

**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.*

**ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA  
AND  
REGULAR MEETING AGENDA**

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

**MONDAY, OCTOBER 20, 2003**

**\*4:00-P.M. - Room B-8 – Study Sessions and  
Closed Session Items**

**Approx 5:00 P.M. – Room B-8 - Public  
Comments and 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

**\*On October 6, 2003, the City Council adjourned to this October 20, 2003 meeting at 4 p.m. for an Adjourned Regular Meeting to discuss Study Session Item No. 1. Tentative schedule is to recess to Closed Session Item No. 1. Afterwards the City Council may reconvene between these hours, otherwise during the 5:00 p.m. regular meeting for Study Session No. 2.**

**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.

**Approx 5:00 P. M. – Room B-8**

**Public Comments Restricted to Study Session and Closed Session Items Only (See Pages 2 and 3 for Study Session and Closed Session Items)**

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

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

**(City Council/Redevelopment Agency) Study Session No. 1 - Discussion of City Administrator Recruitment Process ( . )**

The City Council will discuss the process to be followed in recruiting for the position of City Administrator.

**(City Council/Redevelopment Agency) Study Session No. 2 – Presentation by the City Attorney’s and City Administrator’s Offices Re: an Overview of the City’s Professional Service Agreement Process ( . )**

The City Attorney’s and City Administrator’s Offices will present an overview of the City’s Professional Service Agreement process.

- \*\* Communication from Administration and the City Attorney Office titled *Study Session Material for October 6, 2003 City Council Meeting Professional Services Agreements Process* is included in the agenda packet.
- \*\* Communication dated October 6, 2003 submitted by the City Administrator and City Attorney titled *City Clerk’s Proposed Changes to Professional Service Agreement Process – Municipal Code Section 3.03* in opposition to the City Clerk’s request to attest to all agreements that are done in-house between Administration and consultants. (Submitted as a Late Communication at the October 6, 2003 meeting.)
- \*\* Communication from the City Clerk dated October 1, 2003 titled *Request to City Council to Assist City Clerk’s Office to Maintain Professional Services Agreements in the Office of the City Clerk as Required by City Charter* requesting Council to include a direction that the agreements be prepared to include the City Clerk’s *Attestation* Line. (Submitted at the October 6, 2003 meeting.)
- \*\* Report from City Clerk dated October 15, 2003 and titled *Reasons for the City Council to Approve the City Clerk’s Request to Attest to the Signatures of City Employees Entering Into City Contracts, Just As the City Clerk per City Charter Attests to the Signature of the Mayor on Contracts that are Approved on the City Council Agenda.*

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

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

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957 motion to recess to Closed Session to consider personnel matters. **Subject: Consideration of City Administrator Candidates.** (120.80)
2. **(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)
3. **(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)**
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) Number of Potential Cases: one. **Subject: City of Huntington Beach v. County of Orange.**
5. **(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 Seven 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)
6. **(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: Gun Range** (120.80)
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 **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.**

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)).**

**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.)

**Presentation** - Mayor Boardman to present a proclamation to Rainbow Disposal for their extraordinary contribution to the Downtown area trash collection and their donation of 100 plus new trash receptacles. Representatives from Rainbow Disposal are scheduled to attend to accept the presentation. (160.40)

**Presentation** - To Mayor Boardman and City Administrator Ray Silver from the Orange County Register in recognition of the City of Huntington Beach being named "Best City to Live In," and "Best Parade/Community Festival." Huntington Beach was also given high honors for "Best Downtown" and "Best Trails." Representatives from the Orange County Register will present the awards. (160.40)

**Mayor's Award** - Mayor Connie Boardman to present the Mayor's Award to Community Services Supervisor Dottie Hughes in the Community Services Department. (160.40)

**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:**

**C-1. Council Committee/Council Liaison Reports****C-1a. (City Council)****C-2. City Administrator's Report****C-2a. (City Administrator's Report) 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 October 20, 2003, City Council Meeting Increase of Parking Fines* is included in the agenda packet.

**C-3. City Treasurer's Report****C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's August 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 August 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 August 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

\*\* Powerpoint presentation titled *August Treasurer's Report. Sharit L. Freidenrich, CPA, CCMT, CFMA October 20, 2003* is included in the agenda packet.

