

## **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 NOVEMBER 21, 2005**

**4:33 P.M.** - Room B-8  
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 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** Coerper, Sullivan, Hardy, Green, Bohr, Cook (Councilmember Hansen has requested permission to be absent pursuant to Resolution No. 2001-54)  
*Present, Coerper arrived 4:35 p.m., Hansen absent*

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**  
**(1)** The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)  
*None*

**Public Comments Regarding 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items**  
*None*

**(City Council/Redevelopment Agency) Study Session: Redevelopment Agency Funding Availability - Presentation Regarding Background and Goals for Redevelopment Agency One-Time Revenue; and, Applicability to and Request for First Proposed Project Defined as Seismic Strengthening of City Hall Administration Building. (200.10)**  
PowerPoint presentation titled *Redevelopment Agency Funding Availability – November 21, 2005* is included in the agenda packet.

**City Administrator Culbreth-Graft introduced the topic and announced that Deputy CA Paul Emery would present the report. Deputy Emery presented a PowerPoint report outlining the source of funding availability, restrictions on use of funds, proposed projects including: improvements to City buildings, street lighting, parks and park clubhouses, street and alley improvements, parking meters, storm drains, and water quality projects. He announced the City has received \$13 million to date, and expects to receive \$6 million more by late 2006.**

**Building and Safety Director Ross Cranmer then spoke regarding the seismic strengthening of City Hall. He reported the administration building is a concrete ductile frame building built in the 70's. He illustrated vulnerabilities of the building due to building codes followed in the 70's, and reported a seismic evaluation was performed in 2003 with substantial issues discovered. He reviewed illustrations of various strengthening solutions, including Chevron steel bracing. Staff projection is \$7 million for the project, not including painting and other finishing. FEMA grant was awarded 9/9/05 and the project must be completed by 2008. The next step, if approved tonight, is to send out a RFQ, enter the review process, then construction.**

**CM Green inquired about firms interested in the project, and Director Cranmer reported. MPT Sullivan inquired about FEMA reimbursement, Director Cranmer reported on reimbursements upon receipt of expenses paid, 3-6 months time frame, and that federal monies are essentially reserved for the project. CM Bohr asked for consideration of potential future expansion of City Hall, and to work it into the strengthening project. Director Cranmer reported an investment of \$7 million should make City Hall usable after a 6.5 earthquake, not at all usable after a 7.5. City Administrator Culbreth-Graft reported on goal to prevent loss of life – especially vulnerable are the 4<sup>th</sup> and 5<sup>th</sup> floors. CM Cook inquired about building a new building on another site, with excess space for possible leasing. Director Cranmer reported, stating not with FEMA grant money. Mayor Hardy inquired about cost of building new structure, then tearing down old building and Director Cranmer reported between \$10 and \$20 million. CA Culbreth-Graft reported on Councilmember requests for expanded space, aesthetics.**

#### **Call Closed Session of City Council/Redevelopment Agency**

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

**Motion Cook/Coerper, approved by consensus of all present, none absent.**

**(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: Consider Review of Compensation for City Administrator, Deputy City Administrator, Director of Building and Safety, Director of Planning, Director of Economic Development, Fire Chief, Director of Information Services, Chief of Police, Director of Library Services, Director of Public Works and Director of Community Services. (120.80)**

**(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives regarding labor relations matters. Agency**

Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Deputy City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager – 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 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 **Tracy Watson, Thomas Watson v. City of Huntington Beach, et al.**; United States District Court Case No. SACV 04-0141 DOC (ANx). Subject: **Tracy Watson, Thomas Watson v. City of Huntington Beach, et al.** (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).

**6:13 P.M. - Council Chambers**

**Reconvene City Council/Redevelopment Agency Meeting**

**The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

***None***

**Roll Call** Coerper, Sullivan, Hardy, Green, Bohr, Cook (Councilmember Hansen has requested permission to be absent pursuant to Resolution No. 2001-54)

***Present, Hansen absent***

**Pledge of Allegiance/Flag Salute** – To be led by Huntington Beach Scout Pack 557, Webelos Den 1.

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 determined by the Mayor.

