Chief Duane Olson and Emergency Services Coordinator Glorria Morrison, who will be receiving a StormReady Certificate of Recognition from the National Weather Service. The StormReady program assists communities in reviewing and improving their response plans and warning systems for severe weather conditions. (160.40)

Presentation – Mayor Hardy to call on Municipal Employees Association Event Chair Judy Demers to present checks to the Council on Aging and the Huntington Beach Boys and Girls Club. (160.40)

Presented checks for \$1,000 to each organization.

Councilmember Green announced marriage of Community Relations Officer Laurie Payne and engagement of Councilmember Keith Bohr.

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 agendized.

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

This will be the opportunity to speak on all agendized items inclusive of Closed Session.

Speaker, owner of Jersey Joe's, announced fundraiser for Hurricane Katrina that raised \$1500. Thanked CM Hansen, Coerper, and Bohr for attendance.

Speaker voiced concern about fireworks in neighborhood throughout the year. Stated fireworks occur between 6 p.m. and 2 a.m. every night. Stated he has reported to the P.D. and asked Council to address the problem and assist with a solution. Mayor Hardy asked the speaker to fill out a blue card for staff to follow up.

Speaker regarding 21st annual National Breast Cancer Awareness Month. She cited statistics about the disease, including that breast cancer is the most common cancer in women, aside from skin cancer, and the second leading cause of cancer death, after lung cancer. She also spoke regarding early detection and demonstrated mammography detection rates. October 21 is National Mammography Day. She asked Council to reach out to the residents of HB and announced further information can be obtained at nbcam.org.

Speaker voiced concerns about fireworks in the area including safety concerns. He also thanked City Administrator Penny Culbreth-Graft for helping with a citizen's concerns.

Speaker voiced opinions regarding strategic planning for the City and the City's vision. He stated that decision made on Poseidon project is greatly involved. He asked Council to not allow others to dictate City's vision, and to deny the Poseidon project in the interest of quality of life.

Speaker presented an illustration of a 48" pipe and gave a PowerPoint slide report depicting pipe sizes on various streets in the City and resulting potential closing of streets involved due to construction. He referred to attachment 15 of the EIR refuting the reports claim of no street closures and noting economic effects on businesses.

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. (City Council) Intergovernmental Relations Committee (IRC) – Mayor Hardy, Chair (640.90)

California Assemblyman Tom Harman will be present to give the City Council and the Public an end-of-session legislative update.

Assemblyman Harman gave an update on legislation including controversy over Surf City name. He gave an update of his Condo Conversion Bill thanking Jennifer McGrath and Howard Zelefsky for their help. He updated Council on his Sand Dunes Bill and the current UC Riverside Land Swap. He also spoke regarding Sacramento budget process and the Governor's initiatives, VLF Gap Bill, Prop 58, pension reform, live within our means situation and the ballot initiative 76, Constitutional amendment regarding eminent domain sponsored by Senator McClintock, Special Elections called by Governor, and AB1051 restricting the use of pocket bikes to private property. Assemblyman Harman further spoke relative to AB1390 statute of limitations to bring lawsuit against a Redevelopment Agency may be extended to 10 yrs, increased availability of low/moderate income housing funding, new incentives for purchasing energy-efficient vehicles on large scale, and LAFCO may be given more time to produce Sphere of Influence reports. Other potential legislation he reported on included: SB8 which forbids Council to lobby former fellow Councilmembers for one year after leaving office, SB719 which will grant immunity to cities from lawsuits for high speed police pursuits, SB137 foreclosures by homeowners associations (HOAs) which would be more restricted — must be at least \$1800 delinquent for at least 12 months, AB1098 which forbids HOAs to have secret sessions or secret ballots. He announced further information may be obtained by visiting Assembly or Governor website.

CM Green asked for further clarification on eminent domain bills. Harman reported – mechanisms would not allow the taking of private property to deliver to other private property owner; End-user/owner of property must be a state or local government agency.

