

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
ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA
AND
REGULAR MEETING AGENDA
of the
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH

MONDAY, NOVEMBER 3, 2003

***4:00-P.M. - Room B-8 – Public Comments,
Study Session/Closed Session Items
Approx 5:00 P.M. – Room B-8 - Study
Session/Closed Session Items
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648**

4:00-5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present (Sullivan arrived at 4:01 p.m., Hardy at 4:02 p.m., Houchen at 4:05 p.m.)

- * On October 22, 2003, the City Council adjourned to this November 3, 2003 meeting at 4 p.m. for an Adjourned Regular Meeting to discuss the Study Session. Tentative schedule is to recess to Closed Session Items prior to the 5:00 p.m. regular meeting.**

Approximately 4:00 P.M. - Public Comments - Restricted to Study Session and Closed Session Items Only (See Pages 2, 3, and 4 for Study Session and Closed Session Items)

1. Speaker presented reasons why Council should not approve Poseidon due to problems he believes are at plant in the state of Florida and Clean Water Act as it pertains to the AES Plant.

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

2. **Speaker request that subject matter of closed session be discussed and described to better inform public. He stated that a well written example is Closed Session # 6 on this agenda.**
3. **Speaker requested that Council not separate AES from Poseidon as was done at the Planning Commission meeting.**
4. **Speaker urged disapproval of Poseidon Project. He presented three handouts – (1) a letter from the Coastal Commission, (2) E-Mail of 11/1/2003 titled “Poseidon Study Session at 4 PM not 5 PM” (3) E-Mail of 11/1/2003 titled “Clarification of HB Planning Commission Poseidon CUP Vote”. He spoke re: intake pipes and the subject of discharge.**
5. **Speaker referred to document from Metropolitan Water District as it pertains to salt water.**
6. **Speaker stated this project will benefit the community.**
7. **Speaker stated reasons why he believes if the project is so beneficial why isn't it done more often. He stated that he believes that unless it can be shown that it will not be an undue benefit to developers that the project should be denied.**

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.)

Late Communications re: Closed Session #8.

(City Council/Redevelopment Agency) Study Session – Presentation by the Planning Department Re: Overview of the Poseidon Seawater Desalination Project Environmental Impact Report (EIR) No. 00-02 and Conceptual Plans - Conditional Use Permit (CUP) No. 02-04/Coastal Development Permit (CDP) No. 02-05 for AES Power Plant Located at 21730 Newland Street (.)

Planning Department staff will provide an overview of the Poseidon Seawater Desalination Project Environmental Impact Report and conceptual plans.

- ** Communication titled *Poseidon Seawater Desalination Plant Environmental Impact Report* dated November 3, 2003 is included in the agenda packet.
- ** Communication titled *Poseidon Seawater Desalination Plant Conditional Use Permit and Coastal Development Permit* dated November 3, 2003 is included in the agenda packet. ***Late Communications distributed by a speaker during the public comments portion of the meeting. Communication re: study session item on Poseidon – a letter to Ricky Ramos, City Planner from the California Coastal Commission titled “Coastal Commission Staff Review of City's Response to Comments to Proposed Seawater Desalination Project Draft Environmental Impact Report”***

Planning Director Howard Zelefsky reported and introduced Principal Planner Mary Beth Broeron, who presented brief staff report.

Presentation by Billy Owens Vice President, Project Development, Poseidon Resources Corp.

Power Point Presentation by Scott Jenkins PHD, Senior Engineer, Scripps Institution of Oceanography (Copy of Power Point Report to be made available to City Clerk's Office this week)

Power Point Presentation by Elaine Archibald Consultant, Archibald & Wallberg Consultants (Copy of her bound report to be made available to City Clerk's Office this week)

Power Point Presentation by Jeffrey Graham PHD, Scripps Institution of Oceanography

Various questions presented by Councilmembers. Developer and staff to report back on questions presented by Councilmember Cathy Green.

5:00 P.M. – Room B-8

At 5 p.m. the Adjourned Regular City Council Meeting will adjourn and the Regular City Council/Redevelopment Agency Meetings will commence with all members who were present at the Adjourned Regular Meeting roll call.

