

**Regular Minutes  
City Council/Redevelopment Agency  
City of Huntington Beach**

Monday, April 18, 2005  
4:30 P.M. - Room B-8  
6:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 4:30 p.m. portion of this meeting  
and a videotape of the 6:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Patricia Albers to 4:30 p.m. in Room B-8 due to a lack of quorum.

**Call to Order**

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:30 p.m. in Room B-8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Hansen, Coerper, Sullivan (arrived 4:35 p.m.), Hardy, Green, Bohr, Cook  
Absent: None

**The Following Late Communications Were Submitted During the Meeting:**

Communications submitted by Mary Morales, Executive Director, Public Cable Television Authority (PCTA), undated and titled *Public Cable Television Authority Franchise History* and *Public Cable Television Authority Technology Subcommittee Overview of the Renewal Process*.

**(City Council/Redevelopment Agency) Study Session No. 1 Held – Updates Given on the Public Cable Television Authority (PCTA) Franchise Renewal Process with Time Warner and Survey on Cable TV Service (140.60)**

City Administrator Penny Culbreth-Graft introduced Mary Morales, Executive Director of the Public Cable Television Authority (PCTA). Ms. Morales reported on franchise history and distributed two Late Communications titled *Public Cable Television Authority Franchise History* and *Public Cable Television Authority Technology Subcommittee Overview of the Renewal Process*.

Director Morales introduced Bill Martingrena, General Council for the PCTA who gave an overview of the renewal process and Dr. Gregory Robinson, who reported on the survey design and results. Mr. Martingrena and Dr. Robinson addressed Council inquiries relative to the renewal and the survey methods used.

John Risk from Communications Support Group, Inc. spoke regarding focus group interviews and responded to further Council inquiries.

**(City Council/Redevelopment Agency) Study Session No. 2 Deferred to May 2, 2005 Study Session Meeting – Presentation by the Finance Department Re: Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003/2004 (310.20)**

Mayor Hardy announced that the second Study Session item would be discussed after the 6:00 p.m. agenda. It was later postponed to the May 2, 2005 Study Session.

**Motion to Recess to Closed Session – Approved**

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following items. The motion carried by consensus of all present, none absent.

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

**Reconvened City Council/Redevelopment Agency Meeting – 6:00 P.M. – Council Chambers.**

**City Council/Redevelopment Agency Roll Call**

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook  
Absent: None

**No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).**

Mayor Hardy asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

**Pledge of Allegiance** – Led by Mayor Jill Hardy

**Invocation** – Led by Reverend Peggy Price, President of the Greater Huntington Beach Interfaith Council

**The City Clerk Announced a Late Communication**

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced a Late Communication regarding an agenda item that had been received by her office following distribution of the agenda packet:

Communication submitted by Councilmember Green dated April 18, 2005 and titled *Item F-1, OCTA Measure M – Centerline Funds* requesting the City Council take a position in support of retaining the Measure M Funds allocated to the Centerline Project for use on transit projects, and authorize the Mayor to send a letter to the OCTA Board. A draft Transit Support Letter was also included.

**The Following Additional Late Communications Were Submitted During the Meeting:**

Communications submitted by Mary Morales, Executive Director, Public Cable Television Authority (PCTA), undated and titled *Public Cable Television Authority Franchise History* and *Public Cable Television Authority Technology Subcommittee Overview of the Renewal Process*.

Communication submitted by John Earl dated April 18, 2005, untitled, which is a copy of a letter submitted to Ambassador Robert Zoellick, United States Trade Representative, by Attorney Generals from thirty states or territories.

Communication submitted by Jan Vandersloot dated April 18, 2005 titled *Troubles in Tampa Imperil Carlsbad Desalination Deal*, which is a copy of a newspaper article printed in the San Diego Union-Tribune.

