HUNTINGTON BEACH CITY COUNCIL
INTERGOVERNMENTAL RELATIONS COMMITTEE

AGENDA

Tuesday, June 24, 2012, 4:30 PM
Huntington Beach City Hall
2000 Main Street
4th Floor in Conference Room #1

Roll Call: Mayor Pro Tem Devin Dwyer, Council Members Joe Carchio and Matthew Harper

Public Comments:

An opportunity for the public to comment on any item of interest,
either in general or specific to this agenda,
that is within the subject matter or jurisdiction of the Intergovernmental Relations Committee.

I **Minutes:**

A. Approval of Minutes from the January 24, 2012, regular meeting.
B. Approval of Minutes from the March 27, 2012, regular meeting.
C. Approval of Minutes from the April 24, 2012, regular meeting.

II **Federal Issues:** ***NONE***

III **State Issues:**

A. AB 2231 (Fuentes/Padilla) amends Section 5611 of the Streets and Highways Code. This section of the code provides a mechanism for local jurisdictions to notify and require adjacent property owners to repair damaged and/or unsafe sidewalks. This bill would provide that if a city, county, or city and county has an ordinance in place that requires that local entity to repair sidewalks, a repeal of that ordinance shall become effective only if the repealing ordinance is approved by the majority of voters voting on that measure in a consolidated or general election.

The legislation restricts local authority and the ability for city councils and county boards of supervisors to decide how best to balance infrastructure needs. If passed, this bill may affect formation of a special assessment district for sidewalk maintenance currently being studied by the Blue Ribbon Committee. The bill is opposed as amended by the League of California Cities and the California State Association of Counties.

(Oppose As Amended on May 31, 2012 –Jubinsky)

B. AB 904 (Skinner) is a bill that would remove your city's authority to establish parking requirements for development, and instead impose a statewide, one-size-fits-all policy. AB 904 (Skinner) is a reintroduction of AB 710 (Skinner), which failed last year, and has been resurrected through the *gut and amend* process and goes directly against local authority.

(Oppose – Fritzal)

IV **Regional Issues:** ***NONE***

V **Administrative Issues:**

Review contract of Federal Lobbyist – Ferguson Group

(Emery)

VI **Informational Items:** ***NONE***

Adjourn to the next regular meeting, *Tuesday, July 24, 2012, at 4:30*, 4th floor, City Hall

ITEM #I A.

HUNTINGTON BEACH CITY COUNCIL
INTERGOVERNMENTAL RELATIONS COMMITTEE

MINUTES

Wednesday, January 24, 2012, 4:00 PM
Huntington Beach City Hall
2000 Main Street
4th Floor in Conference Room #1

Roll Call: Mayor Pro Tem Devin Dwyer, Council Members Joe Carchio and Matthew Harper
CARCHIO & DWYER PRESENT/ HARPER ABSENT

I **Public Comments**

An opportunity for the public to comment on any item of interest,
either in general or specific to this agenda,
that is within the subject matter or jurisdiction of the Intergovernmental Relations Committee.

Minutes:

A. Approval of Minutes from the November 30, 2011, regular meeting
MOTION TO APPROVE MINUTES – DWYER / SECOND – CARCHIO – MINUTES APPROVED

II **Federal Issues**: ***HR 1746 – Rep. TAMMY BALDWIN (D-WI)*** Seeks to amend the Communications Act of 1934 to establish signal quality and content requirements for the carriage of public, educational, and governmental channels, to preserve support of such channels, and for other purposes. *(SUPPORT – FRYMIRE)*
JOHN BORACK (SP?) GENERAL MANAGER OF PCTA GUEST SPEAKER
MOTION TO TAKE ISSUE TO COUNCIL FOR APPROVAL TO SEND MAYOR'S LETTER OF SUPPORT – CARCHIO
SECOND – DWYER

III **State Issues: SB 654 – STEINBERG** This bill would revise the definition of the term "enforceable obligation" and modify provisions relating to the transfer of housing funds and responsibilities associated with dissolved redevelopment agencies. The bill would provide that any amounts on deposit in the Low and Moderate Income Housing Fund of a dissolved redevelopment agency be transferred to specified entities. The bill would make conforming changes.
(SUPPORT-FRITZAL)

