

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**.

AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY

CITY OF HUNTINGTON BEACH

MONDAY NOVEMBER 7, 2005

4:00 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

Call City Council/Redevelopment Agency Meeting to Order

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

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.)

Public Comments Regarding 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

(City Council) Study Session No. 1— The Urban Water Management Planning Act of 1983 Requires that Water Utilities that Supply Over 3,000 Acre-Feet of Water per Year or have 3,000 or more Customers Submit an Urban Water Management Plan Every Five Years. Huntington Beach Last Adopted a Plan in December 2000. The Plan Must be Presented at a Public Hearing (Scheduled for the November 21, 2005 Council Meeting), Adopted by Resolution and Submitted to the State Department of Water Resources (DWR) by December 31, 2005. DWR in turn Compiles the Information in the Plans and Submits a Report to the Legislature. (.)

PowerPoint presentation titled *City of Huntington Beach 2005 Urban Water Management Plan* is included in the agenda packet.

(City Council) Study Session No. 2 - Joint Study Session between the City of Huntington Beach City Council and the Investment Advisory Board (IAB) – Annual Report on Investments to the City Council (October 2, 2004 to September 30, 2005) (110.10)

Roll Call – Investment Advisory Board - James Steinkirchner, Chair; Ed Bush; Monica Hamilton; Diann Shelton; Bob Glass; Joe Foye; Brian Olson

PowerPoint titled *Joint Study Session IAB/City Council* is included in the agenda packet.

Communication submitted by the Investment Advisory Board titled *City of Huntington Beach Investment Advisory Board (IAB) Annual Report to the City Council for the Period October 1, 2004 to September 30, 2005* is included in the agenda packet.

(City Council) Study Session No. 3– Presentation of ‘Cost Recovery Study Findings’ by Outside Consultant, PRM. Presentation will include a Discussion of the City’s True Cost of Providing Services, as well as Recommended Fee Changes for all Fee-Related Activities. (.)

Call Closed Session of City Council/Redevelopment Agency

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

(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. State of California, Coast Community College District, City of Tustin, City of Stanton, et al.**, Orange County Superior Court Case No. 05CC00118; and related actions: **City of Huntington Beach v. Huntington Beach Police Officers Association**; United States District Court Case No. SA 01-1125 JVS; and **Scottsdale Insurance Company v. Huntington Beach Police Officers Association**, and the related counterclaim, **American States Insurance v. City of Huntington Beach**, United States District Court Case No. SA 03-1143 JVS. Subject: **City of Huntington Beach v. State of California, Coast Community College District, City of Tustin, City of Stanton, and related cases (Gun Range)** (120.80)

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

(City Council) Closed Session - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Review of Contract Terms for Deputy City Administrator**. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

6:00 P.M. - 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 Hansen, Coerper, Sullivan, Green, Bohr, Cook (Mayor Hardy has requested permission to be absent pursuant to Resolution No. 2001-54)

Pledge of Allegiance/Flag Salute – To be led by Mayor Pro Tem Dave Sullivan

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – To be announced by Mayor Pro Tem Dave Sullivan

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

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Presentation

Mayor Pro Tem Dave Sullivan to call on Recreational Superintendent Janeen Laudenback to introduce representatives from the Adult Day Services of Orange County to accept a proclamation for their 25 years of service to the community. (160.40)

Presentation

Mayor Pro Tem Dave Sullivan to call on Judge Rick King who will give a presentation on the Orange County Grand Jury and their current recruitment efforts. (160.40)

Presentation

Mayor Pro Tem Dave Sullivan to call on Fire Chief Duane Olson to accept a check for Project SHIP (Senior Home Inspection Program) from Ron Shenkman, on behalf of Rainbow Disposal. (.)

Presentation

Mayor Pro Tem Dave Sullivan to call on Orange County Register representatives Brian Howell and Linda Walters to present the City with the Orange County Register Reader Awards. (.)

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).

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

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

C-2. City Administrator's Report

C-2a. (City Administrator's Report) – eCivis Grants Locator Service – A Brief Demonstration and Information on How Huntington Beach Community-Based Organizations Can Participate in Using this Grants Search Tool. (.)

C-2b. (City Administrator's Report) – Fire Captain Gary Finney will Share a PowerPoint Presentation of His Recent Experience, Along with Three Other Huntington Beach Fire Department Firefighters, on Their Deployment to Louisiana and Mississippi. They Were Sent on a Disaster Recovery and Mitigation Mission by the Federal Emergency Management Association (FEMA) Following Hurricane Katrina. (.)

C-3. City Treasurer's Report

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

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

Recommended Action: Motion to:

Review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for September 2005, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

C-4. City Attorney's Report of Litigation Filed

D - PUBLIC HEARING – None

E. CONSENT CALENDAR

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

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

E-1. (City Council/Redevelopment Agency) Minutes (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Adjourned Regular Meeting of September 12, 2005, Regular Meeting of September 19, 2005, Adjourned Regular Meeting of September 26, 2005, Adjourned Regular Meeting of September 30, 2005, Regular Meeting of October 3, 2005, Special Meeting of October 4, 2005 and Regular Meeting of October 17, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

E-2. (City Council) Receive and File City Clerk's Quarterly Report Listing Professional Services Agreements Filed in the City Clerk's Office Between July 1, 2005 and September 30, 2005 (100.30) – Receive and file the *List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03* and submitted to the City Clerk's Office during the period July 1, 2005 to September 30, 2005. Submitted by the City Clerk. Funding Source: Not Applicable.

