

**Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, June 5, 2006
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 4:00 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.**

Call to Order

Mayor Sullivan called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:04 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

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

The City Clerk Announced No Late Communications Pertaining to the 4:00 P.M. Portion of the Meeting

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced no Late Communications regarding Study Session or Closed Session items had been received by her office following distribution of the agenda packet.

No Public Comments Regarding the 4:00 P.M. Portion of the Council Meeting

(City Council) Study Session #1 Held – Public Art Consultant, Consuelo Marshall Presented a Slide Show and Monologue on Art In Public Places

Community Services Director Jim Engle introduced Cultural Affairs Supervisor Kate Hoffman. Supervisor Hoffman introduced Consuelo Marshall of Underwood and Associates, and described her qualifications. Ms. Marshall gave a slide presentation and spoke of reasons for a City to incorporate public art. She explained the importance of having a plan from the outset. The slides were examples of public art in the City of Phoenix, at the Carnegie Library, at a parking garage in Portland, Oregon, and in Sacramento, and consisted of tree guards, construction screens, signage, water covers, water storage tanks, parks, freeway sound walls, government offices, theaters, bridges, fountains and other items.

Councilmember Cook inquired about opportunities to fund these types of projects.

Ms. Marshall described capital construction projects, developers' assistance, and community-raised funds as potential resources. City Administrator Culbreth-Graft stated that the Community Services Department also has a program. Supervisor Hoffman explained the Allied Arts Board has set goals to incorporate art in public places, and would report to Council on plans to develop a local ordinance and to research funding mechanisms. Supervisor Hoffman introduced Allied Arts Board member Bob Dailey, also present at the meeting. She also described guidelines given to developers via the Planning Department, stating they are encouraged to locate public art on site, but that no mechanism is in place to allow a developer to donate in-lieu funds to create projects off-site. Director Engle described the Pier Plaza Amphitheater project, lifeguard towers, and the mural at the beach. Councilmember Cook commented on Third Street Promenade in Santa Monica and the importance of public art.

(City Council) Study Session #2 Held – Introduced the Fire Department's New Decontamination Unit and Hazardous Materials Apparatus

Fire Chief Duane Olson described the Decontamination Vehicle and Hazardous Materials Unit and their uses. He stated that the Decontamination Unit is currently operational and the Hazardous Materials Unit will be fully operational in two weeks. He explained these state-of-the-art, regional units may be called for assistance anywhere in the County. The City Council toured the vehicles, which were displayed outside the Council Chambers in the amphitheater.

Motion to Recess to Closed Session – Approved

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

(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. POA**, USDC Case No. SA01-1125JVS; and **Scottsdale Insurance Co. v. City of Huntington Beach**, USDC Case No. SA03-1154JVS. Subject: **City of Huntington Beach v. POA; and Scottsdale Insurance Co. v. City of Huntington Beach (Gun Range)**

(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 **Brookhurst & Adams, LLC v. City of Huntington Beach**, Orange County Superior Court Case No. 06CC04703. Subject: **Brookhurst & Adams, LLC v. City of Huntington Beach.**

(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 **Praise Christian Center, Andrew Derek Anunciation v. City of Huntington Beach; Connie Boardman; Cathy Green; Gil Coerper; Debbie Cook; Jill Hardy; Pam Houchen and Dave Sullivan**; United States District Court Case No. SACV03-1504 GPS (MLGx). Subject: **Praise Christian Center v. City of Huntington Beach, et al.**

(City Council) Closed Session - Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; Renee Mayne, Chief Negotiator; and Irma Youssefieh, Human Resources Manager regarding labor relations matters - meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBFA, MSOA, SCLEA, and Non-Associated.**
Subject: **Labor Relations - Meet and Confer.**

Reconvened City Council/Redevelopment Agency Meeting – 6:04 p.m.

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

Pledge of Allegiance/Flag Salute - Led by Girl Scouts of Huntington Beach Association Flag Unit.

Invocation - Led by Rabbi Myerson

(City Council) Councilmember Hansen Requested Dedication of Meeting to Steve Ambriz, Deceased City of Orange Councilmember.

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on June 5, 2006 (Pursuant to Government Code §54957.1) Regarding Praise Christian Center, Andrew Derek Anunciacion v. City of Huntington Beach; Connie Boardman; Cathy Green; Gil Coerper; Debbie Cook; Jill Hardy; Pam Houchen and Dave Sullivan.

City Attorney Jennifer McGrath reported that on June 5, 2006 the City Council convened in Closed Session to discuss the matter and by a vote of 7-0, authorized the filing of an appeal in the case of Praise Christian Center, Andrew Derek Anunciacion v. City of Huntington Beach; Connie Boardman; Cathy Green; Gil Coerper; Debbie Cook; Jill Hardy; Pam Houchen and Dave Sullivan; United States District Court Case No. SACV03-1504 GPS (MLGx).

City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Voicemail communication submitted by Anthony Ourenzo and Robert Mull, residents of Seventh Street, stating support for the closure of Main Street into a Promenade and requesting Council consider a Traffic Impact Report be done concerning how the overflow traffic will impact their neighborhood.

Communication submitted by Paul Emery, Deputy City Administrator, dated June 2, 2006, and titled *Late Communication Item E-12, Adopt Resolution for the Property Tax Exchange Between the City of Huntington Beach and the County of Orange for the Signal Landmark Property Annexation and Approve the Out of Service Area Agreement*, noting the omission of the Legal Description referred to as Exhibit "A" in Attachment No. 2.

