

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

Monday, July 3, 2006
5:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 5:00 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 5:00 p.m. in Council Chambers.

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

Councilmember Hardy arrived at 5:01 p.m.; Councilmember Green arrived at 5:05 p.m.

The City Clerk Announced No Late Communications Pertaining to the 5:00 P.M. Portion of the Meeting

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

No Public Comments Regarding the 5:00 p.m. Portion of the Meeting

Motion to Recess to Closed Session – Approved

A motion was made by Cook, second Coerper to recess to Closed Session on the following items. The motion carried by the consensus of all present, Green 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; 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, FMA, HBFA, MSOA, SCLEA, and Non-Associated.** Subject: **Labor Relations - Meet and Confer.**

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. **Number of Potential Cases: One.** Subject: **Potential Litigation.**

(City Council) Closed Session - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Discipline/Dismissal/Release.**

Ceremonial Presentation Given by Sister City Association and Visitors from Anjo, Japan and Waitakere, New Zealand in the Council Chambers – 5:38 p.m.

Presentation - Mayor Sullivan called on Sister City Association President Carmen Erber who introduced the visitors from Anjo, Japan and Waitakere, New Zealand. The sponsors, chaperones and exchange students from Waitakere introduced themselves and presented a gift to the Council on behalf of Waitakere Mayor Bob Harvey. The delegation from Anjo introduced themselves, and the Anjo adult delegation sang a song. The Anjo students then performed a song and dance routine including Japanese drums. The Mayor presented gifts from the City to the visitors.

Reconvened City Council/Redevelopment Agency Meeting – 6:10 p.m.

No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

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

Pledge of Allegiance/Flag Salute - Led by Councilmember Green

Invocation - Led by Maria Khani, Huntington Beach Interfaith Council

The 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:

Communication submitted by Greg M. Boston, of the G.M. Boston Company, dated January 25, 2006 and titled *RFP for Maintenance of Public Waterways within Huntington Harbor.*

Communication submitted by Community Services Director Jim B. Engle dated June 29, 2006 and titled *Late Communication Re: Senior Center Item F-1.*

Communications pertaining to the proposed new senior center dated June 22, 2006 to July 3, 2006 submitted by Michelina Cecere, Virginia Petrelis, Marie & Nicholas Marcigliano, Lauren J. Simms, Marinka Horack, Walt & Tricia White, Marie McCullough, D. Wallace Benton, E. White, Mark D. Bixby (2 Communications), Maureen Rivers,

Mary Jo Baretich, Carol Callisto, Steve Homer, Bill & Carol Kirkwood, Karen Jackle, Alice M. Kinney, Nancy Meeks, Ruth Heeger, Jan Vandersloot, Vivien Bond, Manuel Vizinho, Petition - 13 Signatures, Jan Wensink, Jo Ann Benner, Myron "Mike" Bogen, Dick & Nancy Zeleznikar, Rich Kolander, Steffi Fontana, Ruth May Siegrist, Jack Millsap, Katherine Weil, Ralph Bauer, Helena Webb, Ed Clark, Tom and Jane Peterson, Jim Barker, Jeannette & Joe Morrow, Wilfred & Merna Meyer, Sheldon & Marcia Rosenzweig, Anne Otis, Edward & Sophia Staros, Dr. Victoria Bloom, Madelynn Rigopoulos, Mrs. Norman Miller, Mary Ellen Flannery, Chris Foster, Richard C. Davis, Larry Geisse, M.D., Cheryl J. Haun, Roger McClellan, Merle Moshiri, Norm Westwell, Patricia M. Goodman, Brenda & Roy Gibson, Billie Brandon, Dawn Grimes, Dorothy B. Hodges, John & Mary M. Koch, Virginia Nunez, Debbie Payne, Susan Cook, Asele Rouchleau, Paula Baird, Patricia Darcey, Betty Koch, Bill Saksa, Tom Lash, Jeanne Whitesell, and Mark Allen.

Communications pertaining to the revised and restated franchise agreement with Rainbow Disposal and Rainbow Transfer and Recycling Companies dated July 2-3, 2006 submitted by Manuel Vizinho, Norm Westwell, Tom Harman, Senator, 35th District, and Penelope Culbreth-Graft, City Administrator.

The Following Communications Were Submitted During the Meeting:

Communication submitted by Richard Hart dated July 3, 2006 and titled *HBT's Rainbow Disposal Public Comments*.

Communication submitted by Dan Gooch dated July 3, 2006 and titled *Huntington Beach City Council Rainbow Disposal Proposal*.

Communication submitted by Mark Bixby dated July 3, 2006 and titled *Save Central Park*.

Communication submitted by Ralph Bauer dated July 3, 2006 and titled *Comments at City Council Meeting*.

Communication submitted by Dean Albright, undated, titled *Good Evening Mayor and City Council*.

Communication submitted by Bob Watts dated June 5, 2006 and titled *Committee to Support Our Seniors*.

Communication submitted by Hal Plotkin dated June 28, 2006 and titled *Support for Senior Center in Central Park*.

