

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

Monday, July 17, 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 4:01 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Bohr, Green, Coerper, Sullivan, Hardy (arrived at 4:03 p.m.), Hansen,
and Cook.
Absent: None.

The Senior Deputy City Clerk Announced a Late Communication Pertaining to the 4:00 P.M. Portion of the Meeting

Pursuant to the Brown (Open Meetings) Act, Senior Deputy City Clerk Patricia Albers announced the following Late Communication regarding the Study Session had been received by the City Clerk's Office following distribution of the agenda packet:

Communication submitted by Robert F. Beardsley, Director of Public Works, dated July 13, 2006 entitled *City Council Agenda July 17, 2006 - Study Session PowerPoint Presentation*.

The Following Additional Late Communications Were Submitted During the Meeting:

Communications submitted by Robert F. Beardsley dated July 13, 2006 and titled *City of Huntington Beach, Unfunded/Underfunded Infrastructure Needs and City of Huntington Beach Capital Improvement Program, Draft Fiscal Years 2006/2007 through 2010/2011, Unfunded Requests*.

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

(City Council) Study Session – A Joint Meeting With Public Works Commission (PWC) and City Council.

Public Works Commission (PWC) Roll Call

Present: Chair, George Mason, Vice Chair, Michael Siersema, Richard Harlow, and Richard Hart.

Absent: Charles "Pat" Spencer, Chuck Scheid, and George Rivera.

City Administrator Penny Culbreth-Graft gave an overview of the topic. PWC Chair Mason described the purpose of the workshop and began a PowerPoint report titled *City Council and Public Works Commission Joint Study Session, City of Huntington Beach Infrastructure Needs*, which was announced earlier as a Late Communication. Public Works Director Robert F. Beardsley described preparatory work done prior to compilation of this report, including an infrastructure tour, and identified issues and priorities of the Infrastructure Advisory Committee (IAC).

Councilmembers inquired about public and private alley repairs, especially those related to safety. Director Beardsley described alley repairs as an unfunded project area that affect quality of life, and are not typically traffic hazards. Councilmember Cook commented on the increasing cost of asphalt, and Deputy Public Works Director David Webb confirmed costs have increased 20-40%. Councilmember Green commented on pavement management conditions and the City's ranking on a recent study. Director Beardsley then described project priority considerations including reduction of health and safety concerns, reduction of liability exposure and property damage, compliance with regulatory agency mandates, enhancement of property values and the local economy, and improvement to quality of life and reduction of blight.

In response to Council inquiries, Commission Member Harlow commented on project cost estimates, the substance of the report, and formation of the IAC. He suggested an approximate \$1.3 billion cost for infrastructure needs in the next twenty years, \$400-\$500 million of which is unfunded, and described the Commission's recommended "forward strategy." Chair Mason concluded the PowerPoint report, describing ways the PWC can assist Council, staff, and the community.

Councilmember Bohr inquired about the raising of fees or a bond issue. Chair Mason described brochures produced to educate the public. Commission Member Harlow described other public outreach efforts to remind citizens where funds are spent. Commission Member Hart suggested any surplus funds be directed towards upgrading infrastructure, and establishing a priority criteria. Further discussion ensued amongst Council, staff, and Commission Members pertaining to bond measures, specific projects, reprioritizing the street repair list, and Measure M funding. Mayor Sullivan thanked the Commission Member for their work.

Motion to Recess to Closed Session – Approved

A motion was made by Coerper, second Green to recess to Closed Session on the following item. 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 **Charles Nowotny v. City of**

Huntington Beach, WCAB Case No. LBO 0294130; Claim Nos. COHB 93-0050 and COHB 98-0141. Subject: **Charles Nowotny v. City of Huntington Beach.**

(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(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 **Shorecliff Mobilehome Park v. City of Huntington Beach**, Orange County Superior Court Case No. 06CC07095. Subject: **Shorecliff Mobilehome Park v. City of Huntington Beach.**

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. **Number of Potential Cases: One.** Subject: **Potential Litigation.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:27 p.m.

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

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

Pledge of Allegiance/Flag Salute - Led by Councilmember Hardy

Invocation - Led by Mayor Sullivan

Councilmember Cook Announced the Passing of Dick LeGrue, former Councilmember Connie Boardman's Husband, Requesting the Meeting be Dedicated to his Memory.