***Mayor Hardy asked those present to join her in singing God Bless America.***

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-2 (2 items), H-1**

**Presentation**

Mayor Jill Hardy to call on Southern California Edison Regional Affairs Manager Jerry Dominguez who will present a rebate check to Public Works Director Robert F. Beardsley in the amount of \$9,925. The rebate is for a recently completed well project that was part of Edison's "Savings by Design" program. The well is equipped with a highly efficient electric motor that will provide tremendous power savings, equating to annual energy savings of approximately \$33,000. (160.40)

**Mr. Dominguez recognized Mr. Beardsley and Utilities Manager Howard Johnson.**

**Presentation**

Mayor Jill Hardy to call on Orange County Human Relations Task Force Commission (OCHRC) Board Member Ken Inouye and Huntington Beach Human Relations Task Force Vice Chair Gwendolyn Black to present the annual OCHRC report to the City Council. (160.40)

**Mr. Inouye offered special recognition to Police Chief Ken Small for efforts regarding crime prevention. A Certificate of Recognition was presented to the Mayor.**

**Presentation**

Mayor Jill Hardy to call on Community Service Director Jim Engle to present commendations to Debra Coombs, President and Dan Lawler, Johnathan Hovanec and Ben Suh, representatives from the South Coast Apartment Association for their work to renovate the Rodgers Seniors' Center, in honor of Charity Day. (160.40)

**Director Engle presented PP slides to illustrate the renovations done.**

**Presentation**

Mayor Jill Hardy to award city employees who have provided exceptional service to the Mayor during her year in office. (160.40)

**Mayor Hardy recognized Pat Dapkus, Laurie Payne, and Cathy Fikes.**

**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).

***MPT Sullivan announced that he is pulling from the agenda his H-item regarding prevailing wage to a date uncertain due to the absence of one of the Councilmembers.***

***Speaker, representative of Southern California Edison, regarding D-2 (amending of fee schedule) thanked City staff for assistance, referred to a letter he provided to Council, and announced meeting with staff to continue discussions in the future.***

***Speaker, representative of Southern California Gas Company, commended staff – particularly Dave Webb – for making effort to meet with utility reps. Expressed concern with utility encroachment increase of 32%. Requested opportunity to discuss further with staff. Asked Council to pull the fee tonight, and consider at a later date.***

***Speaker, SE HB resident, congratulated Mayor Hardy on successful and productive year in office and mentioned interest in Poseidon issue being deferred until after the first of the year. Stated holiday pressure and asked Council to defer.***

***Speaker, 21 year resident of Brush Drive, stated 64% of residents on street are opposed to removal of mature trees in order to refinish gutters and sidewalks. Asked why 75% of homeowners required to sign petition to halt project. Also cited value of trees, and meetings attended with City staff and committees.***

***CM Cook asked when the work mentioned by the previous speaker is scheduled. Public Works Director Beardsley reported project slated for this year, but waiting for evaluation of opposition. He confirmed that the work wouldn't begin without Council being informed. CM Coerper inquired about liability for root and gutter problems if project is halted. Attorney McGrath reported that the City would remain liable absent an agreement with property owners.***

***Speaker commended Mayor Hardy on her year in office. He voiced concerns about the problems in the area he lives. He stated dissatisfaction with comments made at the last meeting, and asked Councilmember Hansen to meet with him to tour the area in which he lives.***

***CM Bohr requested staff to respond to the previous speaker's concerns. CA Culbreth-Graft reported on numerous meetings with the speaker and hundreds of hours spent to investigate his issues. Results of investigations have found the homeowners association is responsible, specifically with a fencing issue.***

***Speaker, resident, spoke in opposition to removing prevailing wage. He stated he is a member of Operating Engineers Local 12, and stated intention to return when the issue is agendized.***

***Speaker, Teamster's Rep., spoke in support of prevailing wage and in opposition to any changes. He cited legislative decisions on the topic, and suggested it would be unwise to change the ordinance in Huntington Beach at this time.***

***Speaker, resident, spoke regarding study session discussion on prevailing wages and concerns about losing contractors who use union employees to bid on projects. He also voiced opinions on the City's fiscal responsibility to taxpayers, and stated support for prevailing wages.***

***Speaker, resident and member of Local 12, asked Council to support prevailing wages.***

***Speaker, resident, asked Council to keep prevailing wages in order for individuals to be able to stay in HB.***

***Local Operating Engineers Apprenticeship Program member spoke in opposition to any changes to the Prevailing Wage Ordinance.***

***Speaker stated his support for prevailing wages.***

***Speaker spoke regarding contractors involved with the Bella Terra project, stating lack of benefits for many of the workers. He voiced support for apprenticeship programs and asked Council's opinion on prevailing wage amounts.***

***Speaker, 13 year resident, voiced concerns about health care if prevailing wage is removed. Asked Council not to repeal the ordinance, speaking of standards of living, support of families, and benefits of skilled labor in the community.***