Communication submitted by Topper Horack, undated, titled *Sport Complex Projections*.

Communications submitted by Theresa Chaque, undated, titled *This is a List of 16 Homeowners or 32% who want to Save the Trees on Brush Drive and are Against any Project which will Require them to be Removed and Brush Drive Petition Name Removal*.

Communication submitted by Mary Jo Baretich, undated, consisting of 65 postcards from residents pertaining to the proposed new senior center.

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/>)

Richard Hart, representing Huntington Beach Tomorrow, requested that City staff be directed to develop a contract provision which provides for sharing of revenue realized from recycling and reduced landfill costs with residential rate payers. (38:55)

Councilmember Hansen asked Mr. Hart if Huntington Beach Tomorrow (HBT) has a recommendation to assist the City in increasing diversion. Mr. Hart explained that HBT does not have a recommendation, but would be willing to research the issue if requested.

Dan Gooch, affiliated with Huntington Beach Tomorrow, thanked Council for their service and suggested there is a need for more public hearings pertaining to Rainbow Disposal services. He recommended additional review of the financial aspects of the proposal by the public and an outside consultant, and recommended the item be postponed for two to three months. (42:13)

Mark Bixby, affiliated with Save Our Parks, presented a PowerPoint report and urged Council to save the remaining open space in Central Park. He refuted comments made in favor of locating a center in the Park and described raptors and other birds sighted in the proposed area. (45:29)

Pat Moore thanked Councilmembers for their efforts and requested Council vote in favor of a new senior center. She also asked Council to review senior apartment rental rates in the City. (48:39)

Julie Bixby, twenty-three-year resident, voiced her opposition to the proposed new senior center in Central Park, stating her opinion that an Environmental Impact Report should be completed prior to a Charter Section 612 (Measure C) vote. (49:32)

Ralph Bauer, forty-two-year resident, stated his support for approval of a Measure C vote pertaining to the proposed new senior center. He listed many other uses that occupy the park, and emphasized the need for a new senior center. (51:47)

Andrew Einhorn, twenty-six-year resident, voiced his support for a new senior center in Central Park and refuted comments made by residents that oppose the proposed site. He recommended the project be "pay as you go" and asked Council to research ways to fund the project. (53:33)

Lydia Stein, senior citizen, voiced her support for a new senior center at the proposed site. She stated her opinion the facility would be an enhancement to the area and asked Council to place the issue on the ballot for vote. (56:55)

Councilmember Hardy announced at 6:38 p.m. that she would miss a portion of the meeting due to a commitment to the Fourth of July Board.

James Townsend voiced his support for the proposed new senior center in Central Park. He stated he is a member of the Public Relations Committee at Rainbow Disposal, and stated he supports approval of the agenda item relating to the agreement. (1:00:18)

Steve Stafford stated his concerns about the chance of flooding at the proposed site for the new senior center. He recommended building the center next to the library to avoid the potential risk for flooding in the proposed area. Mr. Stafford also voiced concerns that new disposal trucks will be wider than the current trucks, and may not fit on some City streets, and about graffiti near Huntington Beach High School. (1:02:53)

Martha Bergman, forty-year resident, spoke in opposition to any further development in Central Park. She stated children she has spoken with oppose building on open space in the City, and opined a different site would be less divisive. (1:05:55)

Peter Petrelis, forty-year resident, voiced support for a proposed new senior center in Central Park, and for rental of rooms in the center for other community uses. (1:09:04)

Susie MacGregor, forty-one-year resident and gerontologist working in senior services in the City of Newport Beach, stated her support for new senior center at the proposed site. She asked Council to place the issue on the ballot for a vote of the residents. (1:10:40)

Annette Berman, affiliated with Save Central Park, voiced her opposition to building a new senior center on open space in the City. She asked Council to find another location for the proposed center. (1:12:50)

Dean Albright stated his opposition to placing a new senior center at the proposed site in Central Park. He suggested Council invest the funds in renovating the current City infrastructure. (1:14:17)

Bob Watts refuted claims made on a fact sheet he said was distributed by the Committee to Support our Seniors. He stated he prefers the City maintain the senior center at its existing location and recommended building a second center at the corner of Goldenwest Street and Talbert Avenue. (1:15:54)

Gerald Chapman spoke regarding Charter Section 612 (Measure C) and the proposed new senior center. He suggested Council approve an advisory vote from the voters, conduct further research, and then present the project to the voters on another, final ballot. (1:19:32)

Mindy White, Save Central Park committee member, voiced her concerns with removal of the intent language from the City Charter, with funding of the senior center project, and with the destination of the park in-lieu fees to be received from the Pacific City project. Ms. White asked Council to maintain the open space in Central Park. (1:22:46)

Chris White, affiliated with Save Central Park, asked Council to be transparent with the true intentions of the senior center/community center project. He voiced concerns about the rental of rooms in the proposed center, and urged residents to consider the impacts of the project including disturbances from lighting, HVAC units, deliveries, and refuse

collection. Mr. White suggested Council use park in-lieu fees to improve the open space rather than to develop it. (1:26:05)

Loretta Fleming, thirty-eight-year resident, voiced her opposition to the proposed site for a new senior center. She suggested adding space to the existing senior center and improving the parking lot. (1:29:13)

Sally Olafson, forty-year resident who resides across the street from the existing senior center, stated her opinion the Rodgers' Center is not overcrowded. She stated the former owner of the Rodgers' property intended its current use. (1:30:58)

Councilmember Hansen clarified a deed restriction exists on the property, requiring a concession from Chevron.