**D. *Public Hearings - None***

**E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Meetings of July 21, 2003 and August 4, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
- E-2. **(City Council) Adopt Resolution No. 2003-78 Approving the Application for State Grant Funds from the Recreational Trails Program - Transportation Equity Act (TEA) for the 21<sup>st</sup> Century to Assist in Restoration by the Friends of the Shipley Nature Center ( . )**  
 Adopt **Resolution No. 2003-78** - "A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds from the Recreational Trails Program."  
Submitted by the Community Services Director. Funding Source: State of California, Recreational Trails Program.
- E-3. **(City Council) Approve the Citizen Participation Advisory Board (CPAB) Appointments of Patrick Burns, Diane Campbell, Angela Dahman, Michael Johnson, Laura Kile, Michael Moncrief; and Reappointments of Jackie Canigiani, James Hayden, Gerald Lipson, Patricia Jacobs-Pilette, and Charles Tyler for Second Terms – Terms to Expire September 30, 2007 ( . ) – 1.** Approve the appointments of **Patrick Burns, Diane Campbell, Angela Dahman, Michael Johnson, Laura Kile, and Michael Moncrief;** to the Citizen Participation Advisory Board (CPAB) for one term (four years), ending September 30, 2007; and **2.** Approve the reappointments of **Jackie, Canigiani, James Hayden, Gerald Lipson, Patricia Jacobs-Pilette, and Charles Tyler** for second terms (four years), ending September 30, 2007. Submitted by Economic Development Director as recommended by Councilmembers Gil Coerper and Jill Hardy, Liaisons to the Citizens Participation Advisory Board. Funding Source: Not applicable.
- E-4. **(City Council) Approve the Release of Securities for Tract No. 15471 Located s/o Heil Avenue, between Bolsa Chica Street and Graham Street - Accept the Public Improvements (Developer, BHC Residential, LLC) ( . ) - 1.** Accept the improvements constructed and dedicated for public use with Tract No. 15471; and **2.** Accept the Guarantee and Warranty Bond No. 929128420; 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. 929128420 and Monument Bond No. 929128421 pursuant to California Government Code Section No. 66499.7(b); and **4.** Instruct the City Clerk to notify the builder, BHC Residential, LLC, of this action and the City Treasurer to notify the Surety, **National Fire Insurance Company of Hartford,** of this action; and **5.** Instruct the City Clerk to record the "Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

- E-5. (City Council) Approve the Release of Securities for Tract No. 15535 Located n/s of Pacific Coast Highway between Beach Blvd. and Huntington Street - Accept the Public Improvements (Developer, PCH Beach Resort, LLC) ( . ) - 1. Accept the improvements constructed and dedicated for public use with Tract No. 15535; and 2. Retain the Faithful Performance Bond No. B34231950; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to verify that the bond is filed with the City Treasurer; and 3. Release Monument Bond No. B34231951 pursuant to California Government Code Section No. 66499.7(b); and 4. Instruct the City Clerk to notify the developer, PCH Beach Resort, LLC, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and 5. Instruct the City Clerk to record the "Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.**
- E-6. (City Council) Approve Project Plans and Specifications and Authorize Advertisement of Bids for Ellis Avenue Drainage Improvement Project from Chalk Lane to Newland Street; CC-1220 ( . ) - Approve the project plans and specifications and authorize the Director of Public Works to advertise for bids for the Ellis Avenue Drainage Improvement Project, from Chalk Lane to Newland Street, CC-1220. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Measure M Fund, Minor Street Improvements, Street Improvements Account. The engineer's estimate is \$60,000.**
- E-7. (City Council) Approve Project Plans and Specifications and Authorize Advertisement of Bids for Traffic Signal Modifications at Brookhurst Street and Garfield Avenue; CC-1205 – Funding from Orange County Transportation Authority (OCTA) ( . ) - Approve the project plans and specifications and authorize the Director of Public Works to request public bids for Traffic Signal Modifications at Brookhurst and Garfield, CC-1205. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Measure M Traffic Signals. The project is fully funded by the Orange County Transportation Authority's (OCTA) Growth Management Area 6 (GMA6) program. The engineer's estimate is \$65,000. (In 2001, through an agreement between the City of Huntington Beach and the City of Fountain Valley, the City of Huntington Beach became the lead agency for the project. Upon completion of the project, the GMA6 funds will be reimbursed to the City of Huntington Beach. Construction will be scheduled for late 2003 or early 2004.)**
- E-8. (City Council) Approve Project Plans and Specifications and Authorize Advertisement of Bids for Street Improvements under the Beach Boulevard Widening, s/o Edinger Avenue Project; CC-1105 - Funding from Orange County Transportation Authority (OCTA) ( . ) - Approve the project plans and specifications and authorize the Director of Public Works to advertise for bids for the Beach Boulevard Widening, south of Edinger Avenue Project, CC-1105. Submitted by the Public Works Director. Funding Source: Funded by a grant through the Intersection Improvement Program (IIP) in the Combined Transportation Funding Program (CTFP). The Orange County Transportation Authority (OCTA) approved a maximum amount of \$417,519. Funds are budgeted in OCTA Grant Fund, Beach/Edinger Improvements, Street Improvements. The engineer's estimate is \$230,000.**