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 Robert F. Beardsley, Director of Public Works, dated July 13, 2006 entitled *City Council Agenda July 17, 2006 - Study Session PowerPoint Presentation.*

Communication submitted by Luann Brunson, Senior Administrative Analyst dated July 17, 2006 and titled *Revision to Slide #7 Public Hearing D-1*.

Communication submitted by Bob Polkow dated July 13, 2006 and titled *City Council, agenda item G1(a), 17 July 2006*.

Presentation - Mayor Sullivan called on Ron Shenkman from Rainbow Disposal to present a check to the City for the sponsorship of the Distance Derby. Recreation and Human Services Superintendent Janeen Laudenback accepted the check on behalf of Project Self Sufficiency.

Presentation - Mayor Sullivan called on John Borack from Time Warner who presented a check to the Project Self Sufficiency Foundation. Foundation President Joyce Riddell accepted the check.

Presentation - Mayor Sullivan presented commendations to the volunteers on the Fourth of July Board of Directors: Mary Ellen Cianciabella, Pat Stier, Stacey Newton, Karen Pederson, and Erik Gomez. Board Members thanked all the volunteers and staff liaison Naida Oslone.

Mayor's Award - Mayor Sullivan called on City Attorney Jennifer McGrath who presented the Mayor's Award to Investigator Robert "Bobby" Dominguez. Investigator Dominguez joined the City seven years ago after twenty-five years with the Los Angeles Police Department. Attorney McGrath shared many positive comments made by his coworkers.

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/>)

Flossie Horgan voiced her support for a new senior center in the City. She stated concerns with the proposed location in Central Park and with the proposed ballot verbiage recommended by staff. Ms. Horgan urged Council to construct more specific language for the ballot measure. (15:11)

Gerald Chapman voiced his concerns with Council's decision to proceed with a ballot vote prior to the completion of relevant reports. He suggested the language of the ballot measure be amended to specify 45,000 square feet in size, \$23 million cost, and not an advisory vote. (17:36)

Craig Sheets announced alleged locations of meth labs, nuclear devices, and chemicals in the State. (19:21)

Bob Polkow asked Council to review the recreational vehicle ordinance carefully and to leave unchanged the ordinance that was approved May 1, 2006. (21:35)

Tim Geddes voiced his concerns pertaining to the language proposed by staff for the senior center ballot measure. He requested Council ensure the public is given all the facts prior to voting. (23:56)

Robert Lupo, thirty-one-year resident of Huntington Shorecliffs and local president of the Golden State Mobilehome Owners League (GSMOL) voiced concerns with recent legal challenges made to the City's mobile home park conversion ordinance. He described water and drainage issues in the Huntington Shorecliffs and asked for a health, safety and fire inspection of the park. (26:44)

Councilmember Green asked staff to investigate Mr. Lupo's concerns. City Administrator Penny Culbreth-Graft requested Mr. Lupo fill out a blue contact card.

Joe Shaw stated his opposition to the senior center ballot statement as proposed by staff and asked Council to revise the language to accurately describe the facts of the project. (30:08)

Don MacAllister voiced his support for the Charter Section 612 (Measure C) action pertaining to the proposed new senior center and asked Council to stay strong on the vote made at the last meeting. (31:10)

Roger D. Criswell, City business owner, resident of Huntington Shorecliffs, and affiliated with the GSMOL, stated his concern that new roads in the area of his residence have caused drainage problems. He voiced health and safety concerns and asked Council to have staff inspect the park. (32:11)

Dick Porch, resident of Huntington Shorecliffs, inquired about Caltrans' responsibility for water and drainage issues in his mobile home park. He suggested Councilmembers review their records for pictures he had sent to them which illustrate water problems, health and safety concerns. (33:38)

Robert Dettloff, co-founder of Support our Seniors, stated agreement with the wording proposed by staff for the ballot measure. He opined that size and cost figures of the proposed senior center are not final at this point, and would be misleading to the voters. (35:34)

Mark Bixby voiced his concerns about how the proposed ballot measure is being defined, stating his opinion an advisory vote is not a Section 612 vote. He also stated opposition to the generality of the numbers stated in the proposed language. (37:41)

(City Council) Reviewed and Accepted City Treasurer Shari Freidenrich's May 2006 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2006*.

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for May 2006.

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

A motion was made by Coerper, second Bohr to review and accept the Monthly Investment Report entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2006*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held – Approved the 2006-2007 Housing and Urban Development (HUD) Action Plan for the Community Development Block Grant (CDBG)/HOME Investment Partnership Program/American Dream Downpayment Initiative (ADDI) as Proposed by the Citizens Participation Advisory Board (CPAB), as Amended, and Authorized Submittal of the Action Plan to the U. S. Department of Housing and Urban Development (HUD).