DECISION IS TO CALL IN SUPPORT OF THIS ITEM

IV **Regional Issues:** HB spends $1.8M annually on SCE owned streetlights. This is 41% of the electric utility budget and 22% of the electricity used by city facilities. Street lighting is the single largest user of power that is paid by taxpayers out of the General Fund. The attached letter agreement correctly notes that cities are experiencing funding shortfalls and the particulars of the SCE street light tariffs preclude cities from reducing costs or environmental impacts. There is an opportunity to join with Moreno Valley and up to 40 other Southern California Local governments in creating options that enable energy efficiency and more flexibly manage costs in street lighting systems over an entire business cycle (booms and recessions) and limit future rate increases. Staff is seeking direction from IRC to join this effort at a cost not to exceed $10,000.
(SUPPORT – KLEMM)

SCE PUBLIC INFORMATION – KAY AND REGIONAL REP – GODGES GUEST SPEAKERS
MOTION TO RECOMMEND COUNCIL SUPPORT – CARCHIO
SECOND - DWYER

V **Administrative Issues:** ***NONE***

VI Informational Items: ***NONE***

Adjourn to the next regular meeting, *Tuesday, February 28, 2012*, at 4:00, 4th floor, City Hall

ITEM #I B.

HUNTINGTON BEACH CITY COUNCIL
INTERGOVERNMENTAL RELATIONS COMMITTEE

MINUTES

Tuesday, March 27, 2012, 4:00 PM
Huntington Beach City Hall
2000 Main Street
4th Floor in Conference Room #1

Roll Call: Mayor Pro Tem Devin Dwyer, Council Members Joe Carchio and Matthew Harper
Public Comments

HARPER/DWYER PRESENT
CARCHIO ABSENT

An opportunity for the public to comment on any item of interest,
either in general or specific to this agenda,
that is within the subject matter or jurisdiction of the Intergovernmental Relations Committee.

Minutes:

A. Approval of Minutes from the January 24, 2012, regular meeting - *NO ACTION TAKEN*

II **Federal Issues**

III **State Issues:** Orange County Division Members and Coalition Partners,

A. There is movement in the Capitol to "clean up" the problems and ambiguities that cities have expressed about ABx1 26.

AB 1585 is a bill authored by Assembly Speaker John Perez and Assembly Members Atkins, Dickinson, Hill, Mitchell, Perea and Torres. It's an urgency bill, which will require a 2/3rds vote.

The League of California Cities is in the process of analyzing AB 1585 at this time and does not yet have a position on it. While the measure does not address all issues that have arisen with ABx1 26, it does make an effort to resolve some concerns, albeit additional fine tuning of language will be needed.

This is a partial list of some of the major changes this bill aims to make:

- Modify the scope of the term "enforceable obligation" to include fulfillment of collective bargaining agreements for layoffs or termination of city employees who performed redevelopment work. It also expands the scope of loans between legislative bodies and their agencies that will be counted as enforceable obligations with the approval of an oversight board.

- Modify the meaning of "administrative cost allowance" so that costs could be increased with the approval of the oversight board. While this is a step in the right direction, it's limited to employee costs and neglects third party contractual services.

- Provide that any funds in the low and moderate income housing funds, be kept by the governing body that retains the housing function. Eighty percent of this funding must be spent or committed in three years otherwise it's forfeited to the auditor-controller to be used for housing purposes. It's not entirely clear if the auditor-controller will be required to use the funding for affordable housing.

The League will continue to analyze this measure and propose language clarifications where necessary. The League will also pursue needed cleanup to other provisions of ABx1 26, in both this measure and other vehicles. Please let me know if you have any questions.

(Support – FRITZAL)

MOTION TO SUPPORT: HARPER
SECOND: DWYER
MOTION PASSED

B. The Political Reform Act delegates authority to the Secretary of State to make electronic filings for state committees the official document of record for audit and other legal purposes and eliminate the paper filing requirement. Local filing officers do not have this authority.

San Francisco Assemblymember Tom Ammiano has introduced **Assembly Bill 2452** to grant local legislative bodies this authority. The bill requires a local ordinance to be passed to require electronic filing, so no local filing officer would be required to move to electronic filing until ready. **If passed, local jurisdictions that require electronic filing would no longer be required to accept filings in paper format.**

(Support – FLYNN)

MOTION TO SUPPORT: DWYER
SECOND: HARPER
MOTION PASSED

IV Regional Issues: ***NONE***

V Administrative Issues: ***NONE***

VI Informational Items: ***NONE***

Adjourn to the next regular meeting, *Tuesday, April 24*, 2012, at 4:00, 4th floor, City Hall

ITEM #I C.