Mayor Sullivan inquired about ownership of the property. Community Services Director Jim Engle explained that the City owns the property, that it was not given to the City by Mr. Rodgers, and that a deed restriction exists for park and recreation use only.

Lesli Correia, thirty-seven-year resident affiliated with Save Our Park, voiced her opposition to a new senior center at the proposed site in Central Park, stating her opinion that the center will be used as a community center and will not serve the seniors well. (1:34:00)

Mike Olafson voiced concerns about developing the current Rodgers' Senior Center site into housing, if the senior center is relocated. He stated his opinion the existing center needs improvements, but not replacement. (1:35:26)

Councilmember Cook commented on the property on which the Rodgers' Senior Center is located, stating discussions have been held with Chevron regarding development, however another vote of residents would be required prior to that occurrence. (1:37:04)

Pat Mullins spoke in support of the proposed site for a new senior center, stating her opinion the senior generation made the City what it is today and deserve a better senior center. She highlighted the shortcomings of the existing center and asked Council to place the question on the ballot. (1:38:36)

Andy Garcia commented on a red-tailed hawk he sighted flying overhead at Central Park and what he referred to as the potential destruction of the Nature Center. (1:40:53)

Hal Plotkin submitted a copy of and read a letter from the Board of Directors of the Huntington Landmark stating support for placing a new senior center in Central Park. (1:41:55)

Tom Lash spoke regarding development in the City and voiced his opposition to placing a senior center in Central Park. He urged Council to protect the remaining open space and voiced support for residents who wish to protect the trees on Brush Drive. (1:42:58)

Patti Lash stated she is employed as a nurse in the community and that she and her coworkers would like to volunteer at a new senior center. She asked Council to protect the open space in the City and select an alternate site for the center. (1:45:00)

Carolyn Crockett opined that seniors need a new center and recommended the Kettler School site, stating it is newly remodeled and a good fit for a senior center. She stated her opinion preservation of open space should be a priority. (1:46:49)

Charles Falzon, Chairman of the Finance Board, voiced opinions pertaining to the Franchise Agreement with Rainbow Disposal. He described the process followed to date and requested the City Clerk make relevant letters and responses available to the public. Mr. Falzon suggested the contract period under the Evergreen Clause should be for ten years rather than eighteen years, stating service received from Rainbow has been good, however more research on terms of the agreement is desired. (1:49:35)

Dick White stated his support for placing the proposed senior center project on the ballot. He commented on transportation and disaster training for seniors, and thanked Councilmembers for their assistance. (1:53:49)

Dr. Dianne Moore stated she is a former New York City resident and voiced her opinions on preserving open space. She asked Council to save the parkland and suggested funds be used to repair the parks, specifically the restrooms. (1:55:41)

Linda Urette voiced her opposition to developing any area of the remaining open space in Central Park. She stated concerns with the cost of the project, asking about the intended use of the center. Ms. Urette urged Council to consider alternative sites and to reduce the funds spent. (1:57:27)

Christina Gillespie commented on the ranking of the Kettler School site in the study for a new senior center. She voiced her opposition to locating a new senior center in Central Park and urged Council to build at an alternate location. (2:00:36)

Mark Evans, member of Save Central Park and HB Higher Flyers Disc Golf Club, spoke in opposition to the agenda item pertaining to a new senior center in Central Park. He voiced concerns with precedence set by approving this project and with the proposed uses of the new center. (2:03:17)

Councilmember Jill Hardy returned to the dais at 7:43 pm.

Firecracker Westwell voiced his opposition to the proposed site for a new senior center, asking Council to preserve the open space. He stated concerns with a Charter Section 612 (Measure C) vote prior to completing the research process and asked Council to slow the process. Mr. Westwell also stated his concerns with the Franchise Agreement language with Rainbow disposal, suggesting ten years is more appropriate for renewals. He also commented on recent grand jury findings pertaining to recycling, and asked that the legality of fireworks in the City be placed on the ballot. (2:06:27)

Don MacAllister, thirty-nine-year resident, commented on the intentions of Charter Section 612 (Measure C), stating it is to put the question of projects such as the proposed new senior center to vote for all residents. He urged Council to support the Recommended Action pertaining to the senior center project, and wished everyone a Happy Fourth of July. (2:09:42)

Elizabeth Davies, resident of Fountains at Seacliff, inquired about the agenda item pertaining to the sale and transfer of the Fountains Senior Apartments, asking if the current contract would remain in effect. (2:11:31)

Economic Development Director Stanley Smalewitz responded, stating that the conditions of the contract would remain the same.