- E-9. (City Council) Accept Bid by R. J. Noble Company and Award Construction Contracts for Warner Avenue; CC-1150 (Sims Street to Bolsa Chica), Springdale Street; CC-1151 (Edinger Avenue to McFadden Avenue), and McFadden Avenue; CC-1152 (Goldenwest Street to I-405 Freeway) Rehabilitation Improvements ( . ) – 1.** Accept the lowest responsive and responsible bid submitted by R. J. Noble Company in the amount of \$696,103.78 for Warner Avenue, Springdale Street, and McFadden Avenue Rehabilitation Improvements; CC-1150, CC-1151 and CC-1152, respectively; and **2.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Sufficient project funds budgeted in the Gas Tax, Arterial Rehabilitation, Street Improvements Account. Grant funds of \$331,721 are included in the budgeted funds. The engineer's preliminary estimate was \$793,682.
- E-10. (City Council) Approve and Accept Project Grant IN43016 from the State of California-Office of Traffic Safety (OTS) for California Seat Belt Compliance Campaign (CSBCC) – Authorize Expenditure of Funds ( . ) – 1.** Approve and Accept Project Grant titled *Office of Traffic Safety Grant Agreement Project Number IN43016*, between the State of California-Office of Traffic Safety and the City of Huntington Beach; and **2.** Approve the appropriation of \$30,366 from the unreserved, undesignated General Fund balance, to be reimbursed by the grant from the Office of Traffic Safety; and **3.** Authorize the expenditure of funds not to exceed \$30,366 to provide seat belt compliance enforcement. Submitted by the Chief of Police. Funding Source: This is a reimbursable grant funded by State of California-OTS in the amount of \$30,366 for November 1, 2003 to November 30, 2003. (Fiscal Impact Statement (FIS) 2004-02)
- E-11. (City Council) Approve and Accept Supplement Law Enforcement Services Fund Grant (SLESF) from the County of Orange - Approve Expenditure Plan for Fiscal Year 2003-2004 ( . ) – 1.** Approve the spending plan for Fiscal Year 2003-2004 SLESF grant; and **2.** Accept the grant award of \$293,458 from the County of Orange SLESF for funding cycle year 2003-2004; and **3.** Establish a separate business unit for this funding; and **4.** Authorize the Chief of Police to expend \$293,458, plus any accrued interest on technology associated with patrol related equipment as described; and **5.** Appropriate \$293,458, plus any accrued interest to be expended on patrol related equipment. Submitted by the Chief of Police. Funding Source: No match will be required for this grant. (Fiscal Impact Statement (FIS) 2004-01)
- E-12. (City Council) Approve State of California, Office of Criminal Justice Planning (OCJP) Grant for Violence Against Women/Domestic Violence Program Funding - Authorize Expenditure of Funds ( . ) – 1.** Accept the grant between the State of California, Office of Criminal Justice Planning and the City of Huntington Beach; and **2.** Approve the appropriation of \$100,000 from the unreserved, undesignated General Fund balance, to be reimbursed by the grant from the Office of Criminal Justice Planning; and **3.** Authorize the expenditure of funds not to exceed \$133,333 to pay for contract counseling services, a portion of a detective's salary and some operating costs related to domestic violence. Submitted by the Chief of Police. Funding Source: A 25% City match of \$33,333 is required, which has been included in the Police Department's 2003-2004 budget, under the General Investigations-General Fund, Account. The grant account business unit will be established. (Fiscal Impact Statement (FIS) 2004-03.)