***Speaker, contractor for 45 years, stated his numerous affiliations and his support for prevailing wage. He urged Council to keep prevailing wage ordinance.***

***Speaker, union member, urged Council to keep prevailing wage so individuals can continue to live and spend money in the City.***

***Speaker, 8-year resident and Navy veteran, spoke in support of prevailing wage, citing benefits.***

***Speaker, affiliated with PIPE, voiced support of prevailing wage and the disadvantages of working with contractors that do not support it.***

***Speaker, representing 44 members of Local 12, stated his support for prevailing wage and his interest in visiting the City, if he can afford to. He stressed training offered by union Journeymen, resulting in skilled workers. He also spoke regarding unions not being closed societies.***

***Speaker, resident and member of Local 12, voiced difficulties living in HB due to cost of living. He voiced desire to remain in the City, and stressed importance of health benefits and of keeping prevailing wage.***

***Speaker, affiliated with Local 582, thanked Council for its patience and spoke in support of prevailing wage. He spoke regarding the number of people who rely on prevailing wages directly and indirectly.***

***Speaker, resident, spoke in support of prevailing wage.***

***Speaker, 25-year resident, voiced his support for prevailing wage. He also spoke regarding the disadvantages of using less expensive labor and potential for accidents on jobsites.***

***Speaker, 16-year resident and Project Self Sufficiency graduate, spoke regarding the challenges of being an immigrant and struggles to meet the cost of living. She stated the values of apprenticeship programs.***

***Speaker, member of Orange County Central Labor Council, spoke regarding decrease in jobs in Orange County and resulting decrease in union membership. He stated his support for prevailing wage and for well-trained workers. He asked the Mayor Pro Tem to defer the item permanently.***

***Speaker, resident and Local 582 member, asked Council to keep prevailing wage.***

***Speaker, regarding item H-3 urged Council and the City to create the Blue Ribbon Task Force. He spoke of the value of the Santa Ana River, especially to Huntington Beach. He spoke regarding a 110-mile "River of Life," Senate Bill 153 funding, and asked Council create a vision for the river in HB. He displayed illustrations of concepts to upgrade the river areas including bike trails and interpretive areas. He also stated his support for prevailing wage.***

***Speaker spoke in support of prevailing wage, stating disappointment that the item was continued. He asked members of the audience in the Council Chambers who support prevailing wage to stand. He referred to reports on the subject, and quoted those that give justification for the existence of prevailing wage.***

***Speaker, resident, stated he is third generation Huntington Beach resident and spoke in support of prevailing wage.***

***Speaker, 27 year resident, stated support for prevailing wage and cited high cost of living in the area. He attributed his union job and having a trade to his success in life.***

***Speaker, resident and apprentice, spoke in support of prevailing wage and stated his desire to remain a resident.***

***Speaker, member of local 250, stated he represents 113 members that live in the City. He voiced reasons for supporting prevailing wage and skilled union workers. He asked Council to eliminate the item from the agenda.***

***Speaker, Teamsters Local 952, spoke in support of prevailing wage and thanked those public speakers that attended the meeting. He stated disappointment with Council's consideration of repealing the ordinance. He urged Council to reconsider the issue and to think long term.***

***Speaker, resident, spoke in favor of prevailing wage, health care, and providing for families. He attributed his success to the union position he has.***

***Speaker asked that Council continue the prevailing wage requirement. He voiced his opinion that it is a worker issue, and Council should consider the effects of repealing ordinance on residents who are union workers. He stated his disagreement with the Finance Board's recommendation, and stressed the importance of skilled workers.***

***Speaker, 15-year resident, voiced his opposition to elimination of prevailing wages.***

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

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

***CM Coerper gave an oral update on the "3/1" Marine Battalion committee. He announced care packages assembled in part by MPT Sullivan and Cindy Cross, and First Christian Church. He reported that he was able to collect 31 turkeys from local grocery stores and deliver to "3/1" families. MPT Sullivan reported 300 care packages assembled with the help of First Christian Church. CM Coerper and CM Green reported on 2 recent casualties and numerous injuries in the "3/1", and offered condolences.***

***CM Green reported 11/14/05 Board meeting vote to do a Feasibility Study to extend the 57 freeway to the 405 freeway through the Santa Ana River Channel. She voiced her opposition to the study, which she stated is cost prohibitive, and to the proposed project. She suggested emailing OCTA to express any concerns. CM Cook and Mayor Hardy stated their concurrence with CM Green's comments.***