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

The 2006/2007 Action Plan in accordance with the City's Consolidated Plan (CP) as required by the U.S. Department of Housing and Urban Development (HUD) for receipt of \$1,428,837 in Community Development Block Grant (CDBG) funds, and \$823,233 in HOME Investment Partnership (HOME) funds, and \$14,000 in American Dream Downpayment Initiative (ADDI) funds. The 2006/2007 Action Plan proposes the CDBG, HOME, and ADDI budgets from October 1, 2006 to September 30, 2007, a twelve-month period.

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

Economic Development Director Stanley Smalewitz introduced Senior Administrative Analyst Luann Brunson. Analyst Brunson presented a PowerPoint report titled *Approval of 2006/2007 Action Plan for HUD Entitlement Programs*, which was included in the agenda packet.

Mayor Pro Tem Coerper thanked the citizens who served on the CPAB committee and asked for clarification on the services provided by Feedback Foundation. Analyst Brunson explained the Foundation provides meals at the Rodgers' Senior Center and to housebound seniors. City Administrator Culbreth-Graft stated the Foundation has not been funded by the City in the past, and that staff recommended not adding funding this year, since CDBG funds have been reduced. Recreation Superintendent Janeen Laudenback described a potential reduction in service if funding is not adequate. Mayor Pro Tem Coerper suggested increasing funding to Community Care Health Centers to \$50,000, and asked for clarification on services offered by the Senior Outreach Program. Superintendent Laudenback described services including transportation, case management, and meals.

Councilmember Green suggested \$50,000 in funding for Community Care Health Centers, with the shortfall between monetary awards and CDBG funding to be made up from the General Fund. She stated her support for \$5,000 in funding to Feedback Foundation, and \$61,869 in funding to Seniors Outreach, suggesting reserve and contingency fees be used as funding.

City Administrator Culbreth-Graft clarified funding for Community Care Health Center should come from CDBG rather than the General Fund. She stated it would be appropriate to fund Seniors Outreach and Project Self-Sufficiency (PSS) from the General Fund, if desired by Council. Mayor Sullivan asked for clarification on City programs funded by CDBG, and Administrator Culbreth-Graft listed Oak View Library Literacy, Oakview Community Center, Seniors Outreach, and PSS.

Mayor Sullivan declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communication which pertains to this public hearing:

Communication submitted by Luann Brunson, Senior Administrative Analyst dated July 17, 2006 and titled *Revision to Slide #7, Public Hearing D-1*.

Shirley Dettloff, Chair of Community Care Health Center, thanked Council for its support and described services provided by the Center, stating over 30,000 patients are served per year.

Mayor Pro Tem Coerper asked Ms. Dettloff if seniors are also served by the facility. Ms. Dettloff explained that the Community Care Health Center serves residents of all ages.

Elizabeth Shatzel, affiliated with Adult Day Services (ADS) of Orange County, thanked Council for its continued support and announced ADS will be part of a Hoag Hospital program for patients with Alzheimer's.

Ryan Okita, affiliated with Feedback Foundation, stated the Foundation has serviced Huntington Beach residents since 1974. He explained funding was formerly provided by the Federal government, but has recently been reduced. Mr. Okita described the Foundation's services, stating it provides 75 meals per day for Huntington Beach seniors, and assists Senior Outreach with delivery of meals to homebound seniors.

Jackie Canigiani, Citizen's Participation Advisory Board (CPAB) Chair and resident, recognized other CPAB volunteers, staff, and liaison Luann Brunson. She asked Council to consider a new grantee, Feedback Foundation, despite reduced CDBG funding overall.

Councilmember Green asked Ms. Canigiani to comment on sources of funding. Ms. Canigiani stated CPAB would agree with funding from differing accounts, provided the funding amounts are as recommended.