HUNTINGTON BEACH CITY COUNCIL
INTERGOVERNMENTAL RELATIONS COMMITTEE

MINUTES

Tuesday, April 24, 2012, 4:00 PM
Huntington Beach City Hall
2000 Main Street
4th Floor in Conference Room #1

Roll Call: Mayor Pro Tem Devin Dwyer, Council Members Joe Carchio and Matthew Harper
Public Comments

CARCHIO/HARPER PRESENT
DWYER ABSENT

An opportunity for the public to comment on any item of interest,
either in general or specific to this agenda,
that is within the subject matter or jurisdiction of the Intergovernmental Relations Committee.

I **Minutes**: Approval of Minutes from the March 27, 2012, Regular Meeting *NO ACTION*

II **Federal Issues**

III **State Issues:**

A. Governor Brown's January 2012-13 Budget does not provide any funding for public libraries, and over the past weeks we have been asking CLA members, friends groups, literacy advocates and others to write letters in support of restoration of $15.2 million in this year's Budget. $15.2 million will not only protect the integrity of the three programs in jeopardy – the California Library Services Act, the state literacy program, and the Public Library Foundation, but it will also allow the State Library to draw down millions of dollars in federal funding to support programs such as the Braille and Talking Books program. The first and most critical point in the Budget deliberations is the Budget Subcommittee level.

SUPPORT (Beverage)

MOTION BY HARPER TO SEND LETTER IN SUPPORT OF RESTORING $15.2 MILLION IN THIS YEAR'S BUDGET
SECOND BY CARCHIO
MOTION PASSED

B. AB 1551

AB 1551 (Torres) was passed out of the Assembly Insurance Committee Wednesday. This bill would exempt certain public safety officers from a requirement to report accidents that occur in a personal vehicle to a personal insurance provider and instead report those accidents to the employer. This bill unnecessarily shifts the liability for automobile accidents from the employee to the employer.

This bill now heads to the Assembly Appropriations Committee where it will be reviewed for fiscal impacts to the state. It will likely be heard in the next few weeks. City officials should send opposition letters immediately.

OPPOSE (Warren)

MOTION BY HARPER TO SEND LETTER OF OPPOSITION OF AB 1551
SECOND BY CARCHIO
MOTION PASSED

IV **Regional Issues**: ***NONE***

V **Administrative Issues:** ***NONE***

VI **Informational Items**: ***NONE***

Adjourn to the next regular meeting, *Tuesday, May* 22, 2012, at 4:00, 4th floor, City Hall

ITEM #III A.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

To: Travis K. Hopkins, P.E., Director of Public Works

From: Debra Jubinsky, Senior Administrative Analyst

Date: June 19, 2012

Subject: Assembly Bill 2231 (Fuentes) as Amended May 31, 2012--Staff Analysis and Recommendation to Oppose Bill

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Background:

Assembly Bill 2231 is an Act amending Section 5611 of the California Streets and Highways Code relating to sidewalks. Currently the law requires the owners of lots or portions of lots with frontage on any part of a public street to maintain any sidewalk in a safe condition, and in such a condition that does not interfere with public convenience in the use of the sidewalk, street or area, except for those conditions created or maintained by persons other than the owner.

The current law provides a mechanism for the Director of Public Work to notify the owner or person in possession of property fronting a sidewalk area that is out of repair to repair the sidewalk. The notified party has 2 weeks to complete repairs after which time the Director of Public Works would make the repair and charge the cost of repairs to the owner in the form of a lien on the property.

In Huntington Beach, most sidewalks are part of the public rights-of-way. The current statute exempts the adjacent property owner from responsibility for sidewalk conditions created or maintained by others. Repairs to City sidewalks that are necessary due to damage from City parkway trees are already made by Public Works as part of our infrastructure maintenance. Section 5611 applies in those cases where the adjacent property owner's vegetation, trees, or other conditions have damaged city sidewalks, and provides a mechanism for the city to order the repairs and/or recover costs for repairs made on behalf of the owner.

AB 2231 would provide that if a city, county, or city and county has an ordinance in place that requires that local entity to repair sidewalks, a repeal of that ordinance shall become effective only if the repealing ordinance is approved by the majority of voters voting on that measure in a consolidated or general election.

Local Impacts:

The legislation restricts local authority and the ability for city councils and county boards of supervisors to decide how best to balance infrastructure needs. If passed, this bill is may delay or prevent formation of a special assessment district for sidewalk maintenance currently being studied by the Blue Ribbon Committee.