**Presentation** – Senator John Campbell made a presentation to Councilmember Cathy Green for being named “Woman of the Year.” Councilmember Green presented Senator Campbell with a Huntington Beach history book and other Huntington Beach memorabilia (160.40)

**Presentation** - Mayor Jill Hardy presented a proclamation to the Huntington Beach Tree Society and the Huntington Beach Chamber of Commerce Women in Action commemorating Arbor Day 2005. Elaine Craft and Jean Nagy announced that they would plant a magnolia tree at Moffett Park on Wednesday, April 20. Ms. Nagy thanked Disneyland, other donors, and City Park Tree & Landscaping employees. (160.40)

**Presentation** - Angela Avery from the California Park and Recreation Society (CPRS) presented Paul Frank, Paul Frank Industries with the CPRS "Champion of the Community" Award. Mayor Jill Hardy called on Kate Hoffman and Janeen Laudenback from the Community Services Department who enumerated all of the programs Mr. Frank has been involved in locally. (160.40)

**Public Comments**

**Steve Stafford** reported on the Fountain Valley School District's proposed sale of school sites, questioning the rationale behind selling the property at this time.

**Paul Ocelnik**, affiliated with Leukemia & Lymphoma Society Team in Training, reported on his grandmother's diagnosis and his participation with the Society. He asked Council to consider training for a marathon or half-marathon and described the training provided. Mr. Ocelnik announced that informational meetings will be held on Tuesday, May 10 at 6:30 p.m. at the Minolta Office and Thursday, May 12 at 6:30 p.m. at the Huntington Beach Central Library.

**Larry Porter**, affiliated with Ocean Outfall Group, spoke in opposition to the proposed desalination plant and its potential negative effects on the environment and citizenry.

Councilmember Coerper requested the previous speaker to contact the Council office and gave him the contact information.

**Eben Sprague** spoke in opposition to the proposed desalination plant and, in his opinion, the resulting changes to sea life. Mr. Sprague urged Council to investigate current water conservation efforts in the City for improvement opportunities and to protect the ocean.

**Kristen Pankratz**, Masters student at the University of Southern California, informed the Council and meeting attendees about specialized training for interactions with citizens with mental or emotional challenges. Ms. Pankratz suggested that the Huntington Beach Police Department undergo "Crisis Intervention Team" training for improved results when dealing with the mentally ill.

**John Earl** spoke in opposition to the proposed desalination plant and suggested interested parties view the City website for further information on the Environmental Impact Report (EIR). Mr. Earl also spoke relative to government restrictions on multinational corporations and referred to a Late Communication concerning the National Association of Attorneys General.

**Jan Vandersloot** voiced his opposition to the proposed desalination project and announced the May 27<sup>th</sup> deadline for the public to comment on the EIR. He reported on the Tampa Bay, Florida desalination project and its unresolved issues. Mr. Vandersloot urged Council to send deliberation regarding this project back to the Planning Commission.

Councilmember Cook announced the availability of the EIR on the website or by contacting the Planning Department and also that she is hosting a meeting Thursday, April 28, 2005 from 7:00 p.m. to 9:00 p.m. in City Hall, Room B-8 to discuss California water issues.

**Guy Adams** spoke regarding the EIR for the proposed desalination plant and the potential negative effects on his neighborhood and the environment. Mr. Adams asked Council to consider the residents' concerns and not just expert reports.

**Don May**, affiliated with California Earth Corps., urged Council to include the Planning Commission in the decision process for the proposed desalination project for a variety of reasons, including the availability of new information and unanswered questions from the original EIR.

**Topper Horach** voiced his opposition to the proposed desalination plant. Mr. Horach referred to an article distributed to Council by a previous speaker, quoting the article and highlighting the problems experienced by Tampa Bay, Florida.

**Don Zaleski**, 18-year resident, spoke in opposition to building a desalination plant in close proximity to homes, citing reasons including noise concerns.

**Dominic Menaldi** thanked Council for the opportunity to speak and announced his opposition to the desalination project. Mr. Menaldi voiced his concerns about hazardous waste dumping in the area, and requested clean up as a priority.

**(City Council) Mayor Pro Tem Sullivan Reported on Meeting with 3/1 Marine Battalion Support Committee (120.20)**

Mayor Pro Tem Sullivan reported on a meeting with the 3/1 Marine Battalion Support Committee. The Committee planned an event for Friday, April 22, 2005 and is asking for donations to sponsor a Marine or his/her spouse in the amount of \$30 each. He asked that donations be sent to City Hall, Attention: Marine Dine-in.