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

A motion was made by Coerper, second Green to **1. Approve the Fiscal Year 2006/2007 CPAB-recommended Funding Amounts as amended** to fund Community Care Health Center with a total of \$50,000 and Seniors Outreach with a total of \$61,869; the shortfall in CDBG funds and total disbursement to be supplemented with money from the General Fund toward City programs; and Action Plan for the City's 2006/2007 budget, for the CDBG Program in the amount of \$1,428,837 and the HOME Program in the amount of \$773,895 and the American Dream Downpayment Initiative Program in the amount of \$14,083; Authorize the City Administrator to execute the required certifications; **AND 2. Authorize submission of the Action Plan to the U.S. Department of Housing and Urban Development. (Vote to follow)**

Councilmember Hardy commented on Federal CDBG funding, funding for City services, and asked about funding from the Second Tier Reserve balance. City Administrator Culbreth-Graft explained that 3% of revenue is allocated to the Second Tier Reserve, and stated support for using these funds, if necessary. She clarified an approximate \$31,868 shortfall in funding, with the current recommendations. Mayor Pro Tem Coerper inquired about any balance remaining in CDGB funds, and Administrator Culbreth-Graft stated a zero balance.

Councilmember Green suggested reducing CDBG funding by \$18,500 from Oak View Library Literacy and PSS, to be funded by the Second Tier Reserve account. Mayor Sullivan suggested general direction be given to staff.

Councilmember Hansen stated his concurrence with Councilmember Hardy's comments made earlier pertaining to City-funded services and caution in budgeting CDBG funding for staff. Administrator Culbreth-Graft described her concerns with funding these programs from the General Fund, stating they are vulnerable to reduction in services in lean revenue years. Councilmember Cook voiced her opposition to funding these programs from the General Fund, stating she would not support the motion. Councilmember Hardy commented on the infrastructure and the importance of funding public safety, stating she would not support funding these programs from the General Fund.

Councilmember Green asked for clarification on Federal funding amounts from the previous year. Analyst Brunson explained Federal funding was reduced 11% from last year. Mayor Sullivan voiced his support for the motion and asked to clarify the funding is from the General Fund rather than individual department budgets.

Council then voted on the motion to **1.** Approve the Fiscal Year 2006/2007 CPAB-recommended Funding Amounts **as amended** to fund Community Care Health Center with a total of \$50,000 and Seniors Outreach with a total of \$61,869; the shortfall in CDBG funds and total disbursement to be supplemented with money from the General Fund toward City programs; and Action Plan for the City's 2006/2007 budget, for the CDBG Program in the amount of \$1,428,837 and the HOME Program in the amount of \$773,895 and the American Dream Downpayment Initiative Program in the amount of \$14,083; Authorize the City Administrator to execute the required certifications; **AND 2.** Authorize submission of the Action Plan to the U.S. Department of Housing and Urban Development. The motion carried by the following roll call vote:

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

CDBG REVENUE:	<u>AMOUNT</u>
CDBG 2006/2007 Entitlement Grant	\$1,428,837
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CPAB-PROPOSED CDBG ACTIVITIES:	
Administration	\$241,187
Fair Housing Council	44,580
City Gym & Pool Sec. 108 Loan Payment	260,283
Code Enforcement Program	173,831
Street Construction	250,000
Lake View Clubhouse	44,631
Murdy Community Center	50,000
Housing Rehabilitation Loan Program– Administration	150,000
Adult Day Services of Orange County	10,000
Community Care Health Centers	as amended 50,000
Community Service Programs	27,000
Feedback Foundation	5,000
Oak View Community Center/Children's Bureau	53,004
Oak View Library Literacy	17,000
Project Self-Sufficiency	20,000
Seniors Outreach Program	as amended <u>61,869</u>
TOTAL:	<u>\$1,458,385</u>

HOME Investment Partnership

In an effort to expand and preserve its existing affordable housing stock, Huntington Beach has worked with Community Housing Development Organizations (CHDOs) to acquire multifamily rental properties. These buildings are rehabilitated and then are made available to persons below 60% of Orange County median income for a minimum of 30 years. The CHDO must enter into an agreement with the City that outlines all of the affordability requirements, property maintenance standards, and long-term monitoring requirements that are required by HOME regulations.

The following activities are proposed for the 2006/2007 HOME program:

HOME REVENUE:	<u>AMOUNT</u>
HOME 2006/2007 Entitlement Grant	\$ 773,895
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HOME PROPOSED ACTIVITIES:	
Administration	77,389
Acquisition	<u>696,506</u>
	<u>\$773,895</u>

American Dream Downpayment Initiative (ADDI)

ADDI is designed to assist eligible first-time homebuyers with downpayment and/or closing costs in purchasing single-family homes. All funds are proposed for direct assistance.