Jan Wensink voiced his support for improving the existing senior center and for preserving the open space in Central Park. He asked Council to improve the current facilities at the park, to consider constructing a pedestrian tunnel under Goldenwest Street, and suggested a wing be added to the library to house a new senior center. (2:13:36)

Topper Horack presented a PowerPoint report illustrating statistics pertaining to usage of the Sports Complex. He voiced concerns with the cost of that project and of future projects. Mr. Horack stated his opinion a senior center does not belong in Central Park and asked Council to give full disclosure of the details of the project. (2:16:36)

Joe Shaw voiced his support for the preservation of open space in the City and stated his opinion a new senior center is needed, however in an alternate location than the proposed site. (2:19:54)

Derek Olin, nine-year resident, voiced his opposition to the proposed site in Central Park for a new senior center, stating the feasibility study is incomplete. He stated he supports a new senior center, but does not support the proposed location nor the concept of a community center. (2:21:44)

Theresa Chaque submitted a communication and urged individuals to sign petitions to preserve our urban forests. She requested Council reconsider the decision to remove the trees from Brush Drive, and voiced her opposition to locating a senior center in Central Park. (2:25:00)

Mary Jo Baretich asked Council to delay placing the question of locating a new senior center in Central Park on the ballot. She voiced opposition to building a community center in Central Park. (2:28:28)

Elmer Smith, thirty-year resident, voiced his opposition to building a new community center and asked Council to construct a senior center. He suggested Council revisit Kettler School as an alternative site and delay a Charter Section 612 (Measure C) vote. (2:30:51)

John McGregor stated his concurrence with comments made by Mr. Smith. He stated his opinion that Kettler School is a beautiful location and that the Rodgers' Center is inadequate for the current needs of seniors. Mr. McGregor voiced concerns with the funding of the proposed new center in Central Park. (2:32:56)

Marinka Horack voiced her opposition to the proposed project to place a new senior center in Central Park. She opined the project is in reality a community center that will cost significantly more than projected. She commented on the Sports Complex, stating the use is not what was intended and the cost was many times higher than voters approved. Ms. Horack suggested Council reconsider alternate sites for a new senior center. (2:35:26)

Jan Vandersloot stated his opposition to building a senior center in Central Park, commenting on the Park's connection to the Bolsa Chica Wetlands. He asked Council to protect remaining open space in the City, to consider Kettler School as an alternate site, and stated his opinion a Charter Section 612 (Measure C) vote is premature. (2:38:27)

Carrie Thomas, thirty-year resident, stated she had previously worked on Charter Section 612 (Measure C) with several Councilmembers and asked Council to vote in opposition to the proposed site. She suggested Council and staff consider alternate sites and place the question to voters at a later date. Ms. Thomas also suggested satellite senior centers dispersed in the City rather than one big center in Central Park. (2:41:04)

(City Council) Presentation Given by the City Clerk of Information Relating to the General Municipal Election to be Held on November 7, 2006.

City Clerk Joan L. Flynn presented a PowerPoint report titled General Municipal Election, November 7, 2006, which was included in the agenda packet. The report gave details on voter registration, absentee ballots, sample ballots, polling places, offices for election, candidates' statements, disclosure statements, an upcoming Town Hall Meeting, and voter access to information.

Recessed the City Council/Redevelopment Agency Regular Meeting and Convened the Huntington Beach Civic Improvement Corporation (CIC) Meeting.

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

(CIC) Approved and adopted Civic Improvement Corporation Minutes - Approved and adopted the minutes of the December 19, 2005 Regular Meeting of the Civic Improvement Corporation as written and on file in the Office of the Secretary. Submitted by the Secretary.

A motion was made by Coerper, second Hardy to approve and adopt the minutes of the December 19, 2005 Regular Meeting of the Civic Improvement Corporation as written and on file in the Office of the Secretary. The motion carried by the following roll call vote:

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

Adjourned the Huntington Beach Civic Improvement Corporation Meeting and Reconvened the City Council/Redevelopment Agency Regular Meeting.

Consent Calendar – Items Removed for Separate Discussion

(City Council) Execution of Maintenance Services Contract with Aqualube, Inc. dba Naut-A-Care Marine Services to Maintain Public Waterways Within Huntington Harbour, and Execution of the First Amendment to the Huntington Harbour Waterway Maintenance Agreement Specifying the County of Orange's Annual Contribution of \$37,500.

(Redevelopment Agency) The Consent, Assignment and Assumption Agreement Authorizing the Sale and Transfer of the 271-Unit Fountains Senior Apartments Located at 7181 Garden Glen Drive from FountainGlen Properties, LLC (dba Fountains Huntington Beach, LLC) to FG Seacliff Senior Apartments, LP.