**(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's February 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for February 2005.

City Treasurer Freidenrich gave a PowerPoint presentation titled *February Treasurer's Report*, which was included in the agenda packet.

A motion was made by Green, second Hansen to review and accept the monthly investment report titled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for February 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook  
NOES: None  
ABSENT: None

**(City Council) Administrative Public Hearing Held Pursuant to Resolution No. 2005-14 Adopted February 22, 2005 to Hear Protests Regarding Weed Abatement – Rubbish and Refuse Abatement (520.80)**

Mayor Hardy announced that this was the time noticed for an administrative public hearing to hear objections and protests to the proposed removal of weeds, refuse and rubbish from undeveloped private properties at the owners' expense. This hearing is held pursuant to **Resolution No. 2005-14** adopted February 22, 2005.

The City Council considered a communication from the Acting Public Works Director, Paul Emery.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Acting Public Works Director Paul Emery gave a PowerPoint report.

Discussion ensued amongst Council and staff regarding specific areas of high weeds on Goldenwest Street, adherence to State Fish & Game requirements relative to nesting season and protected habitats, and the height to which the weeds would be trimmed.

Councilmember Cook requested that the project be delayed until Council receives information from the State Fish & Game Department. Director Emery replied that a report would be submitted to Council before abatement action is taken.

Mayor Hardy declared the administrative public hearing open.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Cook, second Green to authorize the Superintendent of Streets (Director of Public Works) to proceed with the abatement of weeds, refuse, and rubbish. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Cook  
NOES: None  
ABSENT: None (Bohr out of room)

**(City Council) Public Hearing Held - Approved as Amended Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 8 Chapters of the Huntington Beach Zoning and Subdivision Code and Amending Various Sections of the Downtown Specific Plan SP-5 – Approved for Introduction - Ordinance Numbers 3705 through 3711, Inclusive and Approved for Introduction as Amended – Ordinance Numbers 3712 and 3713 (450.20)**

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

**Applicant:** City of Huntington Beach.

**Request:** To amend 8 chapters of the Huntington Beach Zoning and Subdivision Ordinance, codify policies and clarify certain sections of existing codes and amend various sections of the Downtown Specific Plan SP 5. The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

**Location:** Citywide

**Environmental Status:** Notice is hereby given that this Item is categorically exempt from the provisions of the California Environmental Quality Act.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Planning Director Howard Zelefsky gave an oral introduction to the topic.

Planning Manager Scott Hess presented a PowerPoint report titled *Zoning Text Amendment 03-02 Entitlement Permit Streamlining Phase II*, which was included in the agenda packet.

Mayor Hardy declared the public hearing open.

**Steve Stafford** commented on the minimum standard required to create a homeowners association (HOA) and asked Council to better define the relevant code.

**Mike Adams** asked Council to direct the larger projects for consideration to the Planning Commission and encouraged Council to approve the staff recommendation.

**Dick Harlow**, speaking on behalf of the Huntington Beach Chamber of Commerce, asked Council to shorten the approval process in order to allow prospective new businesses the ability to take advantage of market opportunities. Mr. Harlow suggested further clarification on specific plans and more detailed zoning ordinances to allow decisions to be made at the staff level.

**Steve Ray** urged Council to approve the recommended action stressing the importance of including public participation in the process. Mr. Ray made several suggestions for Council consideration on specific items from the matrix included on pages D-2.4 through D-2.10 of the staff report in the agenda packet.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Bohr suggested staff consider doing mailing labels "in house" for public notifications, rather than having the applicant prepare them, to ensure accuracy and generate revenue.