E-3. (City Council) Approve the Release of the Cash Bond for Tract 16406 to CIM Group for The Strand Project. Continued from the October 17, 2005 meeting. (420.60) – Release the Cash Bond No. T21926 and instruct the City Treasurer to issue a refund in the amount of \$1,161,300 to CIM Group. Submitted by the Public Works Director. Funding Source: The Bond and Trust Fund, 706.

E-4. (City Council) Approve Modification to Shipley Nature Center Master Plan of Improvements to Include a Trail with a Boardwalk (.) – Approve modification to the Shipley Nature Center Master Plan of Improvements to include a trail with a boardwalk per the attached plan. Submitted by the Community Services Director. Funding Source: Not applicable. Recommended action is relative to modifying the Master Plan. Note: Friends would be responsible for construction of a boardwalk at a later date.

E-5. (Redevelopment Agency) Authorize Appropriation of Funding for Parking Structure Amenities and Police Substation Furniture and Equipment at Bella Terra (.) – **1.** Authorize appropriation of \$62,175.23 (25% of the total amount for the Parking Structure Improvements of \$248,700.90); and **2.** Authorize Executive Director to execute appropriate reimbursement agreement with DJM Capital Partners/Bella Terra Associates for parking structure improvements as noted herein; and **3.** Authorize appropriation of \$45,000 for equipment and furniture for the Bella Terra Police Substation. Submitted by the Redevelopment Agency Deputy Executive Director. Funding Source: Unappropriated Redevelopment Agency Fund Balance to Business Unit 30580101.82800. Fiscal Impact Statement is attached.

E-6. (City Council) Accept Resignation of Cameron Abrams and Approve Appointment of Justin Weiler to the Human Relations Task Force with a Term to Expire December 31, 2007 (.) – Accept the resignation of Cameron Abrams and approve the appointment of Justin Weiler to the Human Relations Task Force with a term to expire December 31, 2007, as recommended by City Council Members Debbie Cook and Gil Coerper. Submitted by the Community Services Director. Funding Source: Not applicable.

E-7. (City Council) Approve Professional Services Contract with Tatum CIO Partners, LLP for Conducting an Information Services (IS) Assessment and Development of an Information Services Master Plan (Not to Exceed \$148,350) Postponed from meeting of July 18, 2005 (.) – Approve and authorize execution by the Mayor and City Clerk of the contract between Tatum CIO Partners, LLP and the City of Huntington Beach. Submitted by the Information Services Director. Funding Source: Current funding for this contract is available in FY 05/06 budget in Business Unit 10042101.69315.

E-8. (City Council) Increase Funding for MSC-426, Asphalt Overlay of Various Residential Streets due to Unanticipated Increase in the Cost of Asphalt Materials (.) – Approve additional funds in the amount of \$30,000 to cover the increase in material cost. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$30,000 are available from Gas Tax Funds, FY 2005/06, Account No. 20785417.64620.

E-9. (City Council) Adopt Resolution No. 2005-70 Requesting Orange County Transportation Authority (OCTA) to Allocate Funds Through the Combined Transportation Funding Programs (CTFP) for Partial Construction Costs Related to the Brookhurst/Adams Intersection Improvement Project, CC-1162 (.) – *Adopt Resolution No. 2005-70 “A Resolution of the City Council of the City of Huntington Beach Requesting The Orange County Transportation Authority Allocate Combined Transportation Program Funds for Brookhurst/Adams Intersection Improvement Project.”* Submitted by the Public Works Director. Funding Source: Reimbursement of project expenditures in the amount of \$245,220 will be credited to the OCTA Grant Fund 873. The balance of the grant, approximately \$51,000 will be reimbursed upon completion of the project. Total project costs are estimated at \$500,000, with matching funds budgeted in the Traffic Impact Fee Fund 206.

E-10. (City Council) Approve Sole Source Procurement from Valley Power Systems for Purchase of Waukesha Brand Large Natural Gas Engines for Groundwater Wells, Booster Stations and Flood Control Stations (.) – Approve Sole Source Procurement from Valley Power Systems of Mira Loma, California, for the purchase of Waukesha natural gas engines. Submitted by the Public Works Director. Funding Source: Funds are budgeted in General Fund Account 10040214.83700, subledger 10085502, (\$300,000) and General Fund Account 10040314.83700 (\$1,115,000) for replacement of natural gas engines.

E-11. (City Council) Approve a Five-Year Lease Agreement with Vista Beach/Slater Center for the Oakview Police Substation Located at 17473 Beach Blvd. (.) – **1.** Approve the lease agreement by and between the City of Huntington Beach and Vista Beach/Slater Center for the use of real property located at 17473 Beach Blvd. for use by the Police Department for the Oakview Substation; and **2.** Authorize execution of the lease agreement by the Mayor and City Clerk. Submitted by the Police Chief and Economic Development Director. Funding Source: Funds are available in BJA 2003/2004, business unit 76170101.83000 equipment account, which will be transferred to 76170101.70100 lease account for the 11 months of lease payments totaling \$16,500.