Consent Calendar – Items Approved

A motion was made by Green, second Bohr to approve 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 15, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Adopted Resolution No. 2006-29 Authorizing Execution of the California Service Corps/AmeriCorps Planning Grant Agreement in the Amount of \$74,091 to Develop a Plan to Form a Huntington Beach Citizen Corps for Disaster Preparedness Education and Response to Emergencies - 1) Adopted Resolution No. 2006-29, *A Resolution of the City Council of the City of Huntington Beach Authorizing the Execution of the California AmeriCorps Planning Grant Agreement*; and **2)** Authorized the Mayor and City Clerk to execute the attached agreement with the California Service Corps/AmeriCorps. Submitted by the Fire Chief. Funding Source: The California Service Corps/AmeriCorps grant will award the City \$74,091. This includes \$49,249 in cash (\$49,746 minus \$497 held back by CSC for grant administration) and the grant required minimum match from the City of \$24,345, which will be provided via in-kind services through the use of salary and benefits of the Emergency Services Coordinator. This match is available in the fiscal year 2005/2006 budget in the Emergency Management and Homeland Security business unit (10065301.51100).

(City Council) Approved License Agreement With Fountain Valley School District for Use of 2.5 Acres of Wardlow School Property on a Temporary Basis for Parking and Restroom/Food Concessions for Huntington Valley Little League - Authorized the Mayor and City Clerk to execute the License Agreement Between Fountain Valley School District and City of Huntington Beach (Use of Portion of Wardlow Property). Submitted by the Community Services Director. Funding Source: \$1 per year fee to be paid from Community Services Account No. 10045401.70300.

(City Council/Redevelopment Agency) Approved and Adopted City Resolution No. 2006-36 and Redevelopment Agency Resolution No. 361 With Necessary Findings and Authorized the Redevelopment Agency to Pay for the Purchase and Installation of a Replacement Heating, Ventilation and Air Conditioning (HVAC) Unit at the Oak View Community Center Located at 17261 Oak Lane - City Council: Adopted Resolution No. 2006-26, *A Resolution of the City Council of the City of Huntington Beach Consenting to Payment by the Redevelopment Agency for the Cost Associated With the Purchase and Installation of a Replacement Heating, Ventilation*

and Air Conditioning Unit at the Oak View Community Center and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445; Redevelopment Agency: Adopted Resolution No. 361, Resolution of the Redevelopment Agency of the City of Huntington Beach Agreeing to Pay the Cost Associated With the Purchase and Installation of a Replacement Heating, Ventilation and Air Conditioning Unit at the Oak View Community Center and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445. Submitted by the Economic Development/Deputy Executive Director. Funding Source: Funds in the amount of \$13,250 are available in Redevelopment Agency Fiscal Year 2005/2006 budget, 30580101.

(City Council) Adopted Resolution No. 2006-37 Authorizing Execution of Program Supplement Nos. M030, M031 and M032 to Agreement No. 12-5181 for Federal Aid Projects Related to the Federal Highway Administration (FHWA) Grant Program for Three Traffic Signal Modifications Located at the Intersections of Gothard Street and Warner Avenue, Gothard Street and Edinger Avenue, and Edwards Street and Warner Avenue - Adopted Resolution No. 2006-37, *A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplements Nos. M030, M031, and M032 to Agreement No. 12-5181 for the Intersections of Gothard Street and Warner Avenue, Gothard Street and Edinger Avenue and Warner Avenue and Edwards Street.* Submitted by the Public Works Director. Funding Source: The grant amount, including construction is \$184,500. Matching funds are budgeted in the Gas Tax Fund.

(City Council) Adopted Resolution No. 2006-38 Approving the Amendment and Restatement of the Joint Powers Agreement Creating the Big Independent Cities Excess Pool Joint Powers Authority (BICEP), Amending Bylaws of BICEP, Approving the Revised Master Memorandum of Liability Coverage, the BICEP Liability Program, and the BICEP Workers' Compensation Program; and Adopted Resolution No. 2006-39 Designating the Deputy City Administrator or His/Her Written Designee as the City's Representative to the BICEP Board of Directors - 1) Adopted Resolution No. 2006-38, *Resolution of the City Council of the City of Huntington Beach Approving the Amendment and Restatement of the Joint Powers Agreement Creating the Big Independent Cities Excess Pool Joint Powers Authority, and Authorizing, Ratifying, and Approving the Related Bylaws, Memorandum of Coverage, Liability Program and Workers Compensation Program* which shall: (1) Approve the amended and restated BICEP Joint Powers Agreement, and authorize the Mayor to execute and the City Clerk to attest to the Agreement; and (2) Approved the amended bylaws of BICEP; and (3) Approved the revised Master Memorandum of Liability Coverage; and (4) Approved the BICEP Liability Program; and (5) Approved the BICEP Workers' Compensation Program. **2)** Adopted Resolution No. 2006-39, *A Resolution of the City Council of the City of Huntington Beach Naming the Deputy City Administrator or His/Her Written Designee as the City's Representative to the Big Independent Cities Excess Pool Joint Powers Authority Board of Directors.* Submitted by the City Attorney and the Deputy City Administrator. Funding Source: City pays premiums to BICEP. For 2005/2006, the City contributed \$845,804 to BICEP from Account No. 10030502.73020. The City payroll represents 22.2% of the combined payroll of the five members of BICEP. The City contributed 25.01% of the Members' premiums to BICEP for 2005/2006, due to the City's loss experience.