The City Council decided to take straw votes on the following items from page numbers D-2.4 through D-2.10 of the staff report:

A **straw motion** was made by Bohr, second Green to review at the Planning Director level with Neighborhood Notification #89 (Downtown Specific Plan, 4.2 General Provisions, 4.2.29. iv Outdoor Dining: Outdoor dining on public or private property) for **existing establishments** with an alcohol permit, to serve alcohol in an outdoor dining area. (Vote to follow)

Mayor Pro Tem Sullivan and Mayor Hardy stated reasons for opposing the motion, including the desire to increase opportunities for public input on these types of items.

City Administrator Penny Culbreth-Graft directed a request for clarification and input from Police Chief Kenneth Small. Chief Small reported and requested the opportunity to review and comment on each request prior to approval.

Councilmember Cook requested that Council be notified weekly of all Planning Director actions requiring Neighborhood Notification.

The maker and the second concurred with the above amendments, and the **straw motion** was amended to include input from the Police Chief prior to approval and weekly email and written notification to Council on all Planning Director actions involving Neighborhood Notification. The **straw motion** carried by the following roll call vote:

AYES: Hansen, Coerper, Green, Bohr, Cook  
 NOES: Sullivan, Hardy  
 ABSENT: None

Councilmember Bohr asked staff to take a look at Downtown Specific Plan, District 5 Mixed Use designations and parking ratios and to make recommendations to Council at a later date.

A **straw motion** was made by Sullivan, second Coerper to keep approval of #7 (Residential Districts: Chapter 210, Bed & Breakfast [only on lots >10,000sq.ft.] at the Planning Commission level of review. The straw motion **failed** by the following roll call vote:

AYES: Coerper, Sullivan  
 NOES: Hansen, Hardy, Green, Bohr, Cook  
 ABSENT: None

Discussion ensued relative to whether or not changes made at this meeting would effect pending applications, and clarification of Coastal Commission approvals.

A **straw motion** was made by Sullivan, second Hardy to keep approval of #93 (Downtown Specific Plan, District 2 Residential, 4.4.01 Permitted Uses: (b) New construction of multiple family housing) at the Planning Commission level of review.

Councilmember Hansen stated reasons for opposing the motion.

The straw motion **failed** by the following roll call vote:

AYES: Coerper, Sullivan, Hardy  
 NOES: Hansen, Green, Bohr, Cook  
 ABSENT: None

A **straw motion** was made by Sullivan, second Coerper to keep approval of #101 (Downtown Specific Plan, District 4 Mixed-Use: Office Residential, Permitted Uses (4.6.01b) Residential Use: apartments, condominiums, and stock cooperatives) at the Planning Commission level of review. The straw motion was subsequently **withdrawn**.

A **straw motion** was made by Sullivan, second Coerper to keep approval of #102 (Downtown Specific Plan, District 4 Mixed-Use: Office Residential, Permitted Uses (4.6.01b) Mixed Use: Mixed Residential/Office Use) at the Planning Commission level of review. The straw motion **failed** by the following roll call vote:

AYES: Coerper, Sullivan  
NOES: Hansen, Hardy, Green, Bohr, Cook  
ABSENT: None

A motion was made by Cook, second Green to approve **as amended** Zoning Text Amendment No. 03-02 with Findings for Approval (\*Attachment No. 2 found at the conclusion of this item) **and** after the City Clerk reads by title, approve for introduction **as amended** by the approved straw motions taken, the following ordinances by roll call vote:

**Ordinance No. 3705** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DEFINITIONS CHAPTER OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203;” **and**

**Ordinance No. 3706** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE RELATING TO RESIDENTIAL DISTRICTS;” **and**

**Ordinance No. 3707** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED COMMERCIAL DISTRICTS;” **and**

**Ordinance No. 3708** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED INDUSTRIAL DISTRICTS;” **and**

**Ordinance No. 3709** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 220 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED OIL PRODUCTION OVERLAY DISTRICT;” **and**

**Ordinance No. 3710** - “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED SITE STANDARDS;” **and**

**Ordinance No. 3711** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 233 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED SIGNS;” **and**

**Ordinance No. 3712** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 241 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE RELATING TO CONDITIONAL AND TEMPORARY USE PERMITS, VARIANCES; AND WAIVER OF DEVELOPMENT STANDARDS;” **as amended and**