ADDI REVENUE:	<u>AMOUNT</u>
ADDI 2006/2007 Entitlement Grant	\$ 14,083

The CP sets local policies and priorities for the development of a viable urban community by providing decent housing and a suitable living environment and expanding economic opportunities principally for low- and moderate-income persons. The city intends to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations in order to provide for: the production and operation of affordable housing; a suitable living environment improving the safety and livability of neighborhoods; assistance to homeless persons and persons at risk of becoming homeless to obtain appropriate housing, without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; and expand economic opportunities including job creation and retention.

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Resolution 2006-40 for Capital Improvement Programs (CIP) for the Years 2006/2007 Through 2012/2013 for Compliance With Measure M and Proposition 111 Requirements.

Consent Calendar – Items Approved

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

AYES: Bohr (abstain on Parking In-Lieu Fee Agreement for Restaurant Expansion Project at 221 Main Street), Green, Coerper (abstain on June 19, 2006 minutes), 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 June 5, 2006 and the City Council/Redevelopment Agency Regular Meeting of June 19, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Adopted Resolution No. 2006-41 Informing the Orange County Transportation Authority (OCTA) that the Circulation Element for the City of Huntington Beach is in Conformance with the Master Plan of Arterial Highways (MPAH), Allowing the City to Qualify for Participation in the Combined Transportation Funding Programs (CTFP) - Adopted Resolution No. 2006-41, A Resolution of the City Council of the City of Huntington Beach Designating the Circulation Element for The City of Huntington Beach. Submitted by the Public Works Director. Funding Source: No funding is required. CTFP funds of approximately five (\$5) million dollars have been authorized over the next three years.

(City Council) Approved Project Specifications and Awarded Contract in the Amount of \$126,200.00 to S. Parker Engineering, Inc. for Construction of Curb Ramps at Various Locations, MSC-435 - **1)** Approved the project specifications; and **2)** Accepted the lowest responsive and responsible bid submitted by S. Parker Engineering, Inc. in the amount of \$126,200 for MSC 435; 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 and the Economic Development Director. Funding Source: Funds in the total amount of \$110,000 have been designated for this purpose from Community Development Block Grant (CDBG) fiscal year 2005/2006 Citywide ADA Ramps, Account No. 86890002.82300. Funds of up to \$28,000 from General Fund, Street Maintenance Account No. 10085412.64620 are available for contingency and supplemental expenses. The engineer's cost estimate for this project is \$101,500.

(City Council) Approved Lease and Authorized the Director of Public Works to Enter Into a Lease Agreement With the California State Lands Commission for the Installation and Maintenance of Traffic Signal Equipment Adjacent to the Bolsa Chica Interpretative Center Located on Warner Avenue Opposite Fire Station Number 7, East of Pacific Coast Highway - Approved the lease and authorized the Director of Public Works to execute Lease Public Resources Code (P.R.C.) No. W 26097, between the City of Huntington Beach and the California State Lands Commission for the construction and maintenance of traffic signal poles, pull boxes, conduit and loop detectors in and adjacent to the driveway of the Bolsa Chica Interpretative Center. Submitted by the Public Works Director. Funding Source: The State Lands Commission will assess no monetary rental for at least the first five years.

(City Council) Approved Contract CP-0501 Between the Orange County Sanitation District (OCSD) and the City of Huntington Beach for the Fiscal Year 2005/2006 Cooperative Projects Program and Grant Funding Eligibility - Approved and authorized the Mayor and City Clerk to execute the Orange County Sanitation District Cooperative Projects Program Contract No. CP-0501. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$402,306 are available from the Sewer Service Charge, Account 51189002.82500. Up to \$201,153 will be reimbursed by the District upon completion of the project.

(Redevelopment Agency) Approved the First Amendment to the Commercial Rehabilitation Program Owner Participation Agreement (OPA) Between the Redevelopment Agency of the City of Huntington Beach and Ben Trainer Allowing Participant to Enter Into a Parking In-Lieu Fee Agreement for a Restaurant Expansion Project at 221 Main Street (Aloha Grill) - **1)** Approved First Amendment to the Commercial Rehabilitation Program Owner Participation Agreement between the Redevelopment Agency of the City of Huntington Beach and Ben Trainer and authorized the Chairman and Agency Clerk to execute the agreement and attachments; and **2)** Appropriated \$16,000 from the Unappropriated Redevelopment Agency Capital Projects fund balance to business unit 30580101 and approved the expenditure of \$16,000 to the In-Lieu Parking Fund. Submitted by the Deputy Executive Director. Funding Source: Unappropriated Redevelopment Agency Capital Projects Fund Balance.