**C-2. City Administrator's Report**

**C-2a. (City Administrator's Report) Conditional Use Permit No. 02-04/Coastal Development Permit No. 02-05 – Poseidon Seawater Desalination Project Will be Continued to December 19, 2005 per the Request of the Project Applicant. A Public Hearing Regarding an Owner Participation Agreement Between the Redevelopment Agency and Poseidon Resources Inc. is also Tentatively Scheduled for December 19, 2005. (160.10)**

***MPT Sullivan reported on emails received requesting continuance of this item. Sullivan/Cook motion to continue item to the second regular meeting in January 2006. CM Green stated her opposition to the motion for personal calendar conflict reasons. CM Coerper inquired if Poseidon applicant had issues with delaying the public hearing, and stated his support for the motion. He also asked the City Attorney's opinion. Attorney McGrath stated no legal issues with delaying until January.***

***Mr. Owens of Poseidon Resources responded to CM Coerper's inquiry, stating his preference that Council considers the item as quickly as possible.***

***CM Bohr spoke in favor of holding the hearing as soon as possible. Mayor Hardy stated her support for the motion.***

***MPT Sullivan inquired of CM Green's availability after the New Year. She declined to state her availability, stating her preference to hold the public hearing on 12/19/05. The motion was amended to schedule a meeting Monday 1/9/05 at 6 p.m. The second to the motion accepted the amendment. Approved 5-1-1 (Green-No, Hansen-absent)***

#### **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 - Adopt Resolution No. 2005-73 Adopting the 2005 Urban Water Management Plan Pursuant to AB 797 and SB 1011. (1000.90)**

Communication from the Director of Public Works transmitting the following:

**Statement of Issue:** Consider adoption of the City's 2005 Urban Water Management Plan. The Urban Water Management Planning Act of 1983 requires that the City adopt an Urban Water Management Plan every five years. The 2005 Urban Water Management Plan is submitted to the State Department of Water Resources every five years pursuant to the Urban Water Management Planning Act of 1983. The Plan is a general information document and complements the plan of the Municipal Water District of Orange County and the Southern California Metropolitan Water District. The purpose of Huntington Beach's plan is to provide a local perspective and analysis of the current and alternative water conservation activities of the City.

Copies of the final plan are available for public review at the Office of the City Clerk. All interested persons are invited to attend the hearing on the 2005 Urban Water Management Plan, to express their opinions for, or against, with written or oral comments. Written communications to the City Council also may be mailed to the City Clerk. Further information may be obtained from the Office of the City Clerk, 2000 Main Street, Huntington Beach, CA 92648 – Phone # (714) 536-5227.

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 2005 Urban Water Management Plan - November 21, 2005* is included in the agenda packet.

**Recommended Action:** Motion to:

1. Conduct Public Hearing; and
2. Adopt City Council **Resolution No. 2005-73**, "A Resolution of the City Council of the City of Huntington Beach Adopting the Urban Water Management Plan Pursuant to AB 797 and SB 1011."

**Public Works Director Beardsley reported orally. Council declined the PowerPoint presentation. Open public hearing, no speakers, no Late Communications, close public hearing. Coerper/Bohr motion to approve recommended action. Approved 5-0-2 (Green out of room, Hansen absent)**

**D-2. (City Council) Public Hearing – Adopt Resolution Nos. 2005-74, 2005-75 and 2005-76 Amending the Comprehensive Fee Schedule Including City User Fees, Rate/Charges and Development Fees. (340.20)**

Communication from the Finance Officer and City Attorney transmitting the following:

**Statement of Issue:** Consider the adoption of resolutions amending the Comprehensive Fee Schedule including City user fees, rates/charges and development fees. The revisions to be considered are for cost recovery purposes and to set charges for public access and use of certain City property for the purpose of raising revenue, and fall under the responsibility of the following City Departments:

- Building and Safety Department
- City Administrator's Office
- City Clerk's Office
- City Treasurer's Office
- Community Services Department
- Economic Development Department
- Fire Department
- Library Services Department
- Police Department
- Planning Department
- Public Works Department

All interested persons (especially our senior citizens and handicapped individuals) are invited to attend to express their opinions for, or against, the proposed fee revisions with written or oral comments. Written communications to the City Council also may be mailed to the City Clerk, 2000 Main Street, Huntington Beach CA 92648 - Telephone number: (714) 536-5227.

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

PowerPoint presentation titled *Cost Recovery Study Findings, City of Huntington Beach, November 21, 2005* is included in the agenda packet.