Mayor Hardy asked for further clarification on small, leftover pieces of property. CM Bohr inquired about 1700 PCH being declared surplus property. Assemblyman Harman responded to both inquiries, reporting on study made regarding property. CM Hansen thanked Assemblyman for report and asked for rationale behind support of McClintock's bill, noting that tonight's agenda includes a relevant item. Assemblyman Harman stated some abuses in the past. CM Coerper thanked Assemblyman for efforts. Assemblyman Harman urged anyone needing assistance to call his office at 714-843-4966.

C-2. City Administrator's Report

None

C-3. City Treasurer's Report**None****C-4. City Attorney's Report of Litigation Filed****None****D - PUBLIC HEARING**

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing – Approve the City of Huntington Beach Consolidated Plan 2005-2010 for Submittal to the U. S. Department of Housing and Urban Development (HUD) (340.70)

Communication submitted by the Acting Economic Development Director transmitting the following

Statement of Issue: In order to receive the City's annual entitlements from the U.S. Department of Housing and Urban Development, it is necessary every five years to conduct a public hearing and to approve a Consolidated Plan. Funding allocations for fiscal year 2005-2006 were approved by the City Council on July 18, 2005.

All interested agencies, groups and persons are invited to attend the hearing and express their opinions on Monday, October 3, 2005, at a City Council Public Hearing at the Huntington Beach Civic Center, 2000 Main Street, Council Chambers. The hearing will be held at 6:00 PM or soon thereafter on the 2005-2010 Consolidated Plan as required by the U.S. Department of Housing and Urban Development (HUD) for receipt of \$1,591,169 in Community Development Block Grant (CDBG) funds, and \$823,233 in HOME Investment Partnership (HOME) funds, and \$28,222 in American Dream Downpayment Initiative (ADDI) funds for 2005/2006, and the Consolidated Plan will be used in subsequent program years.

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

****PowerPoint presentation titled *City of Huntington Beach Consolidated Plan 2005-2010***

Recommended Action: Motion to:

1. Approve the City of Huntington Beach Consolidated Plan 2005-2010

and

2. Authorize submittal of the Consolidated Plan to the U. S. Department of Housing and Urban Development.

Mayor announced staff request for item to be pulled, re-noticed for October 17, 2005 meeting.

ADMINISTRATIVE PUBLIC HEARING

D-2 is an Administrative Public Hearing and is required by Huntington Beach Municipal Code Section 1.18. ONLY affected property owners are entitled to speak at this administrative hearing. Anyone wishing to speak is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium. All other interested parties may speak during the regular Public Comments section of the agenda at the beginning of the meeting.

D-2. (City Council) Administrative Public Hearing to Consider Adoption of Resolution No. 2005-67 Approving Certification of Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations (570.60)

Communication from the City Attorney.

An Administrative public hearing to consider the adoption of proposed Resolution 2005-67 entitled "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations." The public hearing is held pursuant to California Government Code Section 38773.5 and Huntington Beach Municipal Code 1.18.150C.

1. Staff report
2. City Council discussion
3. Open administrative hearing
4. Following input from affected property owners **only**, close administrative hearing (The general public may speak during Public Comments)

Recommended Action: Motion to:

Adopt **Resolution No. 2005-67** entitled "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations."

City Attorney Jennifer McGrath reported orally. Open public hearing. City Clerk restated Late Communication announced earlier. Speaker, 15 year resident, stated he is having a problem with Code Enforcement regarding a bathroom. Stated his opinion that problem was taken care of in 1994. He noted permits cancelled and several citations requiring removal of bathroom. He reported on his reasons for not paying fines, and asked Council for compromise -- to dismiss citations. Close public hearing. Cook/Bohr motion to approve staff recommendation, as amended by Late Communication and also amended to remove Mr. Ingram's citation for further research. Approved 7-0

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. **Motion to approve Cook/Coerper**

E-1. (City Council) Approve Amendment No. 1 to the Professional Services Contract between the City of Huntington Beach and Geosyntec Consultants for Environmental Consulting Services for the Pacific City Project (600.10) – 1.

Approve and authorize the Mayor and City Clerk to execute the attached amendment to the agreement with GeoSyntec, Inc; and **2.** Authorize an expenditure of \$50,000. Submitted by the Fire Chief. Funding Source: Funding for this work is available in the Fire Prevention business unit professional services account (10065201.69365). As a condition of approval for the Pacific City Project, the developer, Makallon Atlanta Huntington Beach, LLC, is required to reimburse the City for all costs submitted by the third-party consultant for the soil remediation activities at the site.