(City Council) Approved Project Plans and Specifications and Awarded Contract in the Amount of \$6,118,725.00 to Vadnais Corporation for Construction of New Gravity Sewer Main Along Warner Avenue, from Pacific Coast Highway to Los Patos Avenue – CC-1269; Authorized the Director of Public Works to Expend Up To Fifteen Percent (15%) in Construction Change Orders; and Authorized Execution of Amendment No. 1 to the Agreement Between the City of Huntington Beach and Sunset Beach Sanitary District (SUNSET) -1) Approved the project plans and specifications for the Warner Avenue Gravity Sewer, CC-1269; and **2)** Accepted the lowest responsive and responsible bid submitted by Vadnais Corporation, in the amount of \$6,118,725.00; and **3)** Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and **4)** Authorized the Director of Public Works to expend up to fifteen percent (15%) in construction change orders; and **5)** Authorized the Mayor and City Clerk to execute Amendment No. 1 to the Agreement between the City of Huntington Beach and the Sunset Beach Sanitary District. Submitted by the Public Works Director. Funding Source: Funds are budgeted in the Sewer Service Fund, 51185201.82600. Funding for this project includes Sewer Service Charge User Fees and an agreement with SUNSET. SUNSET will reimburse the City's Sewer Service Fund \$80,000 per year over a ten-year period, plus approximately \$300,000 for specific work items. The engineer's cost estimate for this project is \$5,900,000.

(City Council) Adopted Resolution No. 2006-42 Confirming Reports of Cost for Weed Abatement on Private Property Within the City 2006 Season and Certified a Special Assessment in the Amount of \$13,578.83 to be Charged to the Orange County Property Tax Roll and Reimbursed to the City's General Fund 1) Adopted Resolution No. 2006-42, *A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property Within the City 2006 Season* and **2)** Directed that all charges listed thereon be certified to the Orange County 2006-2007 Property Tax Roll. Submitted by the Public Works Director. Funding Source: A special assessment totaling \$13,578.83 will be charged to Orange County property tax roll and reimbursed to the City's General Fund by the County of Orange as part of the ordinary collection process.

(City Council) Adopted Resolution 2006-40 for Capital Improvement Programs (CIP) for the Years 2006/2007 Through 2012/2013 for Compliance With Measure M and Proposition 111 Requirements.

The City Council considered a communication from the Director of Public Works transmitting the following **Statement of Issue:** In compliance with Measure M funding eligibility, the City is required to adopt annually a resolution approving a Seven-Year Measure M Capital Improvement Program (CIP). **Funding Source:** No funding is required for the resolution. Annual Measure M turn back allocation is approximately \$2 million. Grant funds in excess of \$5 million have been authorized through 2009/10.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to comment on Measure M funding in excess of \$5 million and the turn back allowance of \$2 million.

A motion was made by Green, second Coerper to adopt Resolution No. 2006-40, *A Resolution of the City Council of the City of Huntington Beach Adopting Capital Improvement Programs for the Years 2006/2007 Through 2012/2013 for Compliance With Measure M and Proposition 111 Requirements*. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, and Hansen
NOES: None
ABSENT: Cook (Councilmember Cook was out of the room at the time of the vote.)

(City Council) Adopted Resolution No. 2006-43 Approving Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Management Association (PMA) Covering the Period July 1, 2006 through June 30, 2010.

The City Council considered a communication from the Deputy City Administrator transmitting the following **Statement of Issue**: Should the City and the Huntington Beach Police Management Association (PMA) enter into a new Memorandum of Understanding (MOU) covering the period July 1, 2006 through June 30, 2010?
Funding Source: Funding is contained in the current Fiscal Year 2005/2006 budget and funding will be included in the budgets for Fiscal Years 2006/2007, 2007/2008, 2008/2009, and 2009/2010. The cost to implement the PMA MOU in the current Fiscal Year is \$47,637 from July 1 through September 30, 2006; \$181,526 in Fiscal Year 2006/2007; \$140,592 in Fiscal Year 2007/2008; \$168,444 in Fiscal Year 2008/2009; and, \$129,995 from October 1 through June 30, 2010 in Fiscal Year 2009/2010. Total estimated cost of the Memorandum of Understanding for a four-year term is \$668,200.

City Administrator Penny Culbreth-Graft presented a PowerPoint report titled *Proposed Changes in Terms and Conditions of Employment Between City of Huntington Beach and the Police Management Association*, which was included in the agenda packet.