- E-13. **(City Council) Approve Donation Agreement between the City of Huntington Beach and Golden West College of Two Fully Depreciated Police Vehicles to Golden West College Police Academy Program for Training Purposes of Recruits ( . ) – 1.** Approve the donation of two (2) fully depreciated police vehicles to the Goldenwest College Police Academy Program for training purposes; and **2.** Authorize the City Administrator to execute the agreement titled *Donation Agreement between the City of Huntington Beach and Goldenwest College*. Submitted by the Chief of Police. Funding Source: Not applicable.
- E-14. **(City Council) Accept Bid and Award Construction Contract to Cora Constructors for Oak View Skate Park Plaza Project; CC-1216 (Oak View Neighborhood Enhancement Area) – Authorize Transfer of Funds (Community Development Block Grant (CDBG) Program) ( . ) – 1.** Accept the lowest responsive, responsible bid submitted by Cora Constructors in the amount of \$72,800 for the Oakview Skate Park Plaza Project, CC1216; and **2.** Authorize Mayor and City Clerk to execute a construction contract with Cora Constructors in substantially the same form as the attached sample construction contract. Submitted by the Community Services Director, the Economic Development Director, and the Public Works Director. Funding Source: Budgeted funds include \$59,200 from Community Development Block Grant (CDBG) Fiscal Year 2001/2002 account (Oakview Skate Park). Additional funding of \$30,000 will be appropriated from the CDBG Unprogrammed Fund balance.
- E-15. **(City Council) Adopt Resolution No. 2003-79 Authorizing Execution of State of California Federal Aid Funding Program Supplement Nos. M020 to M028 to Master Agreement No. 12-5181 under the Federal Highway Administration (FHWA) Program for the Yorktown Avenue, Warner Avenue, Magnolia Street, Warner Avenue, Springdale Street, McFadden Avenue, Gothard Street, Graham Street and Hamilton Avenue Arterial Construction Improvements; – CC1150 to 1156, 1158 and 1159 ( . ) – Adopt Resolution No. 2003-79 -** *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement Nos. M020, M021, M022, M023, M024, M025, M026, M027 and M028 to Agreement No. 12-5181 for Yorktown Avenue, Warner Avenue, Magnolia Street, Warner Avenue, Springdale Street, McFadden Avenue, Gothard Street, Graham Street and Hamilton Avenue Construction Improvements.”* Submitted by the Public Works Director. Funding Source: Matching funds for the grants are budgeted in the Gas Tax Fund. **(Project Limits: Warner Avenue** - Bolsa Chica to Sims Street; **Springdale Street** - McFadden Ave to Edinger Ave; **McFadden Avenue** - Goldenwest St. to I405 Freeway/City Limits; **Magnolia Street** - Atlanta Ave to Indianapolis Ave; **Gothard Street** - Ellis Ave to Heil Ave; **Hamilton Avenue** - Bushard St. to Santa Ana River; **Yorktown Avenue** - Bushard St. to Brookhurst St.; **Graham Street** - Warner Ave to Heil Ave; **Warner Avenue** - Graham Street to Springdale Street)

**E-16. (City Council) Approve Professional Services Contract with Sapphos Environmental, Inc. for the Preparation of the Environmental Documentation Related to One Driveway Closure From the Central Library Parking Lot to the Huntington Central Park Sports Complex (Located w/o Goldenwest Street, e/o Gothard Street, and s/o Talbert Avenue)**

( . ) – 1. Approve and authorize the Mayor and City Clerk to execute the Professional Services Contract with Sapphos Environmental, Inc. titled *Professional Services Contract Between the City of Huntington Beach and Sapphos Environmental, Inc. for the Preparation of the Environmental Documentation Related to the Sports Complex* in the amount of \$53,401.00 for preparation of Environmental Documentation for the closure of one ingress/egress driveway from the Central Library parking lot to the Sports Complex; and 2. Authorize the Director of Planning to expend \$53,401.00 for Professional Planning Services to prepare Environmental Documentation, pursuant to the Contract with Sapphos Environmental, Inc., and to extend the duration of the contract as necessary. Submitted by the Planning Director. Funding Source: Existing appropriation from the **Community Service Park Fund for Professional Services Account**. This appropriation has been previously approved by the City Council.