**Recommended Action:** Motion to:

1. Conduct Public Hearing; and
2. Adopt City Council **Resolution No. 2005-74**, "A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Fee Schedule and Repealing Resolution No. 2003-63; and
3. Adopt City Council **Resolution No. 2005-75**, "A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Fee Schedule and Repealing Resolution Nos. 2003-64 and 2004-03; and
4. Adopt City Council **Resolution No. 2005-76**, "A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Schedule for Charges For Facility Rentals and Recreation Services and Repealing Resolutions 2003-65, 2004-15, 2004-67 and 2005-63; and
5. Approve the addition of a Combination Structural Inspection Supervisor to the Building and Safety Department's table of organization.

**CA Culbreth-Graft reported orally. Council declined the PowerPoint presentation, open public hearing, 3 Late Communications. Speaker voiced support of the recommended action, stating need for better staffing at City Hall. Close public hearing. MPT Sullivan asked for clarification on Police Dept. fees, SOB definition. Police Chief Small reported.**

**MPT Sullivan asked for clarification on Fire Dept. inspection fee for private schools versus public schools. Fire Chief Olson reported fees charged to public schools are based on square footage. He later corrected the comment and reported no inspection fee charge for public schools. MPT Sullivan asked about inspections at other public agencies such as the Sanitation District and the Fire Chief reported there is a fee charged. CM Cook asked for clarification of jurisdiction issues on state property.**

**CM Green stated issues with high fees, and lack of service improvements. She voiced her opposition to increasing fees. CM Bohr stated agreement with CM Green regarding Planning fees. He gave an example of a several hundred percent increase in fees. Deputy CA Paul Emery spoke regarding meetings with Chamber of Commerce reps. and lack of disagreement with fee increases. CM Bohr asked for confirmation that items will return to Council with more information.**

**Bohr/Cook motion to approved recommended action, amended to eliminate utility encroachment user fees, include requested meeting with staff and utility companies, and report from staff. CA Culbreth-Graft reported on grant requirements.**

**CM Cook inquired about Community Services photography/application fees. Jim Engle reported. Attorney McGrath reported further investigation necessary. CM**

**Coerper inquired about fees compared to other cities. CA Culbreth-Graft reported. MPT Sullivan spoke regarding vehicle release fee and asked for no change. Maker and second to motion agreed to this amendment. MPT Sullivan urged Council to reject Planning Dept. user and develop fee increases and to accept the lower of the two (new and old) fees. Maker & second to the motion agreed to the amendment. CM Cook clarified some fees were reduced. CA Culbreth-Graft spoke regarding subsidizing develop by rejecting fee increases. CM Cook spoke regarding pages 27 and 28 of the staff report and asked for more time to analyze before voting. She asked staff to create a report on reasons for fee increase or reductions.**

**Mayor Hardy restated the motion: To approve the recommended action with the following exceptions: No Change to Utility encroachment fee, film application fee, item 7 – Police Department vehicle release fee, and all Planning fee increases.**

**Chief Small reported on vehicle release fee, and the danger of subsidizing service if fees not increased. MPT Sullivan asked for clarification on fee amount and comparison to other cities. Chief Small reported on goal to seek 100% recovery. MPT Sullivan suggested amendment to motion: Police Department vehicle release fee no longer an exception. The amendment was accepted by maker & second of the motion.**

**Approved as amended 6-0-1 (Hansen-absent).**

**D-4b. (City Council) PLEASE NOTE CONTINUANCE -- Conditional Use Permit (CUP) No. 02-04 and Coastal Development Permit (CDP) 02-05 (Poseidon Seawater Desalination Project – Continued from October 17, 2005) Has Been Continued to December 19, 2005 (see City Administrator's Report Item No. C-2a). (420.80) Continued to January 9, 2006. See C-2a for details.**

**Councilmember Bohr exited the meeting at 8:50 p.m.**

## **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.

**Coerper/Sullivan motion to approve E1-4 and E6. Approved 5-0-2 (Hansen and Bohr absent)**

**E-1. (City Council) Approve the Release of Securities for Tract 15816 (Northeast Corner of Beach Boulevard and Atlanta Avenue) to William Lyon Homes and Accept the Public Improvements.** (420.60) – **1)** Accept the improvements constructed and dedicated for public use with Tract 15816; and, **2)** Accept Guarantee and Warranty Bond No. SU5016929; 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 the Faithful Performance/Labor and Material Bond No. 3SM98669500 and Monument Bond No. 3SM98669600 pursuant to the California Government Code Section No. 66499.7(a); and, **4)** Instruct the City Clerk to notify the developer, William Lyon Homes, Inc., A California Corporation, of this action and the City Treasurer to notify American Motorists 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 Director of Public Works. Funding Source: Not Applicable.