Call Closed Session of City Council/Redevelopment Agency

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

Approved 7 - 0

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the agency is a party. The title of the litigation is **G. Brett Morehead v. City of Huntington Beach**; WCAB Case No. ANA 0343051; Claim No. COHB-01-0136. **Subject: Morehead v. City of Huntington Beach.** (120.80)
2. **(Redevelopment Agency) 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 agency is a party. The title of the litigation is **Mulligan v. Redevelopment Agency**; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. **Subject: Mulligan v. Redevelopment Agency** (400.50)
3. **(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 **City of Huntington Beach v. Huntington Beach Police Officers' Association**; United States District Court, Case No. SA 01-1125 GLT. **Subject: City of Huntington Beach v. HBPOA (Gun Range)** (120.80)
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Huntington Beach City Council v. Scott Baugh, and Connie Brockway, City Clerk**, Orange County Superior Court Case No. 02CC14276. **Subject: Huntington Beach City Council v. Scott Baugh, and Connie Brockway, City Clerk.** (120.80)
Approved 7 - 0
5. **(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 **Peter Leiby, et al. v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 693484. **Subject: Peter Leiby, et al. v. City of Huntington Beach, et al.** (120.80)
6. **(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Southern California Water Company has notified the City it intends to purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa. **Subject: Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (120.80)

(Closed Session Items 7 & 8 continued on the next page)

7. **(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 **Charles Nowotny v. Johnson, City of Huntington Beach, et al.**; U.S. District Court Case No. CV 99-13098-FMC. **Subject: Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)

8. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (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)).**
City Attorney announced action taken on Closed Session Item #4.
Approved settlement agreement 7 – 0.

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

Pledge of Allegiance - Led by Mayor Connie Boardman.

Observe Moment of Silence – To reflect on matters before Council this evening.

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.)

City Clerk announced late communications re: (1) closed session #8 (2) communication re: Poseidon Desalination Project

Presentation - Mayor Connie Boardman to be joined by a representative of the Environmental Board to make presentations to eight individuals who have worked to improve the Huntington Beach environment. The individuals to be recognized are: Gina Bartrom, Nancy Donaven, Juana Mueller, Louann Murray, Stephanie Pacheco, Shirley Knopf, Jan Vandersloot, and Flossie Horgan. (160.40)

****Assemblyman Tom Harman "State of the State" Report****

Assemblyman Harman presented a report on state legislation that had been adopted – particularly those laws which will affect Huntington Beach. He stated six of his bills had been approved and he contributed to two other adopted bills. He stated the Governor-elects will be sworn into office on November 17 and call a special session of the legislature on November 18. He referred to a brochure from the PCL Foundation re: Urban Storm Water Runoff.

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.

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.

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. ***Judge Peter Polof gave qualifications necessary for citizens to serve on the Orange County Grand Jury. He urged citizens to become involved in local government.***
2. ***Several speakers presented reasons in opposition to measure on March 2, 2004 that would make 5 council districts and 5 councilmembers. Other alternatives suggested included citizens groups to inform public re: merits of at-large Councilmembers.***
3. ***Speaker opposed to Alternative Districting Measure proposed on agenda as he believes it is only slightly less worse than the measure already scheduled. He suggested another alternative.***
4. ***Speaker stated reasons relative to alleged conflict of interest re: Councilmember Houchen.***
5. ***Speaker announced that November 11 – 16 is being designated as National Geography Week and event planned at Bolsa Chica by the Bolsa Chica Land Trust.***
6. ***Speaker presented Invocation due to lack of official invocation at Council meetings.***
7. ***Speaker requested that Poseidon Desalination Plant be denied.***

8. *Speaker informed Council of the meeting held by Army Corps of Engineers re: dredging out Santa Ana River; and spoke on other environmental subjects including proposed Poseidon Desalination Project.*

C-1. Council Committee/Council Liaison Reports**C-2. City Administrator's Report****C-2a. (City Administrator's Report) Continued from the October 20, 2003 Council Meeting - Presentation Regarding Police Chief's Recommendations Concerning Proposed Increase of Parking Fines (.)**

A report will be given regarding the Police Chief's recommendations regarding current parking fines and the necessity to modify fines to provide a more effective deterrent.