(City Council) Approved Two Professional Services Contracts With Gafcon, Inc. for Rehabilitation Construction Management at Emerald Cove Senior Apartments Located at 18191 Parktree Circle - 1) Approved the Professional Services Contract Between the City of Huntington Beach and Gafcon, Inc. for Construction Management Services in Connection With Emerald Cove Apartment Complex Repair Project - Phase 1; and **2)** Approved the Professional Services Contract Between the City of Huntington Beach and Gafcon, Inc. for Construction Management Services in Connection With Emerald Cove Apartment Complex Repair Project - Phase 2. Submitted by the Economic Development Director. Funding Source: \$13,735 for Phase One and \$47,600 for Phase Two from the Emerald Cove Enterprise Fund budgeted in fiscal year 2005/2006, account 50380101.64570.

(City Council) Approved and Authorized Execution of Maintenance Services Contract with Aqualube, Inc. dba Naut-A-Care Marine Services to Maintain Public Waterways Within Huntington Harbour, and Approved and Authorized Execution of the First Amendment to the Huntington Harbour Waterway Maintenance Agreement Specifying the County of Orange's Annual Contribution of \$37,500.

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue:** The firm of Naut-A-Care Marine Services is being recommended as the new contractor to maintain the public waterways within Huntington Harbour. Due to an increase in maintenance costs since the original agreement was approved by the City and the County of Orange in 1985, it is also necessary to approve an amendment to the cost sharing section of the original agreement. **Funding Source:** General Fund, Beach Maintenance Account, 10045206.69450. Total annual costs are \$77,100 of which \$37,500 would be reimbursed by the County of Orange.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to ask for clarification on frequency and time of cleanings. Director Engle explained the cleanings would occur once per week, with the process lasting 1-3 days, and that the County has agreed to pay 50% for a once per week cleaning. Mayor Pro Tem Coerper asked if the prior vendor did similar work, and if County currently pays for cleaning. Director Engle confirmed the County currently pays a portion, and described written proposals submitted by vendors and reviewed, which resulted in this company being chosen as best qualified.

A motion was made by Green, second Coerper to **1)** Approve and authorize the Mayor and City Clerk to execute the Maintenance Services Contract Between the City of Huntington Beach and Aqualube, Inc. dba Naut-A-Care Marine Services for Huntington Harbour Maintenance Services for one harbor cleaning/sweep per week in an amount not to exceed \$77,100 as follows: \$62,500 for Category 1 services, \$12,500 for up to 10 days of emergency maintenance services, and \$2,100 for pump-out stations inspections; and **2)** Approve and authorize the Mayor and City Clerk to execute the First Amendment to Huntington Harbour Waterway Maintenance Agreement between the City of Huntington Beach and the County of Orange specifying the county annual contribution of \$37,500. The motion carried by the following roll call vote:

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

(Redevelopment Agency) Approved the Consent, Assignment and Assumption Agreement Authorizing the Sale and Transfer of the 271-Unit Fountains Senior Apartments Located at 7181 Garden Glen Drive from FountainGlen Properties, LLC (dba Fountains Huntington Beach, LLC) to FG Seacliff Senior Apartments, LP.

The City Council considered a communication from the Redevelopment Agency Deputy Executive Director transmitting the following **Statement of Issue:** Submitted for Agency consideration is a Consent, Assignment and Assumption Agreement authorizing the sale and transfer of the Fountains Senior Apartments. FountainGlen Properties LLC (dba Fountains Huntington Beach, LLC), owners of the 271-unit Fountains Senior Apartments located at 7181 Garden Glen Drive, is requesting the Agency's approval to sell the Fountains complex to FG Seacliff Senior Apartments, LP. Staff recommends approval of the sale and transfer of the property, pursuant to Section 2.5 of the Agency's Owner Participation Agreement. **Funding Source:** Not Applicable.

Councilmember Green requested that this item be removed from the Consent Calendar to inquire if rents would increase or leases be changed. Director Smalewitz explained the agreement is simply a transfer of ownership and there would be no changes to the contract.

A motion was made by Green, second Coerper to approve the Consent, Assignment and Assumption Agreement, authorizing the sale and transfer of the Fountains Senior Apartments to FG Seacliff Senior Apartments, LP. The motion carried by the following roll call vote:

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

(City Council) Approved Taking the Proposed Senior Center in Huntington Central Park (HCP), on the Southern Five Acres of a 14-Acre Undeveloped Site West of Goldenwest at Talbert, North of the Frisbee Golf Course, to a Charter Section 612 (Measure C) Vote of the People at the November 7, 2006 Election.

The City Council considered a communication from the Director of Community Services transmitting the following **Statement of Issue:** Should City Council take the proposed Senior Center in an undeveloped area of Huntington Central Park (HCP) west of Goldenwest at Talbert, north of the Frisbee Golf Course to a Charter Section 612 (Measure C) vote of the people? **Funding Source:** \$5,000 from Community Services General Fund Account #10045101.