**Approved 5-0-2 (Hansen and Bohr absent)**

**E-2. (City Council) Approve Employment Agreement Between the City of Huntington Beach and Robert W. Hall for the Position of Deputy City Administrator** (600.10) **1)** Approve the appointment of Robert W. Hall 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 Robert W. Hall for the position of Deputy City Administrator. Submitted by the Acting Deputy City Administrator. Funding Source: The position of Deputy City Administrator is a budgeted position in fiscal year 2005/2006. No additional funding is required.

**Approved 5-0-2 (Hansen and Bohr absent)**

**E-3. (City Council/Redevelopment Agency) Appropriation Request to Match the Approved FEMA Grant To Seismically Strengthen the Administration Building of City Hall; Adopt City Council Resolution No. 2005-77 and Redevelopment Agency Resolution No. 356 Making Certain Determinations and Findings.** (200.20) – **1)** Approve the acceptance of the FEMA Grant for 75% reimbursement (not to exceed \$3 Million Dollars) of the cost to study, design, manage and construct the seismic strengthening of the Administration Building at City Hall; and, **2)** Adopt **City Council Resolution No. 2005-77**, Consenting to payment by the Redevelopment Agency of certain costs related to the seismic rehabilitation of the Administration Building of City Hall and making certain determinations and findings pursuant to Health and Safety Code Section 33445; and, **3)** Approve the appropriation of \$4 Million from the Unappropriated Redevelopment Agency Fund Balance, Fund 305; and, **4)** Adopt **Redevelopment Agency Resolution No. 356** agreeing to pay certain costs related to the seismic rehabilitation of the Administration Building at City Hall and making certain determinations and findings pursuant to Health and Safety Code Section 33445. Submitted by the Director of Building and Safety and the Director of Economic Development/Deputy Executive Director. Funding Source: The funding source is the unappropriated Redevelopment Agency Fund Balance, Fund 305 for the match of the approved FEMA Grant. The FEMA funding is a grant that will be funded by revenues not anticipated in the original budget and will not affect the fund balance of any other fund.

**Approved 5-0-2 (Hansen and Bohr absent)**

**E-4. (City Council) Approve Sole Source Procurement from Industrial Design Research for Purchase and Installation of Two City Beach Lifeguard Towers and Tower Base Equipment at a Cost of \$73,219.** (600.10) – Approve sole source procurement from Industrial Design Research for purchase and installation of two city beach lifeguard towers and tower base equipment at a cost of \$73,219. Submitted by the Director of Community Services. Funding Source: Funds are encumbered in the FY 05-06 budget, in Non-Departmental Community Services Equipment Replacement, Marine Safety, General Equipment Account 10040207.83700.10045207c (\$73,219) for purchase and installation of two (2) lifeguard towers and one (1) tower base.  
**Approved 5-0-2 (Hansen and Bohr absent)**

**E-5. (City Council) Approve an Amendment to the Children’s Needs Task Force (CNTF) Bylaws to Extend the Term of Chair to Three Years.** (570.70) – Approve an amendment to the Children’s Needs Task Force bylaws to extend the term of Chair to three years. Submitted by the Director of Community Services. Funding Source: Not applicable.  
**CM Cook asked for clarification. Community Services Director Engle reported, stating bylaws of this committee require Council approval.**  
**Cook/Green motion to approve. Approved 5-0-2 (Hansen and Bohr absent)**

**E-6. (City Council) Approve the Appointment of Brenda Wooten Schock and Cynthia L. Goebel and Reappointment of Steve Gullage and Daniel Kittredge as Members to the Mobile Home Advisory Board.** (430.80) – **1)** Approve the appointment of Brenda Wooten Schock as Mobile Home Resident Representative, and Cynthia L. Goebel as Mobile Home Park Owner Representative, to the Mobile Home Advisory Board, both with terms to expire August 5, 2009; and, **2)** Approve reappointment of Steve Gullage as Mobile Home Resident Representative, and Daniel Kittredge as Resident At-Large Representative, to the Mobile Home Advisory Board, both with terms to expire August 5, 2009. Submitted by the Director of Economic Development. Funding Source: Not applicable.  
**Approved 5-0-2 (Hansen and Bohr absent)**