**Ordinance No. 3713** – *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN REGARDING DEVELOPMENT STANDARDS” as amended.*  
The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook  
NOES: None  
ABSENT: None

**\*ATTACHMENT No. 2**

**ZONING TEXT AMENDMENT NO. 03-02**

**SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 03-02:**

1. Zoning Text Amendment No. 03-02 to amend certain sections of the Zoning and Subdivision Ordinance and the Downtown Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan because the amendments streamline entitlement processing for certain uses thereby furthering the City’s development goals.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment revises processing of entitlements and clarifies permitted uses within the zoning classifications.
3. A business community need is demonstrated for the change. The need for reduced processing time is desired by the business community and supported by the Chamber of Commerce.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice by codifying existing policies and creating a zoning and subdivision ordinance more reflective of City priorities.

**Consent Calendar – Items Removed for Separate Discussion**

The following item was removed from the Consent Calendar for separate discussion:

(City Council) Funds for Emergency Repairs and Replacement (Due to Motor Vehicle Accident) of Landscaping and Landscape Irrigation Facilities to Blufftop Park

**Consent Calendar – Items Approved**

On motion by Cook, second Green Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook  
NOES: None  
ABSENT: None

**(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65) -**  
Approved and adopted the minutes of the City Council/Redevelopment Agency Regular meetings of March 21, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Adopted Resolution No. 2005-30 Approving Grant Application for Department of Boating and Waterways Funds for Development of a Boat Pumpout/Dump Station Facility at Huntington Harbour Public Dock (340.80) – Adopted Resolution No. 2005-30 -** *“A Resolution of the City Council of the City of Huntington Beach Requesting a Grant from the Department of Boating and Waterways for the Development of a Boat Pumpout/Dump Station Facility at the Huntington Harbor Public Dock.”* Submitted by the Community Services Director. Funding Source: Not applicable. Funding is for 100 percent of grant request.

**(City Council) Approved Installation of the “Huntington Beach Butterfly” Sculpture at Norma Gibbs Park (in Participation with the Orange County Butterfly Initiative) (920.10) -** Approved the installation of the “Huntington Beach Butterfly” sculpture at Norma Gibbs Park, and use of Park Acquisition & Development Fund Account #20945101.63100 for installation costs in the amount of \$500.00. Submitted by the Community Services Director. Funding Source: Park Acquisition & Development Fund Account #20945101.63100.

Mayor Hardy announced that the sculpture would be on display at City Hall through the end of April, at the Central Library through the month of May, then installed at Norma Gibbs Park.

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract to GMC Engineering, Inc. for the Brookhurst Street & Adams Avenue Intersection Improvement Project; CC-1162 (600.25) – 1.** Approved the project plans and specifications; and **2.** Accepted the lowest responsive and responsible bid submitted by GMC Engineering, Inc., in the amount of \$430,030.75 for the Brookhurst & Adams Intersection Improvement Project, CC-1162; and **3.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$396,000 are available in the Orange County Transportation Authority (OCTA) Grant Fund, Brookhurst/Adams Intersection, Street Improvements, Account No. 87390002.82300. The grant portion is \$296,000. The city match is a minimum of 36% of project costs. Additional funds of \$150,000 for the balance of the project are available in the Traffic Impact Fund, Street Widening, Street Improvements, Account No. 20690001.82300.

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract to 4-Con Engineering for the Civic Center Americans with Disabilities Act (ADA) Improvement Project; CC-1272 – Authorized Expenditure for Construction Change Orders (600.70) – 1.** Approved the project plans and specifications; and **2.** Accepted the lowest responsive and responsible bid submitted by 4-Con Engineering, Inc., in the amount of \$233,905 for the Civic Center ADA Improvement Project, CC-1272; and **3.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract; and **4.** Authorized the Director of Public Works to expend up to fifteen percent (15%) in construction change orders. Submitted by the Acting Public Works Director and Economic Development Director. Funding Source: Funds in the amount of \$250,000 are available from a Community Development Block Grant (CDBG) FY 2003/04, Account No. 86687501.82200. Additional funding of \$45,000 has been approved, in accordance with the City’s Citizen Participation Plan. The engineer’s estimate for this project was \$200,000.