Approved 7-0

E-2. (City Council) Waive Municipal Code Section 3.03.120 and Approve Amendment No. 3, a One-Year Extension of the Professional Services Contract between the City of Huntington Beach and Advocation, Inc. to Assist the City in Acquisition of State Funding for Priority Projects Within the City and Related State Legislative Issues (600.10) – 1.

Approve waiving Municipal Code 3.03.120, prohibiting the extension of an agreement beyond three years; and **2.** Approve extending the contract with Advocation, Inc.; and **3.** Authorize the Mayor and City Clerk to execute Amendment No. 3 to the contract between the City and Advocation, Inc. Submitted by the Mayor/Chair on behalf of Intergovernmental Relations Committee Members Coerper and Bohr. Funding Source: Funds for the Contract have been budgeted in the 2005-06 fiscal year budget in the General Fund Administration's Account #10030201.69365. The total cost for this contract amendment is not to exceed \$67,200.

Approved 7-0

E-3. (City Council) Approve Acceptance of Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Award for Wildland Firefighting Equipment (340.70) –

Approve and authorize City staff to accept the FEMA Assistance to Firefighters Grant award and expend matching funds. Submitted by the Fire Chief. Funding Source: The FEMA grant amount is \$77,932 and requires a matching amount of \$19,483. Funding for the matching amount is available in City's Equipment Replacement Fund, account 10065203.83700.

Approved 7-0

E-4. (City Council) Approve Amendment No. 1, a One-Year Extension of the Professional Services Contract between the City of Huntington Beach and Municipal Software Corporation for the City-Wide Permit System (600.10) – 1.

Approve Amendment No. 1 of the Municipal Software Corporation agreement. **2.** Authorize the Mayor and City Clerk to execute the amendment for the professional services contract entitled *Amendment No. 1 to Agreement Between The City of Huntington Beach and Municipal Software Corporation for Software Design & Implementation Services*. Submitted by the Building and Safety Director. Funding Source: Not Applicable.

Approved 7-0

E-5. (City Council) Approve Agreement With Selectron Technologies, Inc. for the Interactive Voice Response System (IVR) for the City-Wide Permit System (600.10)

1. Approve the reallocation of \$22,200 to the Building & Safety Department operating account number 10055101.69365; and 2. Approve and authorize the Mayor and City Clerk to execute the *Professional Services Agreement Between the City of Huntington Beach and Selectron Technologies, Inc.* in the amount of \$22,200 to complete the final components of the interactive voice response system. Submitted by the Building and Safety Director. Funding Source: The funding source for this contract will be an outstanding encumbrance in the same amount (\$22,200) currently encumbered to Selectron Technologies (the same vendor.) The council action merely re-encumbers the funds encumbered under the expired contract into the new contract.

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 legislation pending before a federal, state or regional government, and authorize the Mayor to communicate the City's position to the elected members of the federal or state legislature, or regional body.

Recommended Action: Motion to:

1. **OPPOSE – SCA 15 (McClintock & Florez) as amended on 8/23/05 and ACA 22 (La Malfa) as introduced** – Restricting local governments' use of eminent domain.
2. **SUPPORT AB 178 (Koretz)** – California Cigarette Fire Safety & Firefighters Protection Act as amended on 8/31/05 and enrolled to the Governor on 9/18/05.
3. **SUPPORT – Application of three SCAQMD Fleet Rules to both public and private fleets of 15 or more vehicles.**
4. **Authorize the Mayor to send a letter of support for the Southern California Association of Governments' application for a California Regional Blueprint Planning Grant.**