**F. Administrative Items**

**F-1. (Redevelopment Agency) PLEASE NOTE CONTINUANCE -- Authorization to Enter Into Negotiations With Poseidon Resources Corporation to Construct and Operate a Seawater Desalination Plant at a Site in the Southeast Coastal Redevelopment Area (Continued from October 17, 2005), Has Been Continued to December 19, 2005 (see City Administrator’s Report Item No. C-2a).** (400.10)  
**Continued to January 9, 2006. See C-2a for details.**

**G. Ordinances**

**G-1. Ordinance for Adoption**

**G-1a. (City Council) Adopt Ordinance No. 3723 Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission Which Removes School District Residency Requirements of Certain Commission Members** (920.80) – **Ordinance No. 3723 – “An Ordinance of the City of**

*Huntington Beach Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission.”*  
(Approved for Introduction November 7, 2005)

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3723**, by roll call vote.

**Sullivan/Coerper motion to approve.**  
**Approved 5-0-2 (Hansen and Bohr absent)**

**G-2. Ordinances for Introduction – None.**

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

**H-1a. Submitted By Mayor Pro Tem Dave Sullivan**

**(City Council) Direct the Finance Board to Make a Report and Recommendation to the City Council on the Prevailing Wage Issue (110.10)**

Communication from Mayor Pro Tem Dave Sullivan transmitting the following **Statement of Issue:** At a City Council/Finance Board Study Session on October 17, 2005, the Finance Board recommended that the City Council:

1. Adopt a policy to accept non-prevailing wage bids whenever possible.
2. Provide staff the option of sourcing funds in the budget that would maximize opportunities to obtain non-prevailing wage contracts.

The Finance Board indicated that the City could save over \$1 million per year by eliminating its prevailing wage policy. Various union officials presented a different viewpoint.

**RECOMMENDED ACTION:**

1. Direct the Finance Board to:
  - Seek input from interested parties regarding the many studies on prevailing wage. Determine how the Federal Government calculates prevailing wage.
  - Determine what cities of over 100,000 population do not use prevailing wage.
  - Determine how the California Director of Industrial Relations calculates prevailing wage.
  - Evaluate the arguments for and against prevailing wage.
  - Estimate what savings, if any, can be realized in all areas in addition to maintenance contracts; e.g., Public Works projects, Professional Service contracts, etc.
  - Make a report and recommendation to the City Council on the prevailing wage issue.
2. Direct staff to provide the necessary support to the Finance Board in order to complete its task.

***Continued to a date uncertain at the request of Mayor Pro Tem Sullivan.***

**H-2a. Submitted By Councilmember Coerper**

**(City Council) Approve Waiving the Usual Charge for Placing an Insert in the City Water Bills and Waive the Cost for Printing the Insert in the City Print Shop.**  
(120.70)

Communication from Councilmember Coerper transmitting the following **Statement of Issue**: As you know, in March of this year, the City Council adopted a Marine Battalion based out of Camp Pendleton. Specifically, we adopted the 3<sup>rd</sup> Battalion – 1<sup>st</sup> Division Marines (The 3-1).

Shortly thereafter, a citizen committee was formed with a mission as follows:

**“To support the Marines and Sailors of the 3<sup>rd</sup> Battalion, 1<sup>st</sup> Marine Regiment, 1<sup>st</sup> Marine Division, and their dependents and families, and to be especially responsive to emergencies and special needs which may occur while the battalion is deployed defending our great nation.”**

To assist them in making the citizens of Huntington Beach aware of their efforts and to offer them an opportunity to participate, the 3-1 Committee would like to place an insert in an upcoming water bill. A draft copy of their insert is attached.

In our role as sponsors of the 3-1, I would request that the City Council waive the usual charge of 2 cents per item for placing the insert in the water bill and that we also waive the cost to have the city print shop print the insert.

**RECOMMENDED ACTION:** Approve waiving the usual charge for placing an insert in the city water bills and waive the cost for printing the insert in the city print shop.

*\*Attachment: City of Huntington Beach 3-1 Committee Insert*  
**CM Coerper reported orally. CM Cook inquired about gifts of public funds, and stated preference for an established policy for consistency. Attorney McGrath reported on necessary Council discussion to support decisions. CM Coerper clarified “3/1” Committee is a City committee, and asked for Council support. CM Cook stated concern with City being inundated with requests for free inserts. CA Culbreth-Graft requested no policy changes tonight until fiscal impact can be studied. Mayor Hardy inquired about total cost of request, CA Culbreth-Graft reported \$2000. MPT Sullivan stated concerns with expense and opposition to recommendation. Mayor Hardy stated opposition to recommendation, citing other numerous worthy causes, budget, and consistency. CM Coerper inquired of City Treasurer costs of “3/1” insert, payment options, and history of other requests to waive costs. Treasurer Friedenrich reported. CM Coerper withdrew his motion. CM Cook voiced opinion that response from mailer will exceed cost of mailer. Councilmembers stated their support for the “3/1” Committee and its efforts.**