Communication submitted by Jill Hardy, Chair, on behalf of the Intergovernmental Relations Committee Members, Mayor Pro Tem Coerper and Councilmember Hansen, dated June 5, 2006, and titled *Item F-1 Intergovernmental Relations Committee Recommendations*, submitting copies of two amended bills.

The Following Communications Were Submitted During the Meeting:

Communication submitted by Consuelo Marshall, undated, titled *Orange County Public Art Programs*.

Communication submitted by Mark Evans, undated, titled *Petition, The Undersigned Oppose Locating the Senior Center between the Disc Golf Course and the Nature Center*, with 215 signatures.

Communication submitted by Theresa Chaque, undated, titled *The Shame of it All* including copies of emails and Brush Drive petition name removal forms.

Communication submitted by Ralph Bauer dated June 5, 2006 entitled *Public Comments by Ralph and Charlene Bauer*, stating support for a new Senior Center in Central Park.

Communication submitted by Councilmember Cathy Green dated June 5, 2006 and titled *Proposed Action for June 5 Agenda Item F1 on Day Care Facilities*.

Presentation - Mayor Sullivan called on Community Services Chair Nick Tomaino who announced the following recipients of the Youth Sports Grants: Edison High School Softball Booster Club and Huntington Beach Panthers; Huntington Beach High School Baseball Boosters, Huntington Valley Little League, USSSA Baseball; Huntington Beach Pop Warner Football; Marina High School Aquatics' Boosters, City Swim lessons; Marina High School Basketball Boosters, Orange County Badminton Club; Marina High School Football Boosters, Youth Flag Football; North Huntington Beach Girls' Fastpitch Softball; and Robinwood Little League, HB Vikings' Youth Baseball, and various youth tournament teams.

Presentation - Mayor Sullivan called on Children's Needs Task Force Chairperson, Ian Collins and Youth Character Awards' Chairperson Pat Gudotti who recognized the 2006 Youth Character Award Honorees: Dirk Cason, Patricia Cosulich, Ashlee Eberhardt, Jose Andres Garcia, Bayley Kulani Lara, Mackenzie MacFarlane, Emily Michels, Makenna Moore, Jesus Nava, Laura Ponce, Hector Ramirez, Lauren Voss, Karley Wester, Allie Eaton, Ingrid Lecot, Kaitlin Pyne, Diana Schwene, Reina Sultan, and Sveta Wiesen.

Public Comments

(The numbers following speakers' comments reflect the approximate point of time in the archived video the speaker appears, available at <http://www.surfcity-hb.org/Government/Agendas/>)

Firecracker Westwell, affiliated with the Libertarian Party, spoke in opposition to the agenda item pertaining to amending the Municipal Code relating to RV parking. He voiced his opinion that the ordinance does not need revision, and asked Mayor Pro Tem Coerper to explain his reasons for changing his vote. Mr. Westwell also spoke in opposition to locating a senior center in Central Park. (33:33)

Bob Polkow voiced his opposition to proposed amendments to the RV parking ordinance and asked Council to vote against introduction of the ordinance. (36:08)

Reid Jacobson stated his concerns with a convalescent care facility located on his street, Dohrn Circle. He asked Council to instruct the business owner to cease and desist, stating a twenty-four hour care facility should be located in a public or semi-public area rather than a residential area. Mr. Jacobson also voiced concerns with communications he said he had with the City Attorney's office. (38:21)

Jean Polkow spoke in opposition to the agenda item pertaining to amendments to the RV parking ordinance, voicing her preference for hourly permits. She questioned the legality of the amendment and asked Council not to approve the item. (41:52)

Ruth Johnson thanked the City Council for reducing the application fees for child daycare centers in the City. She asked Council to minimally approve the first recommendation on the agenda item pertaining to day care homes or, alternatively, to approve the second recommendation amended to eliminate the requirement of a public hearing for proposed facilities. Ms. Johnson clarified her first preference would be for Council to approve the third recommendation, which designates large family daycare uses as a permitted use. (43:42)

Roseann Andrus, affiliated with the Orange County United Way, commended City Council and staff for considering revisions to the permit fees related to residential daycare facilities. She stated her opinion that the action would strengthen the childcare infrastructure in the County and cited figures that illustrate a shortfall of childcare services in the City. (46:50)

David Wickersham, affiliated with an RV Group, spoke in opposition to amendments to the RV parking ordinance. He asked that Council reaffirm the maximum number of permitted days allowed: of eight consecutive, sixteen per month, and 144 per year. (49:57)

Peter Petrelis asked Council to reject the amendments to the RV parking. He voiced his opinion that the current ordinance is working, and that regardless of amendments, the City will continue to receive complaints. (50:58)

Bryan Starr, Building Industry Association (BIA) of Orange County, spoke in favor of the agenda item pertaining to an Ad Hoc City Council Committee to study affordable housing in-lieu fees, requesting that either he or a member of the BIA be appointed to the committee to consider the issues. (52:17)

Milton Inbody, resident of Lake Street, spoke regarding the noticing of redevelopment projects in his neighborhood. He voiced his opposition to the agenda item pertaining to the closure of downtown Main Street to vehicular traffic, stating parking is inadequate. Mr. Inbody also stated concerns with funding for the project, and asked Council to provide adequate notice to residents. (53:20)

Mimi Ruiz, representing the downtown International House of Pancakes (IHOP), voiced opposition to the closing of Main Street to vehicular traffic. She stated concerns with adequate parking and homeless individuals, and asked for further information and notice to business owners. (56:29)