A motion was made by Coerper, second Hardy to adopt Resolution No. 2006-43 - *A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Police Management Association and the City of Huntington Beach for July 1, 2006 to June 30, 2010*. The motion carried by the following roll call vote:

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

(City Council) Adopted as Amended Resolution No. 2006-44 and as Amended Resolution No. 2006-45 Setting Priorities for Written Arguments Regarding Charter Section 612 (Measure C) Ballot Measure and Directing the Preparation of Impartial Analysis, and Consolidating the Measure with the November 7, 2006 General Municipal Election.

The City Council considered a communication from the Deputy City Administrator, the Economic Development Director, and the Community Services Director transmitting the following **Statement of Issue**: At the City Council meeting of July 3, 2006, City Council voted 5 (Sullivan, Coerper, Bohr, Green and Hansen) to 2 (Hardy, Cook) to place a

measure on the November 7, 2006, ballot for an advisory vote on building a new Senior Center on five acres of a 14-acre undeveloped Central Park site (west of Goldenwest at Talbert, North of the Frisbee Golf Course). Council also voted at that time to approve making an exception to the minute action of July 11, 1994. **Funding Source:** Community Services General Fund Account #10045101.

Deputy City Administrator Paul Emery gave an oral report. Discussion ensued amongst Council, the City Attorney and staff pertaining to the wording of the resolution and ballot language. City Attorney McGrath explained the purpose of an advisory vote, and that another vote would be required to proceed with the project should the ballot measure fail. Councilmember Bohr inquired about ballot language word limitations, and suggested the first clause on the staff report does not apply. He also suggested including language stating the project is North of the golf course and South of Shipley Nature Center.

Councilmember Hansen asked staff if any of the numbers pertaining to the proposed senior center are final. Deputy Administrator Emery explained none of the projected numbers are site specific, and therefore are not final. Councilmember Hansen cautioned Council about being too specific in the ballot language, stating the numbers are not final, inaccurate information could trigger another Charter Section 612 vote, and arguments and rebuttals would be included in the information given to voters.

Councilmember Cook commented on the appropriateness of an advisory vote, and inquired if Council's action is also advisory. Attorney McGrath replied, stating Council action is not advisory. Councilmember Cook voiced her intention to oppose the Recommended Action.

Councilmember Hardy inquired about ballot language pertaining to the actual usage of the proposed facility, recommended adding ballot language regarding environmental review of the project, and stated she would not support the Recommended Action.

Councilmember Green inquired about developer fees and estimates for the construction of the proposed facility. Deputy Administrator Emery explained discussions with the developer are ongoing. Mayor Sullivan commented on previous discussions held with the developer where statements were made that a center of the size being considered could be constructed for \$19 million or less. Mayor Pro Tem Coerper asked if the ballot language must include specific information about the proposed project. Attorney McGrath explained that the language provided in the Recommended Action is the minimum required by law, and that including specifics would limit future plans for the center.

Councilmember Bohr asked for further clarification from Councilmembers opposed to the Recommended Action. Councilmember Cook voiced her opinion that the City cannot afford this project and not enough relevant facts have been discovered. Councilmember Hardy clarified her position that not enough information is available at this time, including environmental impacts, building structure, costs, and other projects that would be given up if the developer fees are not deposited into the park fund. Councilmember Bohr stated he would support the Recommended Action, with amendments. He suggested that the ballot language be revised to include, after the words Talbert Avenue, "North of the disc golf course and South of Shipley Nature Center."

Mayor Sullivan voiced his disagreement with Councilmembers who oppose the Recommended Action and suggested more specific information be added to the ballot language.

Councilmember Green inquired about hours of operation for the existing senior center. Recreation Superintendent Janeen Laudenback described the center's regular hours of 8:00 a.m. to 4:00 p.m., and availability for senior events and other meetings from 4:30 p.m. to 9:00 p.m. City Attorney McGrath suggested the words "primarily a senior center" better identify the objective of the proposed uses for a new center.

A motion was made by Coerper, second Bohr to approve ballot language, as amended, to include more specific information on the location of the proposed center. (Vote to follow)

Mayor Sullivan suggested ballot language that includes specifics about the location, size, and funding source for the proposed center.

Councilmember Hansen voiced his opposition to language that identifies the revenue source until a Development Agreement is finalized.