Hansen/Cook to approve items 2,3 — Approved 7-0

Hansen stated reasons for supporting SCA 15 and ACA 22 including abuses by government of private citizens and their property. CM Bohr stated reasons for opposing SCA 15 and ACA 22, including a lack of abuse in Huntington Beach. CM Cook stated support for SCA 15 and ACA 22, citing some instances of abuse in the City. CM Coerper and MPT Sullivan stated support for SCA 15 and ACA 22, citing other examples of eminent domain abuses. CM Bohr spoke regarding fair market value paid to property owners. Mayor Hardy stated reasons for opposing SCA 15 and ACA 22, including that legislation is too restrictive. Hansen/Green motion to SUPPORT SCA 15 and ACA 22 (item 1) – Approved 5-2 (Hardy, Bohr – No)

Regarding item 4, MPT Sullivan asked for clarification on 2% strategy. CM Cook reported strategy allows City to rezone for building housing, infill projects and offers more flexibility to City. CM Green asked for further clarification, Deputy City Administrator reported regarding grant support letter request received from SCAG. CM Green stated reasons for opposing item 4, including a lack of information. CM Coerper reported on SCAG's request. MPT Sullivan stated reasons for opposing the item. CM Cook spoke regarding the need for and the requirement to provide affordable housing. Coerper/Cook motion to approve item 4. Approved 5-2 (Sullivan, Green – No)

G. Ordinances - None

H. City Council/Redevelopment Agency Items

H-1a. Submitted by Dave Sullivan, Mayor Pro Tem

(City Council) Bolsa Chica Mesa Annexation (120.25)

Communication from Mayor Pro Tem Dave Sullivan transmitting the following **Statement of Issue:**

The subject of the Bolsa Chica has been a preeminent issue for over twenty years. It is very important that the community's input be heard in the annexation decision.

RECOMMENDED ACTION:

Direct the Mayor to appoint an Ad Hoc committee of three Council Members to advise and assist staff in annexation negotiations.

MPT Sullivan reported orally. He asked the City Attorney if Ad Hoc Committee would need to notice meetings, and how it would affect negotiation process. Attorney Jennifer McGrath reported on requirements of different types of Ad Hoc committee meetings and Brown Act. MPT Sullivan clarified that his intent is not for committee to participate in negotiations – only that they give advice to staff in negotiation process. CM Green voiced concerns with committee. CM Bohr also stated concerns, and lack of support for item. CM Hansen concurred with Green and Bohr. CM Coerper inquired about formation of committees for other issues, and of staff assigned to projects. City Administrator Penny Culbreth-Graft reported. CM Coerper stated his opposition to recommended action. Mayor Hardy stated concerns with diminished negotiating power if committee is formed. CM Cook spoke regarding instances of subcommittee success; when Council is in agreement. MPT Sullivan commented on earlier statements, asserting that Council involvement in some recent negotiations would have been beneficial. He asked staff to keep Council informed of major points of movement in negotiations. City Administrator acknowledged the direction to staff. No motion was made.

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.

CM Coerper reported on attendance at Brunch for the Arts, Coastkeepers' dinner with speaker Gary Brown, Eagle Scout Court of Honor recipient Maxwell Mariana. He also asked the Fire Chief to announce local efforts to assist with Topanga Canyon fire, and Fire Chief Olson reported.

MPT Sullivan congratulated the Fire Department on Emergency Awareness packet distributed to citizens. He commended the Fire and Police Departments for their efforts, as well as the citizen volunteers.

CM Green congratulated new Citizens' Emergency Response Team (CERT) graduates, stating it is the largest graduating class ever.

Mayor Hardy announced James ____ received Eagle Scout award; ribbon cutting for Huntington Beach Target to be held October 4, 2005, 6 p.m.

Call Closed Session of City Council/Redevelopment Agency

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

Sullivan/Coerper, approved by consensus of all present, none absent at 8:21 p.m.

(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 Deputy City Administrator, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organization: **SCLEA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **City Administrator's Evaluation** (120.80)

Reconvene City Council/Redevelopment Agency Meeting – 9:21 p.m.

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).

Council/Agency Adjournment at 9:23 p.m. to a Special Meeting on Tuesday, October 4, 2005, at 7:00 p.m., in the Council Chambers, 2000 Main Street, Huntington Beach, California

The next Regular Meeting is scheduled for **Monday, October 17, 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
2000 Main Street - Second Floor
Huntington Beach, California 92648**

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL
MEETINGS
<http://www.surfcity-hb.org>**