Joe Shaw, resident, owner of two downtown businesses and Downtown Business Improvement District (BID) member, spoke in opposition to the agenda item pertaining to the closure of downtown Main Street to vehicular traffic. He voiced his opinion that downtown businesses are experiencing unprecedented success, and asked that further study be done prior to making any changes. Mr. Shaw opined that parking, landscaped walkways, and private and public investment in the infrastructure are necessary for the project to be successful and urged Council to develop a comprehensive plan. (57:23)

Steve Daniel asked Council to provide more information pertaining to the closing of Main Street to vehicular traffic. He voiced concerns with parking, homeless individuals, funding, the duration of the closure, measurements of success, the impact on local residents, and maintenance of sidewalks and streets. He suggested a committee be formed to research these issues. (1:00:54)

Councilmember Cook clarified that the staff report pertaining to closure of downtown Main Street includes the recommendation to study the issues. Mayor Pro Tem Coerper asked Mr. Daniel to comment on the substance of a relevant petition. Mr. Daniel clarified the petition is in favor of studying the issue prior to taking action. (1:02:44)

Ron McLin voiced his concerns pertaining to the duration of the potential closure of downtown Main Street to vehicular traffic. He asked Council to delay the Main Street closure project until the opening of the Strand project, and stated his support for studying the issues, especially parking. (1:04:05)

Stephanie Wilson, Acting General Manager, Fred's Mexican Café and Cantina, asked that proper studies and surveys be done in June, July, and August prior to taking action on the proposed Main Street closure to vehicular traffic. She voiced concerns with the impact on crowd control, maintenance, parking, traffic flow, and future project openings including the Strand. Ms. Wilson stated her business is more successful than it has ever been, and voiced concerns on how the impact of a closure would affect the character of Main Street. (1:07:08)

Steve Graboski, Boardmember of the Downtown Business Improvement District (BID) and downtown business owner, spoke in support of further study of the closure of Main Street to vehicular traffic. He recommended the plan be developed with clearly defined goals and include plans to reopen the street if the project is unsuccessful. (1:09:37)

Theresa Chaque spoke in opposition to the removal of trees on Brush Drive. She submitted a communication to Council pertaining to the Brush Drive petition, and stated at least 26% of the homeowners oppose the project. Ms. Chaque requested Council poll homeowners via certified mail to ensure fairness. (1:11:21)

Bob Watts, resident, referred to an email he said he had sent to Council pertaining to the proposed new senior center. He refuted comments made on a letter from the "Committee to Support Seniors," which he stated he found posted at the Senior Center. Mr. Watts stated he visits the current Rodgers Senior Center four or more times per week, and that it is under-utilized. (1:13:57)

Mark Evans, member of "Save our Park" and Huntington Beach Higher Flyers' Disc Golf Club, presented Council with a petition containing 214 names in opposition to developing open space in Central Park. He described the disc golf course in Central Park as the second oldest course in the world, and disc golf as the fastest growing sport. He refuted

alleged benefits of locating a community center at the proposed location in Central Park, stating other sites are better suited for the use. Mr. Evans suggested Council allow more time for research of the proposed project, and that it be considered by Special Election rather than rushing the project to meet November election deadlines. (1:17:06)

Martha Bergman spoke in opposition to the proposal to locate a new senior center in Central Park. She suggested Council consider building an additional, smaller center and retain the current Rodgers Center. Ms. Bergman requested that more research be done and provided to the residents, and urged Council to vote against the current proposal. (1:20:20)

Christina Gillespie, Twenty-nine-year resident, voiced her opposition to locating a new senior center in Central Park. She asked Council for an updated Environmental Impact Report (EIR), traffic and noise studies, a study of the potential impacts on local residents, and a study of costs. Ms. Gillespie requested Council preserve the park and consider other options for a new senior center. (1:23:18)

Mindy White requested Council preserve open space in the City and specifically in Central Park. She voiced her opinions pertaining to the City's Master Plan and deviations that would be required to locate a senior center in Central Park. Ms. White stated concerns related to rental of space at what she considers to be more of a Community Center, and the needs of seniors. (1:26:07)

Don MacCallister, thirty-nine-year resident affiliated with Support Our Seniors, explained that approving an agenda item pertaining to a new senior center simply allows the issue to be added to the ballot for vote of the residents. He stated the number of seniors in the City would increase by 65% in the near future, and stated his opinion that the existing senior center is inadequate for these future needs. (1:29:11)

Judy Ann Morris, thirty-two-year resident and affiliated with the Huntington Beach Council on Aging (COA), voiced her support for a new senior center in Central Park. She stated the parking lot and other facilities at the existing Rodgers Center are inadequate. Ms. Morris asked Council to take action to allow the issue to appear on the November ballot. (1:31:13)

Evelyn Schubert stated she spoke on behalf of twenty-seven senior center regular attendees and asked Council to approve a new senior center. She stated the existing facility is outdated and insufficient for full wheelchair access. (1:33:41)

Dick White, forty-three-year resident, spoke in favor of locating a new senior center near Goldenwest Street and Talbert Street in Central Park. He asked Council to support the proposal, stating that the existing senior center is too small. Mr. White described many of the activities offered by the center, and asked citizens to vote to approve the proposed new site. (1:35:06)

