

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 21, 2005

4:30 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

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Coerper, Sullivan, Hardy, Green, Bohr, Cook (Council Member Hansen 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/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. (.)

PowerPoint presentation titled *Redevelopment Agency Funding Availability – November 21, 2005* is included in the agenda packet.

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 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).

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

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.

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.)

Presentation

Mayor Jill Hardy to call on Southern California Edison Regional Affairs Manager Jerry Dominquez 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)

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)

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)

Presentation

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

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendized.

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

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) 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. (.)

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. (.)

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."

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. (.)

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.

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)

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) 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. (.) – 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.

E-2. (City Council) Approve Employment Agreement Between the City of Huntington Beach and Robert W. Hall for the Position of Deputy City Administrator (.) 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.

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. (.) – 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.

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. (.) – 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.

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. (.) – 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.

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. (.) – **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

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)

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.

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 (.)

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.

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. (.)

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 3rd Battalion – 1st 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 3rd Battalion, 1st Marine Regiment, 1st 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*

H-3a. Submitted By Councilmember Green**(City Council) Wildland Conservancy Request for Creation of a Huntington Beach Blue Ribbon Committee to Development a Vision for the Santa Ana River. (.)**

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.*

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**

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.

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, December 5, 2005, at 6:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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

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