E-12. (City Council) Approve the Garfield and Delaware Intersection Improvement Project Land Purchase Between the City of Huntington Beach and Esther Contreras for the Real Property Located at 19002 Delaware Street (.) –

1. Approve the Agreement for Purchase and Sale of Real Property and Escrow Instructions in the amount of \$735,000 between the City of Huntington Beach and Esther Contreras for the real property located at 19002 Delaware Street; and **2.** Authorize execution of the agreement by the Mayor and City Clerk. Submitted by the Economic Development Director and the Public Works Director. Funding Source: Funds in the amount of \$735,000 are budgeted in the Traffic Impact Fund, Street Widening, Land Purchase, Account No. 200690001.81100. Reimbursement in the amount of \$600,000 will be requested from OCTA Growth Management Area (GMA) #6 upon completion of the acquisition.

E-13. (City Council) Adopt Resolution No. 2005-72 Authorizing Execution of Program Supplement Agreements 0B16 and 0B17 for a State Funded Project Related to the Safe Routes to School Grant Program for Improvements in the Vicinity of Marine View Middle School and Mesa View Middle School (.) –

Adopt Resolution No. 2005-72 *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works to Execute Program Supplement Nos. 0B16 and 0B17 to Master Agreement No. 000181 for Improvements in the Vicinity of Marine View Middle School and Mesa View Middle School.”*

Submitted by the Public Works Director. Funding Source: Estimated project costs of \$230,500 are budgeted in Caltrans Grants, Safe Routes to School, Traffic Improvements 87890001.82700. The approved grant amount is \$206,910, and matching funds in the amount of \$23,590 are budgeted as a transfer from the Gas Tax Fund in 20785201.88205. The project is in the approved Fiscal Year 2005/2006 Capital Improvement Program.

E-14. (City Council) Approve Three-Year Professional Services Contract Between The City of Huntington Beach and Labor Management Success (Renee Mayne) for Labor Negotiation Services (.) –

Approve and authorize execution by the City Administrator the three-year professional services contract between the City of Huntington Beach and Labor Management Success (Renee Mayne) for chief negotiator services. Submitted by the Acting Deputy City Administrator. Funding Source: Funding is budgeted in the FY 2005/2006 General Fund Budget for City Administration professional services contracts for labor negotiations (\$123,500), business unit 10035303. Ongoing appropriations to this account will be needed in FY 2006/2007 and 2007/2008 General Fund Budgets.

E-15. (City Council) Approve the Appointments of Rick Campbell and Richard Lara and the Reappointment of Linda Couey to the Citizen Participation Advisory Board (CPAB) With Terms Ending in September 30, 2009 (.) –

1. Approve the appointment of Rick Campbell and Richard Lara to the Citizen Participation Advisory Board (CPAB) for one term (four years), ending September 30, 2009, as recommended by City Council Members Coerper and Green; and **2.** Approve the reappointment of Linda Couey for a second term (four years), ending September 30, 2009, as recommended by City Council Members Coerper and Green. Submitted by the Economic Development Director. Funding Source: Not applicable.

E-16. (City Council) Adopt Resolution No. 2005-71 to Set Public Hearing for December 19, 2005 to Extend Deadline to Complete Beach Boulevard Underground Utility District No. 00-01 Yorktown Avenue to Pacific Coast Highway (.) – Adopt Resolution No. 2005-71 *“A Resolution of the City Council of the City of Huntington Beach Calling a Public Hearing to Amend Underground Beach Boulevard Utility District No. 00-01.”* Submitted by the Public Works Director. Funding Source: No City funds are required. The California Public Utilities Commission requires that public utilities set aside funding for Underground Utility Districts (Rule 20A). Pursuant to this requirement, Southern California Edison Company (SCE) has established a funding program for current and future Underground Utility Districts within the City as set forth in the Engineer’s Report.

E-17. (City Council) Approve First Amendment to Agreement for Implementation of Unified Program Element Requirements for the California Accidental Release Prevention Program (Cal-ARP) Between the City of Huntington Beach and the County of Orange (.) – Approve and authorize the Mayor and City Clerk to execute the attached amendment to the agreement with the County of Orange for implementation of the unified program element requirements for the Cal-ARP Program. Submitted by the Fire Chief. Funding Source: A charge of \$1,491 to the City’s Water Fund (account 50685801.79025) will be required.

F. Administrative Items – None

G. Ordinances

G-1. Ordinance for Adoption – None

G-2. Ordinances for Introduction

G-2a. (City Council) Approve for Introduction 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 (.) – 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.”*
Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3723**, by roll call vote.

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 an Adjourned Regular Meeting **Tuesday, November 15, 2005** at 5:00 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

The next regularly scheduled Council meeting is **Monday, November 21, 2005**, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

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

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AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL
MEETINGS**

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