Carol Settimo, forty-year resident, spoke in support of the proposed new senior center. She voiced her opinion that the existing Rodgers Senior Center is inadequate for senior needs and described advantages of the proposed new site. Ms. Settimo asked citizens who are in favor to show their support by visiting www.soshb.com. (1:38:13)

Dick Harlow spoke in support of the agenda item pertaining to closure of Main Street to vehicular traffic, suggesting the committee be structured to allow open discussion. He asked Council to give consideration to recommendations made by the Chamber of Commerce related to the affordable housing in-lieu fee agenda item. Mr. Harlow voiced his support for a new senior center in the proposed Central Park location, suggesting a compatible rather than intrusive design. (1:41:25)

Dale Dunn, forty-year resident, stated his support for a new senior center at the proposed Central Park location. He urged citizens to read the report pertaining to locations, which was created by consultants and presented to Council in a previous Study Session. (1:44:17)

Dean Albright stated his opinions on open space and the needs of seniors in the City. He voiced his opposition to locating a new senior center in Central Park, suggesting Wardlow School as an alternative. (1:45:20)

Betty Morse, forty-three-year resident, spoke in support of the proposed site for a new senior center. She asked Council to support the proposal and stated a need for an updated and larger senior center. (1:47:06)

Mrs. Franklin stated that she drives to Central Park twice per day and meets many seniors in the park. She stated her support for maintaining open space and for selecting a different site to build a new senior center. (1:48:47)

Rene Burton, forty-year resident, former member of the Allied Arts Board, and an instructor at Rodgers Senior Center, spoke in support of a new senior center at the proposed site in Central Park. She stated that the existing center requires major repairs and does not adequately serve the senior public. Ms. Burton suggested the additional parking created for the new senior center may be used by various groups, and asked Council to approve the recommended site. (1:51:59)

Robert Franklin, resident since 1968 and affiliated with "Save Central Park," spoke in opposition to locating the new senior center in Central Park. He voiced concerns about the loss of open space and the cost to the City. Mr. Franklin read an excerpt from the Conference and Visitors' Bureau guide describing the park, and asked individuals to visit the website, Savecentralpark.org for further information. He also stated his support for recommendation 2 regarding large family day care homes in residential districts and his support for the Holly Seacliff development agreement. (1:54:51)

Chris White, resident who lives within 1,000 feet of Central Park, asked Council to vote against further development in the park. He suggested finding an alternate site to protect remaining open space. Mr. White voiced concerns about removing trees from the meadow, with what he referred to as an outdated Environmental Impact Report (EIR), with costs, and with renting rooms for other than senior-related uses. (1:58:02)

Charlene Bauer, forty-one-year resident, spoke about the impact of individuals who are now seniors on development within the City. She stated her opinion that no current activities in the park will be hampered by a new senior center, and asked Council to place the question on the November ballot. (2:01:07)

Ralph Bauer, forty-one-year resident, referred individuals with questions to the website, soshb.com, for information. He reported on studies that led to the current proposal to locate a new senior center in Central Park. Mr. Bauer asked Council to take action allowing the issue to be placed on the ballot for citizens to vote, and enumerated many projects he has supported in the City. (2:03:10)

Norma Gibbs, member of the Council on Aging, stated her support for a senior center in the proposed location in Central Park. She asked Council to vote to place the item on the November ballot. (2:06:19)

Bob Dettloff, forty-two-year resident and founding member of "Support Our Seniors," voiced his support for a new senior center at the proposed location. He asked Council to approve the item on July 3rd in order to place the question on the November ballot. Mr. Dettloff stated reasons for supporting the Central Park site, including research and reports that have been done. (2:08:57)

Mayor Sullivan inquired about the timelines to place a Measure C vote on the November ballot. City Administrator Culbreth-Graft explained July 3rd is the suggested latest date for Council to vote on the matter and meet deadlines for the November election. The Mayor suggested staff return with alternatives for Council on or before the July 3rd regular meeting.

Mayor Sullivan asked about scheduling a Special Meeting for June 26th. City Administrator McGrath responded and clarified procedure. Councilmember Hardy announced she would be out of town on June 26th. Councilmember Bohr inquired about the necessity of an H-item; Administrator Culbreth-Graft stated it is not necessary.

(City Council) Pulled to a Date Uncertain – Public Hearing to Consider a Proposed Revision to Drainage Fees Reflecting the Increased Cost of Construction, Adopt Resolution No. 2006-23 Establishing the Schedule for Drainage Fees and Approve for Introduction Ordinance No. 3741 Amending the Huntington Beach Municipal Code Relating to Drainage Fees

Mayor Sullivan announced the above item had been pulled by staff to a date uncertain.

Consent Calendar – Items Removed for Separate Discussion

(City Council) Formation of an Ad-Hoc Committee Comprised of the City Council Downtown Economic Development Committee (EDC), Key City Staff Members and the Downtown Business Improvement District (BID) Board of Directors to Study and Strategize for a Potential Closure of Downtown Main Street to Vehicular Traffic

(City Council) Resolution No. 2006-22 Establishing 2006/2007 Residential Curbside Refuse Collection Rates with Rainbow Disposal Company, Inc., Effective July 1, 2006 and Billed to Residential Customers Through the Water Billing Process, and Informational Item Outlining Increased Commercial Refuse Rates as of July 1, 2006

Consent Calendar – Items Approved

A motion was made by Hardy, second Coerper to the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved and Adopted Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of May 1, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council/Redevelopment Agency) Received and Filed City Clerk's Quarterly Report Listing Professional Services Agreements Filed in the City Clerk's Office Between January 1, 2006 and March 31, 2006 - Received and filed the "List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period January 1, 2006 to March 31, 2006." Submitted by the City Clerk. Funding Source: Not Applicable.