Attorney McGrath made suggestions for ballot language including identifying Huntington Beach Central Park, environmental review, and leaving out specifics of the financial aspect of the project. She also recommended removing the words "advisory" and "advisory vote only" where they appear in the language of Resolutions Nos. 2006-44 and 2006-45 and changing the words "proposed charter amendment" to "question" in the third paragraph of Resolution No. 2006-45. Deputy Administrator Emery made language suggestions pertaining to the size of the building. The Maker and the Second to the motion accepted these amendments.

The motion was restated: To approve ballot language, as amended, as follows: Shall a centrally located senior center building, not to exceed 47,000 square feet, be placed on a maximum of five acres of an undeveloped 14-acre parcel in the 356-acre Huntington Beach Central Park, generally located west of the intersection of Goldenwest Street and Talbert Avenue, between the disc golf course and Shipley Nature Center, following City Council approval of all entitlements and environmental review? The motion carried by the following roll call vote:

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

Mayor Sullivan asked for clarification on the resolutions, specifically pertaining to written arguments, and asked if any Councilmembers are requesting authorization to submit arguments. City Attorney McGrath explained the options provided by the resolutions. Councilmember Cook requested authorization to file a written argument against the Measure. Mayor Pro Tem Coerper requested authorization to file a written argument in favor of the measure; he later revoked his request.

A motion was made by Sullivan, second Bohr to **1.** Adopt Resolution No. 2006-44, *A Resolution of the City Council of the City of Huntington Beach Setting Priorities for Filing a Written Argument Regarding a City Measure (Construction of Proposed Senior Center) and Directing the City Attorney to Prepare an Impartial Analysis of Said Measure* naming Councilmember Cook as authorized to file a written argument against the Measure **as amended** to remove the words "advisory" and "advisory vote only" where they appear and with amended ballot language;

AND

2. Adopt Resolution No. 2006-45, *A Resolution of the City Council of the City of Huntington Beach Ordering Submission to the Qualified Electors of the City A Certain Measure Relating to the Construction of a Senior Center and Associated Amenities on a Five Acre Portion of an Undeveloped 14-Acre Parcel in Central Park, Generally Located West of the Intersection of Goldenwest Street and Talbert Avenue in the City of Huntington Beach*, **as amended** to remove the words "advisory" and "advisory vote only" where they appear and changing the words "proposed charter amendment" to "question" in the third paragraph of Resolution No. 2006-45, and with amended ballot language. 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. 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.

Councilmembers Hansen, Green, and Mayor Pro Tem Coerper commented on efforts to amend this ordinance.

A motion was made by Coerper, second Bohr to after the City Clerk read by title, adopt 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) Adopted Ordinance No. 3744 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.

A motion was made by Green, second Bohr to after the City Clerk read by title, adopt 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.* 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. 3745 Amending Chapter 2.76 of the Huntington Beach Municipal Code to Add the Appointive Position of Deputy City Treasurer.

Mayor Sullivan inquired about a reference to subsection (k) in the ordinance. City Clerk Flynn explained a typographical error had been brought to the attention of the City Attorney's Office. The Maker and the Second to the motion agreed to amend by eliminating the typographical error.

A motion was made by Green, second Bohr to after the City Clerk read by title, adopt 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*. The motion carried by the following roll call vote:

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

(City Council) Councilmember Hardy Commented on Wells Fargo Opening, on Eagle Scout Awards, and on Junior Lifeguard Dinner.

Councilmember Jill Hardy stated the previous Saturday she and Councilmembers Green and Hansen attended an opening for Wells Fargo at Brookhurst and Adams. She congratulated Scott and Alex Strayer on their Eagle Scout Awards. Councilmember Hardy stated she had attended a dinner for Waitakere, New Zealand students who participated in the Junior Lifeguard Program and presented the Mayor with a shield of the City of Waitakere.

(City Council) Mayor Sullivan Commented on Fourth of July Picnic for 3/1 Families.

Mayor Dave Sullivan described the success of the Fourth of July picnic held for the families of the 3rd Battalion, 1st Marine and applauded the Executive Director, Cindy Cross for her efforts.

(City Council) Mayor Pro Tem Coerper Thanked Fourth of July Board, Police Department, and Fire Department.

Mayor Pro Tem Gil Coerper thanked the Fourth of July Board Members, the Police Department and Fire Department staff for their efforts on the Fourth of July.

(City Council) Mayor Sullivan Announced Town Hall Meeting July 19, 2006.

Mayor Dave Sullivan announced a Town Hall Meeting pertaining to election information would be held on July 19, 2006 in the Council Chambers.

Adjournment – City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 10:06 p.m. to Monday, August 7, 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