Supported By (current version):

Apartment Association, California Southern Cities
California Business Properties Association

Opposed By (current version):

League of California Cities
California State Association of Counties
City of Camarillo
City of Concord
City of Lakewood
City of Los Angeles
City of Palmdale
City of Rancho Cucamonga
City of Torrance

Current Bill Status:

AB 2231 is pending a hearing on June 20, 2012 with the Assembly Local Government Committee. The bill was last amended on 5/31/2012.

Recommended Action:

Staff recommends that this bill be reviewed by the Intergovernmental Relations Committee with a recommendation to oppose this bill.

ITEM #III B.

LEGISLATIVE ACTION ALERT!!

AB 904 (Skinner). Threatens Business Friendly Community Development and Affordable Housing

OPPOSE

FACTS:

AB 904 is a gut and amend bill that's a resurrection of impractical policy that was presented in the Legislature by Skinner last year.
AB 904 (Skinner) is a resurrection of AB 710 (Skinner) which was introduced and died on the Senate floor last year. AB 904 is a *gut and amend*, giving the parties involved little time for negotiation on this bill that could severely affect affordable housing and parking conditions for neighborhoods, businesses and public facilities. The infill developers have had eight months since this bill died last September to work with interested parties on new language; however, cities were made aware of their further work in May, giving just three months left in the legislative session to work together.

Affordable housing is at stake if this bill passes.
With the loss of redevelopment and inclusionary housing ordinances, affordable housing is already in a state of crisis, and for the sake of hard working Californians we should be working together to encourage it, not contribute to its demise. This bill is being touted as a bill that provides incentives for more mixed use development, but really it completely undermines a law that already gives developers incentives - the Density Bonus Law. By disregarding the Density Bonus Law, developers get a hefty reduction in parking without requiring any affordable housing.

AB 904 is bad for economic development in California.
AB 904 discourages economic growth. If customers cannot access businesses it discourages regular patronage. Businesses are not going to commit to uncertain locations, especially in this economic climate.

AB 904 is a one-size-fits-all bill, except for the special exceptions made for the author's district.
The bill doesn't take into account the unique circumstances in different geographical areas. That is except for the author's district. An amendment was taken to carve out an exception to the requirement for two BART projects in Contra Costa County. This amendment shows recognition by the author that this bill is not practical for every development scenario.

The city of Los Angeles last year opposed this bill because of a local stadium proposal with 72,000 seats. It's estimated that the stadium will be 285,000 square feet which means the city could only require 285 parking spots. Even if 50 percent of the people took transit, each car would have to contain 126 people!

TAKE ACTION: CITY OPPOSITION LETTERS NEEDED

AB 904 is scheduled to be heard in the Senate Governance and Finance Committee on **Wednesday, June 27**. Send faxed letters of opposition to your Senator **before June 20.** Legislator addresses and fax numbers can be searched online by address.

TALKING POINTS:

- AB 904 (Skinner) is a resurrection of AB 710 (Skinner) which was introduced and died on the Senate floor last year. AB 904 is a *gut and amend*, giving the parties involved little time for negotiation on this bill that could severely affect affordable housing and parking conditions for neighborhoods, businesses and public facilities.

- Affordable housing is at stake if this bill passes. It's being touted as a bill that provides incentives for more mixed use development, but really it completely undermines a law that already gives developers incentives - the Density Bonus Law. By disregarding the Density Bonus Law, developers get a hefty reduction in parking without requiring any affordable housing.

- With the loss of redevelopment and inclusionary housing ordinances, affordable housing is already in a state of crisis, and for the sake of hard working Californians we should be working together to encourage it, not contribute to its demise.

- AB 904 discourages economic growth. If customers cannot access businesses it discourages regular patronage. Businesses are not going to commit to uncertain locations, especially in this economic climate.

- This is a one-size-fits-all bill that doesn't take into account the unique circumstances in different geographical areas. That is except for the author's district. An amendment was taken to carve out an exception to the requirement for two BART projects in Contra Costa County. This amendment shows recognition by the author that this bill is not practical for every development scenario.

- This bill encourages urban sprawl by removing incentives for communities to grow up and not out. If cities are subject to the confines of this bill, it will certainly discourage infill development.

- GIVE EXAMPLES OF PROJECTS IN YOUR COMMUNITY THAT WOULD NOT MOVE FORWARD DUE TO THE BURDENS PRESENTED IN THIS BILL.

TONY CARDENAS
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