(City Council) Approved and Authorized Execution of Amendment No. 3 to Agreement Between the City of Huntington Beach and Orange County Walden, Inc., dba Walden and Associates for Engineering Services for the Newland Street Widening Project, and Authorized an Exemption to Section 3.03.120 of the Huntington Beach Municipal Code to Allow Extension of the Agreement and Provide Additional Funding Not to Exceed \$40,000 - 1) Authorized an exemption to Section 3.03.120 of the Huntington Beach Municipal Code to allow extension of a professional services contract beyond the term of three years; and 2) Approved and authorized the Mayor and City Clerk to execute "Amendment No. 3 to the Agreement Between the City of Huntington Beach and Orange County Walden, Inc., dba Walden and Associates for Engineering Services." Submitted by the Public Works Director. Funding Source: Funds are budgeted in 20685201.82300 Newland Street Widening, Traffic Impact Fund. Additional work will not exceed \$40,000.

(City Council) Authorized Execution of Agreement Between the City of Huntington Beach and the State of California Department of Transportation (Caltrans) for the Positive Location of Underground Utilities Within Caltrans' Right-of-Way - Approved and authorized the Mayor and City Clerk to execute the "Agreement for the Positive Location of Underground Utilities" by and between the City of Huntington Beach and the State of California for the positive location of underground utilities. Submitted by the Public Works Director. Funding Source: No funding necessary for this action.

(City Council) Authorized the Director of Public Works to Execute the Disadvantaged Business Enterprises (DBE) Race-Neutral Implementation Agreement and the Annual Submittal Form to Remain Eligible for Federal-Aid Funding for Transportation-Related Projects - Authorized the Director of Public Works to execute the "Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Agreement for Local Agencies" and "Exhibit 9-B Local Agency DBE Annual Submittal Form." Submitted by the Public Works Director. Funding Source: No funding source is necessary for this action.

(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$2,897,500 to BRH Garver West, Inc. for the 36-Inch and 42-Inch Water Main Corrosion Control and Rehabilitation Project CC-1259 and Execute Contract - 1) Approved plans and specifications; and 2)

Accepted the lowest responsive and responsible bid submitted by BRH Garver West, Inc., in the amount of \$2,897,500; and 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Public Works Director. Funding Source: Funds are budgeted in the Water Master Plan, Account 50791017.82100, with additional funds from the Water Fund, Account 50685201.82100. The engineer's cost estimate for this contract was \$2,700,000, however, the bid result was approximately \$200,000 over estimate. With contingency and supplemental expenses, the full project cost will be approximately \$3,333,000.

(City Council) Adopted Resolution No. 2006-24 Amending Residential Parking Permit District "D" to Include Residents Living on the 1800 Block of Pine Street -

Adopted Resolution No. 2006-24, "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5980 Entitled, 'A Resolution of the City Council of the City of Huntington Beach Establishing Parking Permit District D Within the City of Huntington Beach'." Submitted by the Public Works Director. Funding Source: The provisions of Huntington Beach Municipal Code Chapter 10.42 require that the residents choosing to participate in the residential parking permit district pay a proportionate share of the cost to establish the district. Typical costs include, but are not limited to, installation of signs, curb markings, staff time to issue permits, and administrative costs to create or amend the district.

(City Council) Implemented Mid-Year 2005/2006 Budget Adjustments as Presented by the City Administrator to City Council at the May 1, 2006 Study Session -

1) Reduced the City Attorney's general fund professional services appropriations by \$591,394. Of this amount \$218,089 are prior year encumbrances, and \$373,305 is from the adopted 2005/06 budget. Also, reduce salaries and benefits by \$136,707 due to savings from a Deputy City Attorney vacancy; and 2) Allocated \$80,000 to Public Works, general fund, for graffiti abatement on private property; and 3) Allocated \$100,000 to Administration, Public Information Office, general fund, for replacement of HBTv3 equipment; and 4) Allocated \$34,262 to Community Services, general fund, for a new Administrative Analyst, Senior position; and 5) Approved all other budget revisions as recommended by the City Administrator on May 1, 2006. All of these changes will be funded by existing appropriations. Submitted by the Finance Director. Funding Source: All items are funded by existing appropriations. No new appropriations are requested.

(City Council) Approved Personnel Commission Procedure for Review of Non-Disciplinary Grievances - Approved the "Personnel Commission Procedure for Review of Non-Disciplinary Grievances" as approved by the Personnel Commission. Submitted by the Deputy City Administrator/City Services. Funding Source: Not Applicable.

(City Council) Adopted Resolution No. 2006-25 for the Property Tax Exchange Between the City of Huntington Beach and the County of Orange for the Signal Landmark Property Annexation and Approved the Out of Service Area Agreement

- 1) Adopted Resolution No. 2006-25 - "A Resolution of the City Council of the City of Huntington Beach Approving Property Tax Exchange Agreement Between the City of

Huntington Beach and the County of Orange Regarding the Signal Landmark Reorganization to the City of Huntington Beach;" and 2) Approved and authorized execution by the Mayor and City Clerk the Out of Service Area Agreement, "Signal Landmark Reorganization to the City of Huntington Beach (RO 05-60) Agreement Between Signal Landmark and the City of Huntington Beach." Submitted by the Deputy City Administrator. Funding Source: Not Applicable.