** Communication titled *C-2 Item for November 3, 2003, City Council Meeting Increase of Parking Fines* is included in the agenda packet.

The Police Chief presented a report. Councilmember Sullivan suggested delaying raising street sweeping fines due to need to have more visible signage. He recommended issues of signage be sent back to Competitive Services Committee. The City Administrator stated that staff would develop an approach and inform Council by memo.

C-2b. (City Administrator's Report) Authorize the City Administrator to Retain Assistance to Process Refunds and Issue Bond Relative to the Property Tax Override (.)

Communication from City Administrator Ray Silver transmitting the following **Statement of Issue**: At the September 15, 2003 meeting, the City Council directed the City Administrator to present a progress report for the property tax override refund process. This memorandum provides an update of city's progress, detail on some of the major issues staff has encountered, and an estimated timeline for the major milestones in the refund process.

** Communication from Administration titled *Property Tax Override Refund Update* dated October 22, 2003 is included in the agenda packet including four attachments.

Recommended Action:

1. Authorize the City Administrator to retain assistance to process the property tax override refund claims and payments;

Approved 7 – 0

and

2. Authorize the City Administrator to retain assistance to issue the property tax override refund judgment bond.

Approved 7 - 0

Report by Fire Chief Duane Olson HB Firefighters Assistance in Wildfire Disaster
Fire Chief Duane Olson reported on the response of the HB Fire Department personnel to assist in the wildfire disaster. He stated letters and emails are being received from residents who had direct contact with our firefighters.

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's September 2003 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 for September 2003.

Recommended Action: Motion to:

Review and accept the monthly 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 September 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved 7 - 0

D. PUBLIC HEARINGS

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

ADMINISTRATIVE HEARING

D-1 is an Administrative Public Hearing. This administrative hearing is required by Huntington Beach Municipal Code Section 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

D-1. (City Council) Administrative Public Hearing to Consider Adoption of Resolution No. 2003-80 Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (.)

Communication from the City Treasurer and the City Attorney.

An Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

Recommended Action: Motion to:

Adopt **Resolution No. 2003-80** 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."

Adopted 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.

- E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Meetings of August 11, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and adopted 4-0-3 (Houchen abstain, Cook abstain, Green abstain)
- E-2. (City Council) Receive and File Big Independent Cities Excess Pool (BICEP) Financial Statements and Independent Auditor's Report – June 2000, 2001 and 2002** (.) – Receive and file the *Big Independent Cities Excess Pool (BICEP) Financial Statements and Supplementary Information With Independent Auditor's Report for the years ending June 30, 2000, June 30, 2001 and June 30, 2002.* Submitted by the City Clerk. Funding Source: Not Applicable.
Approved 7 - 0
- E-3. (City Council) Approve Animal Care Services Contract between the City and the County of Orange – Fiscal Year 2003-04** (.) – Approve the *Agreement for Provision of Animal Care Services Between County of Orange and City of Huntington Beach Fiscal Year 2003-2004* and authorize the Mayor and City Clerk to execute same. Submitted by the City Administrator. Funding Source: 2003-04 budget \$409,356 in General Fund, Non-Departmental account.
Approved 7 - 0
- E-4. (City Council) Appropriate Funds for the Replacement of the Engine for Groundwater Well No. 7** (.) – Appropriate \$350,000 from the Undesignated Water Fund Balance for the replacement of the engine for Well No. 7. Submitted by the Public Works Director. Funding Source: \$350,000 from the Undesignated Water Fund Balance to Water Production, General Equipment Account. Fiscal Impact Statement (FIS) 2004-04. (The engine is scheduled for replacement for Fiscal Year 2004-2005. Due to major mechanical difficulties the cost to repair is prohibitive. The Well is essential for meeting the allowable basin pumping percentage for the City.)
Approved 7 - 0