F. **Administrative Items**

**Note that there is no F-1. For paper conservation purposes, the following Item Continued as F-2 from the October 6, 2003 Meeting is returned to the agenda as F-2:**

**(City Council/Redevelopment Agency) Continued from October 6, 2003 - Approve an Owner Participation Agreement (OPA) between the Redevelopment Agency and KDF Communities, LLC for the Acquisition and Rehabilitation of the Hermosa Vista Apartments Affordable Housing Project Located at 15363 and 15425 Goldenwest Street at the n/w Corner of McFadden Avenue (Includes Regulatory Agreement) ( . )**

Communication from the Economic Development Director transmitting the following **Statement of Issue**: The Redevelopment Agency is asked to approve an Owner Participation Agreement (OPA) between the Agency and KDF Communities, LLC. This agreement provides for a loan in the amount of \$3,325,000 of HOME Investment Partnership program funds and Agency Housing Set Aside funds for the acquisition and rehabilitation of Hermosa Vista Apartments, located at 15363 and 15425 Goldenwest Street.

**Recommended Action**: Motion to:

**City Council Recommended Action**:

Temporarily waive the City's insurance requirements for the purpose of approving the Agency Loan. Direct staff to ensure that insurance requirements as described in the Owner Participation Agreement are met by KDF Communities, LLC by the close of escrow;

**Redevelopment Agency Recommended Action**:

1. Approve *Owner Participation Agreement by and among Redevelopment Agency of the City of Huntington Beach and KDF Communities, LLC* for \$3,325,000 using HOME Investment Partnership program funds and Agency Housing Set Aside funds for the acquisition and rehabilitation of Hermosa Vista Apartments, located at 15363 and 15425 Goldenwest Street.

**and**

2. Authorize execution and recordation of the OPA, all attachments, and other necessary related documents by the Agency Chairman, Executive Director, and Clerk when advised by the Agency General Counsel.

**and**

3. Authorize the wire transfer of \$3,325,000 to effect the closing of the acquisition escrow.

G. Ordinances

G-1. Ordinance for Adoption

G-1a. (City Council) Adopt Ordinance No. 3619 Deleting the Huntington Beach Municipal Code Chapter 5.36 Relating to Pawn Brokers (The Regulation of Pawn Brokers by the State Preempts the Need for a Local Ordinance) ( . ) Ordinance No. 3619 - *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 5.36 Relating to Regulation of Pawn Brokers.* (Approved for Introduction October 6, 2003).

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3619**, by roll call vote.

G-2. Ordinances for Introduction

G-2a. (City Council) Approve for Introduction 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, approve for introduction 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;”*

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.”*

**H. City Council/Redevelopment Agency Items****H-1a. Submitted By Mayor Connie Boardman****(City Council) Request the City Attorney to Prepare Documentation Re: Sexual Harassment Policy to Include City Council, City Board, Commission, Committee, and Task Force Members ( . )**

Communication from Mayor Connie Boardman transmitting the following **Statement of Issue:** The City currently has a sexual harassment policy that applies to employees of the City. Administrative Regulation 412 (included in the agenda packet) describing this policy is attached. The City Council, and members of city boards, commissions, committees, & task forces do not currently fall under this policy.

Since the City Council and the board, commission, committee & task force members interact with citizens and employees, I believe it is important that they be covered under the City's policy in this area.

To that end, I am asking that the City Council request that the City Attorney prepare the appropriate documents to assure that the City Council and those who serve on City boards, commissions, committees and task forces are included under the City's sexual harassment policy.

**Recommended Action:** Motion to:

The City Council requests that the City Attorney prepare appropriate documentation to assure that the City Council and all those who serve on a City board, commission, committee, or task force included under the City's sexual harassment policy.

**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 3, 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>