(City Council) Approved Amendment No. 1 to Agreement Between the City of Huntington Beach and Scott Fazekas and Associates, Inc. to Expend an Additional \$75,000 for Plan Review Services for a Total Contract Amount Not to Exceed \$150,000 - 1) Approved and authorized the Mayor and City Clerk to execute the "Amendment No. 1 to Agreement Between the City of Huntington Beach and Scott Fazekas and Associates for Plan Review Services" and 2) Authorized the Director of Building and Safety to expend an additional \$75,000 for Professional Services for plan review services. Submitted by the Building and Safety Director. Funding Source: Funds are available in Building and Safety Department business unit 10055301.69365.

(City Council) Approved Agreement Between the County of Orange and City of Huntington Beach to Accept and Transfer Funds for the Department of Justice's Federal 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; Established Fund and Approved Appropriation of up to \$23,345 for a Police Department Emergency Alert System; and, Authorized the Police Chief to Expend Appropriation and Execute Future JAG Grant Agreements Approved by the City Attorney as to Form on the City's Behalf - 1) Accepted the Edward Byrne Memorial Justice Assistance Grant (JAG) Program between the County of Orange and the City of Huntington Beach for federal fiscal year 2005; and 2) Approved and authorized the Mayor and City Clerk to execute the Agreement between the County of Orange and the City of Huntington Beach allowing the City to accept funding from the Federal 2005 Edward Byrne Memorial Justice Assistance grant; and 3) Authorized the Chief of Police to execute on the City's behalf future Federal Edward Byrne Memorial JAG agreements between the County of Orange and the City of Huntington Beach that are approved as to form by the City Attorney; and 4) Approved the appropriation of up to \$23,345 to be reimbursed by the grant from the Department of Justice via the County of Orange; and 5) Established a separate fund for this funding; and 6) Authorized the Chief of Police to expend up to \$23,345 plus any accrued interest on the emergency alert system. Submitted by the Chief of Police. Funding Source: Grant funds not anticipated in the original fiscal year 2005/06 city budget, estimated to be \$23,345, will be fully reimbursed by the grant from the Department of Justice. No other matching or in-kind city funds are required for this grant. A new fund will be established for this funding.

(City Council) Authorized Formation of an Ad-Hoc Committee Comprised of the City Council Downtown Economic Development Committee (EDC), Key City Staff Members and the Downtown Business Improvement District (BID) Board of Directors to Study and Strategize for a Potential Closure of Downtown Main Street to Vehicular Traffic.

The City Council considered a communication from the Director of Economic Development transmitting the following Statement of Issue: The formation of an ad-hoc committee is necessary to study the issues and strategize the next steps to potentially closing downtown Main Street to vehicular traffic. The future developments of Pacific

City and The Strand will heavily impact the downtown foot traffic and revisiting the possibility of a Main Street Pedestrian Mall is critical for its future vitality. **Funding**

Source: Not Applicable

Councilmember Hansen requested that this item be removed from the Consent Calendar to clarify the intentions of the Recommended Action. He stated Councilmembers wish to develop a complete plan to make the correct decision.

Councilmember Cook spoke in favor of committees which include an adequate number and variety of interested individuals. Councilmember Green inquired about appointments to the Economic Development Committee (EDC) and appointees' ability to attend all meetings. Mayor Pro Tem Coerper and Mayor Sullivan both confirmed their ability to attend all meetings. Councilmember Hardy stated she would be able to attend all meetings outside of her employment commitments. Mayor Sullivan requested that in the event a Councilperson cannot attend a meeting, they inform the Council Secretary. Councilmember Hansen requested meetings allow for public input.

Mayor Pro Tem Coerper concurred with comments made by Councilmember Hansen, suggesting homeowners be given the opportunity to provide input. He asked the issue be researched in an expedient manner, and requested the Recommended Action be amended to allow for Council appointment alternates. City Attorney McGrath commented on Brown Act restrictions that preclude appointment of alternates. Director Smalewitz clarified the meetings are scheduled for once per week, with reports provided to the Downtown BID monthly.

A motion was made by Hansen, second Green to form an ad-hoc committee comprised of the City Council Downtown Economic Development Committee (EDC), key staff members from required city departments and the Downtown Business Improvement District (BID) Board of Directors to study and strategize for a potential Main Street Pedestrian Mall Pilot Project. The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2006-22 Establishing 2006/2007 Residential Curbside Refuse Collection Rates with Rainbow Disposal Company, Inc., Effective July 1, 2006 and Billed to Residential Customers Through the Water Billing Process, and Received Informational Item Outlining Increased Commercial Refuse Rates as of July 1, 2006.

The City Council considered a communication from the Director of Public Works transmitting the following **Statement of Issue:** The Refuse Collection and Disposal Services Franchise Agreement with Rainbow Disposal Co., Inc. (Rainbow) requires an annual review of its residential collection rates. Adjustments to the residential curbside contracted rate is made in accordance with this review and with the formula established in the Franchise Agreement. City ordinance requires City Council adoption of a resolution to implement the new rate with the residential customers. **Funding**
Source: Effective July 1, 2006, pursuant to the formula calculations of Attachment 2, the City will be contractually obligated to pay Rainbow a rate increase of \$0.64 per residential unit per month via Refuse Fund (50400504) revenue collected from the residential refuse customers. Rainbow has requested that the increase be reduced by \$0.20 to affect an increase of \$0.44 per customer. If the new residential rate is implemented, the contract rate increase will have no net impact on the Refuse Fund.