**H-3a. Submitted By Councilmember Green**

**(City Council) Wildland Conservancy Request for Creation of a Huntington Beach Blue Ribbon Committee to Develop a Vision for the Santa Ana River. (120.25)**

Communication from Councilmember Green transmitting the following **Statement of Issue**: The Wildlands Conservancy is requesting that the Huntington Beach City Council create a blue ribbon committee to develop the city's vision for the Santa Ana River.

Currently the Cities of Riverside and San Bernardino have completed their vision documents and are working on projects identified in them. The Cities of Redlands, Colton, and Santa Ana have committees working on their vision document.

The Santa Ana River is a beautiful ribbon of nature that flows through most of Orange County's urban communities with few parks or nature areas. A substantial portion of the 110 miles of the river flow through our city, and it terminates at our shores.

Since the Santa Ana River has a major impact on the City of Huntington Beach and its residents, it is important for Huntington Beach to play a role in creating a vision for its future. I am, therefore, recommending that we form a blue ribbon committee to create our city's vision for the Santa Ana River.

**RECOMMENDED ACTION:** Approve creation of a blue ribbon committee to create the city's vision for the Santa Ana River. The Committee to be made up of three City Council members with Council Member Green as one of the three members.

*\*Attachment: Letter dated November 14, 2005 from The Wildlands Conservancy Re: Request for Adoption by the City Council to Create a Blue Ribbon Committee for the Santa Ana River.*

**CM Green reported orally. CM Cook suggested creating this committee similar to the Harbour Committee. Green/Cook motion to approve RA. Approved 5-0-2 (Hansen and Bohr absent)**

**H-4a. Submitted By Councilmembers Green and Cook, and Mayor Pro Tem Sullivan**

**(City Council) Recommendations of the Huntington Harbour Waterways City Council Subcommittee Regarding the Pierhead Line. (820.30)**

Communication from Councilmembers Green and Cook, and Mayor Pro Tem Sullivan transmitting the following **Statement of Issue**: On November 6, 2002, the City Council considered proposed draft amendments to the Huntington Beach Municipal Code related to harbor and boating regulations. At that time, Council directed the existing Water Quality Committee to address the following issues: Clean Water Act of the U.S.; dock construction and permitting; pierhead lines; dredging, and funding.

The committee has concluded its review regarding pierhead lines and is recommending the Huntington Beach Municipal Code Section 13.16.080 be amended to: (1) prohibit vessels from being tied-up or moored in a manner that creates a navigational hazard or dangerous condition as determined by the Orange County Harbor Patrol; and (2) prohibit the placement of a pylon, dock, float or other structure beyond the pierhead line.

**RECOMMENDED ACTION:** Direct City Attorney to draft ordinance amending 13.16.080 consistent with this H-Item.

**CM Cook reported orally. Cook/Green motion to approve recommended action. CM Coerper inquired about effect on pierhead lines, and enforcement. CM Cook reported Harbor Patrol would need to determine a navigational hazard, then City would enforce. CM Coerper inquired about notification to public. CM Green reported committee voted for this action some time ago, after years of discussion. CM Coerper inquired about responsibility if it shifts from the county. Attorney McGrath reported.**

**Approved 5-0-2 (Hansen and Bohr absent)**

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.  
**MPT Sullivan reported on Art Center 10<sup>th</sup> anniversary event he attended.**

**CM Coerper thanked US Air Force Academy Band for performance at First Christian Church. He attended Well #12 dedication, Eagle Court of Honor for Phillip James Battis, Sam Adams, Ryan Gustafson, thanked P.D. and Fire Dept. for Guns & Hoses event, and announced HBPD upcoming Christmas Party.**

**Mayor Hardy announced Wednesday normal deadline for Sister City applications, New Zealand full application deadline has been extended to 11/30. She also announced two 100-year anniversaries - First Christian Church and Huntington Beach High School.**

**Council/Agency Adjournment at 9:35** to Monday, December 5, 2005, at 6:00 p.m., in ~~Room B-8~~, Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

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**JOAN L. FLYNN, CITY CLERK  
City of Huntington Beach  
2000 Main Street - Second Floor  
Huntington Beach, California 92648**

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