- E-5. (City Council) (1) Approve the Children’s Needs Task Force Appointments of Diane Lenning and Reappointments of Shirley Carey, Jacqueline Cherewick, Tanya Hoxsie and Carol Kanode – Terms to Expire August 31, 2006; and Approve the Student Appointments of Travis Holler, Sean McBride, Veronica Gomez, and Stephanie Turner – Terms to Expire April 30, 2004 and (2) Approve Amendment to the Children’s Needs Task Force By-Laws (.) – 1) Approve the re-appointments of Shirley Carey, Jacqueline Cherewick, Tanya Hoxsie and Carol Kanode for terms to expire August 31, 2006; and 2) Approve the appointment of Diane Lenning to the Children’s Needs Task Force for a term to expire August 31, 2006; and 3) Approve the student appointments of Travis Holler, Sean McBride, Veronica Gomez, and Stephanie Turner for terms to expire April 30, 2004; and 4) Approve the Children’s Needs Task Force by-laws as amended by vote of the executive board. Submitted by the Community Services Director as recommended by Mayor Pro Tem Cathy Green and Councilmember Gil Coerper, Liaisons to the Children’s Needs Task Force. Funding Source: Not applicable.**
Approved 7 - 0
- E-6. (City Council) Approve the Release of Securities for Tract No. 16192 Located s/w Corner Palm Avenue and Mystic Lane (s/w Corner of Palm Avenue) - Accept the Public Improvements (Lennar Homes of California, Inc.) (.) - 1. Accept the improvements constructed and dedicated for public use with Tract No. 16192; and 2. Accept the Guarantee and Warranty Bond No. 104125090; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release Faithful Performance/Labor and Material Bond No. 11133599149 and Monument Bond No. 11133599156 pursuant to California Government Code Section No. 66499.7(b); and 4. Instruct the City Clerk to notify the developer, Lennar Homes of California, Inc., of this action and the City Treasurer to notify the The American Insurance Company, of this action; and 5. Instruct the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.**
Approved 7 - 0
- E-7 (Redevelopment Agency) Appropriate Funds of \$1,500,000 for Settlement to Mulligan v. Redevelopment Agency Litigation (.) – Appropriate \$1,500,000 (one million five hundred thousand) from the Redevelopment Agency Fund Balance. Submitted by the Deputy Executive Director and Agency General Counsel. Funding Source: Redevelopment Agency Fund Balance. (The title of the litigation is **Mulligan v. Redevelopment Agency**; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. Fiscal Impact Statement (FIS) 2004-06)**
Approved 5 – 2 (Sullivan - No, Cook -No)

F. **Administrative Items**

F-1. **(City Council) Adopt Resolution No. 2003-81 in Support of the League of California Cities Initiative Ballot Measure to Require Voter Approval Before the State Government May Take Local Tax Funds (Protection of Local Revenue) (.)**

Communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue**: Should the City Council of the City of Huntington Beach support the League of California Cities proposed ballot measure requiring voter approval before the State can take local tax funds?

Recommended Action: Motion to:

Adopt **Resolution 2003-81** "A Resolution of the City Council of the City of Huntington Beach Supporting a Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds" In support of the League of California Cities Ballot Initiative.

Adopted 7 - 0

G. Ordinances**G-1. Ordinances for Adoption****G-1a. (City Council) Adopt Ordinance No. 3620 Amending Chapter 14.25 and Ordinance No. 3621 Amending Chapter 17.05 of the Huntington Beach Municipal Code Updating Water Quality Language Relating to the National Pollutant Discharge Elimination System (NPDES) Storm Water Requirements and Urban Runoff Management (.)**

– The current Huntington Beach Municipal Code (HBMC) does not provide adequate legal authority to implement the revised National Pollutant Discharge Elimination System (NPDES) storm water requirements.

Recommended Action: After City Clerk reads by titles, adopt the following ordinances by roll call vote:

1. **Ordinance No. 3620** - *“An Ordinance of the City of Huntington Beach Amending Chapter 14.25 of the Huntington Beach Municipal Code Relating to Storm Water and Urban Runoff Management;”* (Approved for Introduction October 20, 2003.)
Adopted 7 – 0

and

2. **Ordinance No. 3621** - *“An Ordinance of the City of Huntington Beach Amending Chapter 17.05 of the Huntington Beach Municipal Code, Referred to as the Grading and Excavation Code.”* (Approved for Introduction October 20, 2003.)
Adopted 7 - 0

H. **City Council/Redevelopment Agency Items**

H-1a. **Submitted By Councilmember Jill Hardy**

(City Council) Direct the City Administrator to Make Improvements to the City's Contracting Processes (Including Professional Services Contracts under Huntington Beach Municipal Code Section 3.03) (.)