Councilmember Green commented on Rainbow's requested reduction in fees charged to the City. Director Beardsley explained Rainbow has taken this action historically, and it is primarily driven by the market value of recyclables. He stated the savings to the City accumulatively is in the millions of dollars. Councilmember Green thanked Rainbow Disposal.

A motion was made by Green, second Coerper to adopt Resolution No. 2006-22 - "A Resolution of the City Council of the City of Huntington Beach Establishing Residential Curbside Refuse Collection Rates." The motion carried by the following roll call vote:

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

(City Council) Revised Fee and Processing Requirements for Large Family Daycare Homes in Residential Zoning Districts.

The City Council considered a communication from the Director of Planning transmitting the following **Statement of Issue:** On May 1, 2006, the City Council discussed the issue of eliminating the Conditional Use Permit (CUP) requirement for Large Family Daycare uses in residential zoning districts. Consideration of eliminating the CUP requirement was brought up due to the costs associated with applying for a CUP. After discussion of the issue, the City Council directed staff to further review the subject and present options for the City Council's consideration. **Funding Source:** Not Applicable.

Planning Director Zelefsky gave an oral introduction to the topic. Associate Planner Jennifer Villasenor gave a PowerPoint report titled *Revision of Fee Requirements for Large Family Daycare Homes in Residential Zoning Districts*, which was included in the agenda packet.

Councilmember Green stated a shortage of childcare spaces to fill the City's needs, and suggested Council approve Recommended Action option 3, with the code requirements specified in her communication. Mayor Pro Tem Coerper asked about the Conditional Use Permit (CUP) process, fees, and the length of time for approval. Director Zelefsky described the CUP process. Councilmember Hardy asked if Recommended Action option 2 offers residents an opportunity to respond and appeal a decision. Attorney McGrath explained the process allows for a 10-day comment period and a 10-day appeal period. Councilmember Hardy voiced her support for Recommended Action option 2 and had no objections to code requirements suggested by Councilmember Green.

Councilmember Hansen commented on play areas for children, and voiced his opposition to restriction 3 of Councilmember Green's communication.

Councilmember Cook inquired about the revocation process for an administrative permit. Director Zelefsky explained a hearing would be held before the Planning Commission.

Mayor Sullivan stated his opposition to the motion and asked for further information on notification. Attorney McGrath described notification specifics and proof of mailing provided by the applicant. The Mayor voiced his support for Recommended Action option 1, stating his opinion that a public hearing is necessary.

Councilmember Green reiterated her opinion the City is experiencing a shortfall of daycare providers, and asked staff for the number of appeals filed pertaining to child daycare centers in last five years. Director Zelefsky stated two appeals have been filed, in his recollection.

Councilmember Cook inquired about conditions of approval for Recommended Action option 2, and stated her support for the motion. Councilmember Hardy stated she supports neighborhood notification. Councilmember Hansen stated his opinion that notification is warranted and adequate, and a CUP unnecessary. Mayor Sullivan voiced concern that the motion on the table offers little protection to the public. Councilmember Green commented on the State's response to complaints.

A motion was made by Hansen, second Cook to direct staff to initiate a Zoning Text Amendment to amend the Huntington Beach Zoning and Subdivision Ordinance so that large family daycare uses in residential zoning districts shall obtain an Administrative Permit (Neighborhood Notification: 300-foot radius) with no applicable fee required (reduces processing time and the filing fee is eliminated) **as amended** to eliminate the requirement for a professional architectural plan. The motion carried by the following roll call vote:

AYES: Bohr, Hardy, Hansen, and Cook
NOES: Green, Coerper, and Sullivan

(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).

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Pro Tem, Gil Coerper and Councilmember Don Hansen transmitting the following **Statement of Issue**: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee (IRC) on legislation pending before a federal, state, or regional government, and authorize the Mayor to communicate the City's position to the elected members of the federal or state legislature, or regional body.
Funding Source: Not Applicable.

Councilmember Hardy gave an oral report and clarified amendments made to AB 1873 and AB 2310.

A motion was made by Hardy, second Coerper to

1. SUPPORT - AB 2310 (Torricono) Fireworks Disposal - **as amended by Late Communication**
2. SUPPORT - AB 1873 (Torricono) Safe Surrender - **as amended by Late Communication**
3. SUPPORT - AB 2116 (Cohn) Emergency Service - Disaster Assistance - as amended 04/06/06
4. SUPPORT - AB 2836 (Karnette) Residential Care Facility Sprinklers - as amended 04/26/06
5. SUPPORT - AB 2525 (Emerson) Search and Rescue Memorial - as amended 05/01/06

The motion carried by the following roll call vote:

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

(City Council) Approved Introduction of Ordinance No. 3737 Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to the Keeping of Fowl, Number Permitted, Distance Limitations and Residential Animal Permit Requirements

A motion was made by Coerper, second Green to **(Substitute Motion)** disapprove Introduction of Ordinance No. 3737. The motion failed by the following roll call vote:

AYES: Green, Coerper, and Sullivan
NOES: Bohr, Hardy, Hansen, and Cook

Mayor Pro Tem Coerper commented on avian flu risks and advised Council not to approve the ordinance for introduction. Councilmember Green gave a pandemic flu update, stating her opinion the risks are too great to approve the ordinance. Councilmember Cook commented on industrial agriculture and the causes of avian flu, stating domestic animals are not the cause. Mayor Sullivan stated his opposition to the ordinance.