Director Engle presented a PowerPoint report titled *City of Huntington Beach Proposed Senior Center*, which was announced earlier as a Late Communication. He explained why the school sites were originally considered, and stated the school districts have not yet decided if they will surplus the property. He described the process used to determine rankings for sites, and the advantages and disadvantages of the top four sites. Director Engle explained the estimated project costs given in the report are not site specific. He commented on some public concerns, including those pertaining to a multigenerational center, community center, rentals, and potential future expansion. Mayor Sullivan clarified that any expansion beyond five acres would require another Measure C vote.

Councilmember Green inquired about the specifics of the Minute Action pertaining to Measure C and about the status of the Kettler School site. City Attorney Jennifer McGrath explained the Minute Action in question was taken four years later than the Measure C vote. City Administrator Penny Culbreth-Graft stated that Kettler School is not currently slated for surplus use. Councilmember Green asked for clarification on the advantages of placing the question on the November ballot. Administrator Culbreth-Graft explained the costs are significantly higher for a Special Election, and clarified the deadlines involved.

A motion was made by Coerper, second Bohr to approve taking a proposed Senior Center on the southern five acres of a 14-acre undeveloped site west of Goldenwest at Talbert in Central Park to a Charter Section 612 vote at the November, 2006 election; direct staff to return to the City Council on July 17, 2006 with ballot language, resolution, summary and analysis; and, approve making an exception to the minute action of July 11, 1994 requiring an applicant "...to obtain all city approvals prior to being submitted to a vote of the people." (Vote to follow)

Councilmember Hardy asked for clarification on the size of the proposed center, the access route to the center, parking and alterations to the Master Plan, and options for the existing senior center. Principal Planner Mary Beth Broeren described the proposed center as comparable to one-third the size of a big box store such as Target or Home Depot. She explained the parking lot would be similar to the lot at Goldenwest Street and Garfield Avenue. Director Engle stated the access route would be at Goldenwest Street and Talbert Avenue, and the road was part of the Master Plan. He explained the options for the existing senior center include: leveling the building and developing the land as a park or selling the site to a developer and using the funds to pay for a new senior center. He estimated the cost to convert it to a park would be \$600,000-700,000 and stated a balance of about \$2 million in fully encumbered park development funds.

Councilmember Cook inquired about costs to bring the restrooms in Central Park up to ADA compliance, plans to develop or improve Bartlett Park, upgraded playground equipment, plans to develop Sully-Miller Lake, and other facilities requiring improvements including the gun range, Blufftop Park, and the buildings on the Pier. Director Engle responded, stating he has no estimate for improving the restrooms, playground equipment has been replaced, and developing Sully-Miller Lake into a fishing lake is part of the Master Plan, but is not a priority. Director Engle stated the buildings on the Pier may be addressed with grants or Waterfront Hilton funds. Councilmember Cook commented on the rentals of the library theater and the elimination of a Park Ranger at the Shipley Nature Center, stating that the City cannot afford a new senior center when other core services need attention. She stated she would not support the Recommended Action, and suggested the Pacific City funds should be spread across City parklands.

Councilmember Hansen asked if City infrastructure is historically repaired using park funds, and Public Works Director Beardsley responded in the negative. Councilmember Hansen inquired about the costs of the entitlement and environmental process. Director Engle explained the full entitlement process would cost at least \$700,000. Councilmember Hansen voiced his support for putting the question to the voters by ballot prior to spending more money on process.

Councilmember Bohr stated his reasons for supporting the Recommended Action, including strategic planning goals Councilmembers had agreed to, funding opportunities, and inadequacy of the existing center.

Councilmember Green commented on renovations to the existing center and the need for a new center.

Councilmember Hardy commented on the needs of seniors and recommended preserving remaining open space in the City while creating a new senior center at an alternate site. Mayor Sullivan stated his reasons for supporting the motion including the needs of seniors and the ranking of the site in the report.

Councilmember Cook commented that Community Services funds come from the General Fund, and asked that the ballot question provide as much information as possible.

Council then voted on the motion to approve taking a proposed Senior Center on the southern five acres of a 14-acre undeveloped site west of Goldenwest at Talbert in Central Park to a Charter Section 612 vote at the November, 2006 election; direct staff to return to the City Council on July 17, 2006 with ballot language, resolution, summary and analysis; and, approve making an exception to the minute action of July 11, 1994 requiring an applicant "...to obtain all city approvals prior to being submitted to a vote of the people." approve Recommended Action No. 1. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3744 as Amended Enacting the Revised and Restated Franchise Agreement With Rainbow Disposal and Rainbow Transfer and Recycling Companies For Solid Waste and Recyclables Collection Automation, and Materials Recovery Facility (MRF) Upgrade and Modernization to its Facility Located at 17121 Nichols Street, Huntington Beach.

The City Council considered a communication from the Director of Public Works transmitting the following **Statement of Issue**: Rainbow Disposal has requested certain changes to its current franchise agreement so that it may make financial commitments to modernize its Materials Recovery Facility (MRF) at 17121 Nichols Street, Huntington Beach; purchase new, low-emission fueled collection vehicles; and develop and implement a program to collect the City's residential refuse and recyclables, using automated equipment. These changes will necessitate a major monetary investment by the company and will necessitate an intensive customer outreach effort for residents to select and familiarize themselves with the new containers to be provided by Rainbow. **Funding Source**: There are no costs to the City as a result of the proposed changes to the current franchise agreement.