**(City Council) Approved Agreement between the Orange County Sanitation District (OCSD) and the City for the Warner Avenue Relief Sewer Located between Bolsa Chica and Springdale Streets (600.25) –** Approved and authorized the Mayor and City Clerk to execute the Orange County Sanitation District *Warner Avenue Relief Sewer Agreement*. Submitted by the Acting Public Works Director. Funding Source: No city funding is required for this action.

**(City Council) Accepted City of Santa Ana Urban Area Security Initiative (UASI) Agreement and Funding for Purchase of Command Vehicle for the City of Huntington Beach – Authorized Appropriation** (340.80) – **1.** Accepted the *Agreement to Transfer or Purchase Equipment or Services for FY04 Urban Areas Security Initiative (USAI)* between the City of Santa Ana and the City of Huntington Beach relative to the UASI grant for funding cycle year 2004/2005 and authorized the Mayor and City Clerk to execute; and **2.** Authorized the Chief of Police and Fire Chief to expend funds to cover the purchase of a City command vehicle at a cost not to exceed \$550,000; and **3.** Approved the appropriation of \$550,000 from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the City of Santa Ana. Submitted by the Police Chief and Fire Chief. Funding Source: If approved, funds, estimated to be up to \$550,000, will be appropriated from the unreserved, undesignated General Fund Balance, but will be fully reimbursed by the City of Santa Ana UASI Grant. No other matching or in-kind City funds are required for this grant.

**(City Council) Appropriated \$300,000 to Replace City Hall Elevator Control System** (200.20) – Appropriated \$300,000 from the Undesignated General Fund balance to replace the City Hall elevator control system. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$300,000 would be appropriated from the Undesignated General Fund balance to Civic Center Maintenance, Capital Improvements Account No. 10085403.82000.

**(City Council) Appropriated Funds for Emergency Repairs and Replacement (Due to Motor Vehicle Accident) of Landscaping and Landscape Irrigation Facilities to Blufftop Park** (320.45)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** Landscaping and landscape irrigation facilities at Blufftop Park were destroyed in a motor vehicle accident. Repair and replacement of these items are necessary to maintain a safe environment and attractive appearance at the park. Funding Source: Funds in the amount of \$120,000 would be appropriated from the Undesignated General Fund balance to Park Maintenance, Contracts for Repairs and Maintenance (Account No. 10085416.64620). Risk Management will pursue reimbursement of costs from the responsible party.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to inquire about efforts being made to recover damages from the responsible party.

City Administrator Culbreth-Graft responded, reporting that the responsible party is an uninsured driver, and that the City will aggressively pursue restitution.

A motion was made by Sullivan, second Coerper to appropriate \$120,000 from the Undesignated General Fund balance to fund emergency reconstruction at Blufftop Park. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook  
 NOES: None  
 ABSENT: None

**(City Council) Approved City Council Position on Legislation Pending before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC), Including a Request to Adopt Resolution No. 2005-29 Urging the United States Congress to Retain the Current Funding and Structure for the Community Development Block Grant (CDBG) Program (640.90)**

The City Council considered a communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position on legislation pending before the Federal, State or Regional Governments as recommended by the City Council Intergovernmental Relations Committee, and authorize the Mayor to communicate the City of Huntington Beach's position to the elected members of the State or Federal Legislators, Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.

Councilmember Green reported on an update to the City of Fullerton's request for OCTA to advance Measure M Centerline Project Funds to Orange County cities for improvement to local streets and roads, referring to her Late Communication announced earlier by the City Clerk.

Mayor Hardy gave an update on the 4<sup>th</sup> District Court of Appeals in the City of Santa Ana.

Mayor Pro Tem Sullivan requested that the vote on ACA 13 (Harman) be considered separately.