Communication from Councilmember Jill Hardy transmitting the following **Statement of Issue**: At the October 20, 2003 City Council meeting, staff recommended improvements to the city's contracting processes. I believe the following recommendations represent effective solutions to recent concerns identified with the contracting process. In addition to the recommended improvements (listed below), I propose that staff provide the City Council an update on the contracting process as part of the FY 2004-05 budget process.

Recommended Action:

That the City Council direct the City Administrator to make the following improvements to the city's contracting processes within 90 days and provide a report to the City Council regarding the contracting processes as part of the FY 2004-05 budget process:

- a. City Attorney's office will, upon approving a Professional Services Contract (PSA), transmit the original agreement to the City Clerk's office; **and**
- b. Develop an annual training program for processing all types of contracts; **and**
- c. Develop Administrative Regulations to establish the method for processing maintenance/service and public works contracts; **and**
- d. Contracts will not be dated until they are effective (signed by City Attorney's office); **and**
- e. Remove the Mayor and City Clerk signature lines from contracts when not required; **and**
- f. Modify Purchasing Manager Certification to apply to maintenance/service and public works contracts; **and**
- g. Assign a single department contract coordinator to ensure contract proper processing; **and**
- h. ~~Departments~~ **City Attorney** will maintain a log of the contracts they enter into which will be transmitted quarterly to the City Clerk's office to ensure proper filing; **and provide log to City Council.**
- i. Staff's professional service agreement signature authority will be capped at \$100,000, agreements over \$100,000 will require City Council approval.

Substitute motion to require attestation and limit contracts to \$50,000

Failed 3 – 4 (Boardman – No, Cook – No, Houchen – No, Hardy – No)

Approved motion as amended 6 – 1 (Sullivan – No)

H-2a. Submitted By Councilmember Pam Houchen**(City Council) Request the Proposed Closure of Main Street and City Waiver on Fees for the Installation of Barricades for the Downtown Halloween Celebration (.)**

Communication from Councilmember Jill Hardy transmitting the following **Statement of Issue**: For the past seven years, the Downtown Merchants Association has conducted Halloween activities on Main Street. These activities have included game booths, petting zoo, free candy, and other attractions for local youth as an alternative to door-to-door trick or treating. The merchants' event not only provides a safe environment for the children, but also promotes business in the downtown.

The city partners with the Downtown Merchants Association by closing Main Street to vehicular traffic, which requires Public Works assistance. This year there is an added cost of \$660 for portable barricades. These blockades are a safety requirement from the Police Department to prevent a tragedy similar to what happened in Santa Monica when an out of control motorist ran down pedestrians at a Farmers Market in the Promenade area. The barricades will be used for future events.

Recommended Action:

Fees to reimburse city staff for this event total \$900, of which \$660 is for purchasing **rental** and setting up the new barricades. I am requesting the city waive these fees because the Halloween celebration provides economic benefits to the downtown area, provides a safe Halloween activity for local children, and meets the city's goal of becoming a destination attraction.

Amended by Late Communication

Approved 5 – 2 (Boardman – No, Cook – No)

H-3a. Submitted By Councilmember Dave Sullivan**(City Council) Direct the City Attorney to Prepare Appropriate Documentation for the November 17, 2003 Council Meeting for Consideration of a Proposed Seven Councilmember Districting Plan for the March 2, 2004 Special Municipal Election Ballot (.)**

Communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue**: Sufficient signatures were collected to place a districting initiative on the March 2, 2004, ballot. Many feel that a five-member City Council would not be able to efficiently conduct city business, especially in the area of filling City Council subcommittees. The voters should have an opportunity to consider a seven-district plan.

Recommended Action:

Direct the City Attorney to prepare all the appropriate documentation for the November 17, 2003, City Council Meeting for City Council consideration and possible placement of the enclosed "Seven Council Member Districting Plan" on the March 2, 2004 ballot.

Approved 4 – 3 (Boardman – No, Cook – No, 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.

Council/Agency Adjournment to Monday, November 17, 2003, at 5:00 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.

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

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