Public Works Director Robert F. Beardsley presented a PowerPoint report titled *Summary of Proposed Revisions to the Franchise Agreement with Rainbow Disposal and Rainbow Transfer and Recycling Companies*, which was included in the agenda packet. The report explained why the agreement is being revised, the impact on

residents, the impact on the City, and enhancements to the current program. City Administrator Culbreth-Graft reiterated an amendment to the Agreement requested in a Late Communication.

Councilmember Green inquired about changes to services that are mandated by the State, about the diversion rate, the increase in rate for self-hauling, and the cost of containers. Director Beardsley responded, stating changes are State-mandated, the City's current diversion rate is approximately 63%, and that the containers are usually provided by the hauler. Ron Shenkman from Rainbow Disposal explained the plan is to offer credits to encourage less self-hauling. Mayor Pro Tem Coerper inquired about the term of the contract, the service level of Rainbow Disposal, and the number of staff persons required to monitor scavenging. Director Beardsley explained the initial longer term of the contract is necessary due to the equipment-intense business and time required to amortize costs for alternate fuel trucks. He described service received as excellent, stating Rainbow is very involved with the community. Director Beardsley stated one new staff person is sufficient to oversee scavenging enforcement in the entire city, however this number could be renegotiated, if necessary.

Councilmember Cook inquired about the compressed natural gas (CNG) facility, the Code Enforcement Officer's work schedule, the calculation of street maintenance reimbursement, the Clean Water Act, and administrative overhead. Director Beardsley responded to these questions, stating the size of the CNG unit is not unique in size and will accommodate the City's needs. He explained the schedule for the Code Enforcement Officer would not be a normal 8 a.m. to 5 p.m. schedule, but would consist of graveyard or early morning hours when cans are at the curb and scavenging is likely to take place.

Councilmember Hansen asked about the current recycling programs at City Hall and the free services offered by the vendor. Director Beardsley explained no recycling program at City Hall currently exists. Attorney McGrath explained the legalities of accepting the free services.

Mayor Sullivan commented on what he referred to as a short time frame to review the contract and requests he had received from organizations to delay approval of the contract.

A motion was made by Coerper, second Green to after the City Clerk reads by title, approve for Introduction Ordinance No. 3744 - *An Ordinance of the City of Huntington Beach Granting To Rainbow Disposal and Rainbow Transfer and Recycling Companies A Franchise To Collect Refuse*, per the terms and conditions in the Franchise Agreement and as outlined in the staff report **as amended by Late Communication**. (Vote to follow)

A motion was made by Sullivan, second Hardy to **(Substitute Motion)** defer action on this item until July 17, 2006. (Vote to follow)

Councilmember Hardy asked Rainbow Disposal representatives to comment on the proposed timeline. Mr. Shenkman explained Rainbow's position urging Council to approve the Agreement at this meeting. Councilmember Bohr commented on what he referred to as the transparency of the process. Councilmembers Green and Hansen

stated their opposition to the Substitute Motion. Mayor Pro Tem Coerper asked for clarification on the intention of the Substitute Motion, and Mayor Sullivan explained that the specifics of the contract were not part the company outreach, and organizations have asked for more time to review these specifics.

Council then voted on the **Substitute Motion**. The Substitute Motion **failed** by the following roll call vote:

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

Council then voted on the **Original Motion**. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3745 Amending Chapter 2.76 of the Huntington Beach Municipal Code to Add the Appointive Position of Deputy City Treasurer.

The City Council considered a communication from the City Administrator and the City Attorney transmitting the following **Statement of Issue**: City Council recently adopted a revised organizational chart which added the appointive position of Deputy City Treasurer; said position to be excluded from the personnel system and competitive service requirements. Chapter 2.76 sets forth the positions to be excluded from the personnel provisions of Charter Section 403 and should therefore be amended to add the position of appointive Deputy City Treasurer. As this is a Charter Section 403 excluded position, the candidate selected must enter into an employment agreement with the City of Huntington Beach. **Funding Source**: Not Applicable.

A motion was made by Coerper, second Hardy to **1**. After City Clerk reads by title, approve for Introduction Ordinance No. 3745, *An Ordinance of the City of Huntington Beach Amending Chapter 2.76 of the Huntington Beach Municipal Code Relating to Competitive Service Regulations*; AND **2**. Authorize the City Administrator to execute an employment agreement for Deputy City Treasurer approved as to form by the City Attorney with the candidate selected. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3743 Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Fees, Rates and Deposits.

A motion was made by Hardy, second Coerper to after the City Clerk read by title, Adopt Ordinance No. 3743 - *An Ordinance of the City of Huntington Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Fees, Rates and Deposits*. The motion carried by the following roll call vote:

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

Adjournment – City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 10:54 p.m. to Monday, July 17, 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