A motion was made by Cook, second Green to:

**1. Approve Resolution Number 2005-29 - "A Resolution of the City Council of the City of Huntington Beach Urging the United States congress to Retain the Current Funding and Structure for the Community Development Block Grant Program;"**

**and**

**2. OPPOSE** proposed cuts in the Metropolitan Medical Response System (MMRS) program;

**and**

**3. SUPPORT** for maintaining the 4<sup>th</sup> District Court of Appeals in the City of Santa Ana;

**and**

**4. SUPPORT** for Coastline Community College District's request for the Federal Government to maintain funding for the Perkins Vocational and Technology Education Program and the Workforce Investment Act (WIA);

**and**

**5. SUPPORT** retaining the Measure M Funds allocated to the Centerline Project for use on transit projects, and authorize the Mayor to send a letter to the OCTA Board similar to the sample letter submitted in a Late Communication titled *Item F-1, OCTA Measure M – Centerline Funds*.

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook  
 NOES: None  
 ABSENT: None

A motion was made by Sullivan, second Green to **OPPOSE** ACA 13 (Harman) – Local Assessment – Fees (Storm Water). The motion **failed** by the following roll call vote:

AYES: Sullivan, Green  
 NOES: Hansen, Coerper, Hardy, Bohr, Cook  
 ABSENT: None

A motion was made by Cook, second Bohr to **SUPPORT ACA 13 (Harman)** – Local Assessment – Fees (Storm Water). The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr, Cook  
 NOES: Sullivan  
 ABSENT: None

**(City Council) Adopted Ordinance No. 3704 Amending Chapter 5.64 of the Huntington Beach Municipal Code Relating to Administrative Expenses for Bingo Games (570.10)**

After the City Clerk read by title, a motion was made by Coerper, second Green to adopt **Ordinance No. 3704** – *“An Ordinance of the City of Huntington Beach Amending Chapter 5.64 of the Huntington Beach Municipal Code Relating to Administrative Expenses for Bingo Games.”* (Approved for introduction April 4, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr, Cook  
 NOES: Sullivan  
 ABSENT: None

**(City Council) Councilmember Cook Announced Meeting About California Water Issues (120.85)**

Councilmember Debbie Cook announced she is hosting a meeting to discuss California water issues on Thursday, April 28, 2005 from 7:00 to 9:00 p.m. in City Hall, Room B-8.

**(City Council) Councilmember Bohr Announced the Taste of Huntington Beach (120.85)**

Councilmember Keith Bohr announced the Taste of Huntington Beach event is being held Sunday, April 24, 2005 at the Hyatt Regency Resort and Spa.

**(City Council) Councilmember Hansen Congratulated Eagle Scout Ryan Keeley (120.85)**

Councilmember Don Hansen announced that he and several others attended the Eagle Scout Court of Honor and congratulated Ryan Keeley.

**(City Council) Councilmember Coerper Announced Dedication of Shipley Nature Center Gate and Reported on Parking Lot (120.85)**

Councilmember Gil Coerper announced that he attended the dedication of the Shipley Nature Center Gate and reported on the progress of the parking lot construction.

**(City Council) Mayor Pro Tem Sullivan Announced Opportunity to Sponsor Marines at Celebration Dinner (120.85)**

Mayor Pro Tem Dave Sullivan announced an opportunity for the public to support Marines by sponsoring a Marine or spouse for a celebration dinner with a donation of \$30 per person.

**(City Council) Councilmember Green Congratulated CERT on First Aid Class (120.85)**

Councilmember Cathy Green congratulated the Community Emergency Response Team (CERT) on their recent First Aid class held in the Council Chambers.

**(City Council) Mayor Hardy Announced Earth Day Events (120.85)**

Mayor Jill Hardy announced Earth Day events being held on Saturday, April 23, 2005. The beach cleanup will be held from 9:00 a.m. to Noon, starting at the pier. The event is sponsored by the City and Simple Green. For further information, contact Tim Turner at 714-536-5614 or Simple Green at 800-228-0709.

**Adjournment – City Council/Redevelopment Agency**

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:17 p.m. to Monday, April 25, 2005, at 4:30 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

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City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk-Clerk

\_\_\_\_\_  
Mayor-Chair