A motion was made by Hardy, second Hansen to after City Clerk read by title, approve Introduction of Ordinance No. 3737 - *An Ordinance of the City of Huntington Beach Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to the Keeping of Fowl*. The motion carried by the following roll call vote:

AYES: Bohr, Hardy, Hansen, and Cook
NOES: Green, Coerper, and Sullivan

Councilmember Bohr asked for clarification on the restrictions pertaining to distance from neighbors; Attorney McGrath referred Council to the staff report.

(City Council) Approved Introduction of Ordinance No. 3738 Amending Sections of Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments and the Appeal Process Once a Massage Technician or Establishment Permit has Been Revoked or Suspended.

A motion was made by Hardy, second Coerper to after City Clerk read by title, approve Introduction of Ordinance No. 3738 - *An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments*. The motion carried by the following roll call vote:

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

(City Council) Approved Introduction of Ordinance No. 3739 Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Graffiti Abatement from Public and Private Property Located Within the City.

A motion was made by Coerper, second Hardy to after the City Clerk read by title, approve Introduction of Ordinance No. 3739 - *An Ordinance of the City of Huntington Beach Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Graffiti*. The motion carried by the following roll call vote:

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

(City Council) Approved Introduction of Ordinance No. 3740 Amending Chapter 13.36 of the Huntington Beach Municipal Code Relating to Boating Regulations Pertaining to Pier Head Lines

A motion was made by Green, second Coerper to after the City Clerk read by title, approve Introduction of Ordinance No. 3740 - *An Ordinance of the City of Huntington Beach Amending Chapter 13.36 of the Huntington Beach Municipal Code Relating to Boating Regulations*. The motion carried by the following roll call vote:

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

(City Council) Directed City Clerk to Read Title of Ordinance No. 3736 Introduced on May 15, 2006 Adopting a First Amendment to the Holly Seacliff Development Agreement No. 90-1 Between the City of Huntington Beach and Pacific Coast Homes and Garfield Partners Extending Agreement for an Additional 6-Month Period

A motion was made by Coerper, second Bohr to after the City Clerk read by title, approve Introduction of Ordinance No. 3736 - *An Ordinance of the City Council of the City of Huntington Beach Adopting A First Amendment to the Development Agreement Between the City of Huntington Beach and Pacific Coast Homes and Garfield Partners*. The motion carried by the following roll call vote:

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

(City Council) Approved Introduction of Ordinance No. 3742 Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking Time Limits for Recreational Vehicles, Unattached Boat or Personal Watercraft Trailers

Councilmember Green asked for clarification on the process to amend the ordinance. Attorney McGrath explained parking permit time limitations and dates of validity.

A motion was made by Coerper, second Bohr to after the City Clerk read by title, approve Introduction of Ordinance No. 3742 - *An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking Time Limits*. The motion carried by the following roll call vote:

AYES: Bohr, Coerper, Sullivan, and Cook
NOES: Green, Hardy, and Hansen

(City Council) Submitted by Mayor Dave Sullivan and Councilmember Keith Bohr – Established an Ad Hoc City Council Committee to Study Affordable Housing In-Lieu Fees

The City Council considered communication from Mayor Dave Sullivan and Councilmember Keith Bohr transmitting the following **Statement of Issue:**
At the May 15, 2006, Study Session on Affordable Housing on In-Lieu Fees, there were several unresolved issues.

Mayor Sullivan gave an oral report.

Councilmember Hansen requested the Recommended Action be amended to include a member of the Building Industry Association (BIA) on the committee. Mayor Pro Tem Coerper, Councilmember Bohr, and Councilmember Hardy volunteered to serve on the committee.

A motion was made by Coerper, second Bohr to establish an Ad Hoc Council Committee to study these issues with staff and recommend a position to the full Council. The committee will consist of two members of the Chamber of Commerce, one from Huntington Beach Tomorrow, and two or three Councilmembers to be appointed by the Mayor and **as amended** to include a member of the BIA. The motion carried by the following roll call vote:

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

(City Council) Councilmember Hardy Offered a Reminder of Election Day.

Councilmember Jill Hardy reminded citizens that June 6, 2006 is Election Day, asking them to vote.

(City Council) Mayor Pro Tem Coerper Announced Attendance at Los Alamitos and Huntington Beach High School Events.

Mayor Pro Tem Gil Coerper announced he had attended a prayer breakfast and farewell lunch at the Los Alamitos Military Base; he also attended the Huntington Beach High School Centennial event.

(City Council) Councilmember Green Announced Attendance at Relay for Life, Pandemic Flu Executive Roundtable, and Memorial Day Ceremony.

Councilmember Cathy Green announced her attendance at the Relay for Life event, thanking Huntington Beach Hospital for the use of a large tent. She thanked Congressman Rohrbacher and Fadi Ishmael for the Pandemic Flu Executive Roundtable held at Goldenwest College. She commented on the success of the Memorial Day ceremony and thanked the veterans for their efforts.

(City Council) Mayor Pro Tem Coerper Thanked the Fire Chief for Equipment Demonstration.

Mayor Pro Tem Gil Coerper thanked Fire Chief Duane Olson for educating Council on new equipment available to the City.

(City Council) Mayor Sullivan Announced Results of 3/1 Marine Battalion Committee Golf Tournament.

Mayor Dave Sullivan announced that the golf tournament organized by the 3/1 Marine Battalion Committee and held at Camp Pendleton raised \$15,000.

Adjournment – City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:38 p.m. to Monday, June 19, 2006, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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