

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

Monday, August 2, 2004
5:00 P.M. - Room B-8
7:00 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 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Green, Boardman, Cook (Mayor Pro Tem Hardy, Councilmember Coerper and Councilmember Houchen had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Hardy, Coerper, Houchen

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 Councilmember Pam Houchen dated August 2, 2004 titled *Notice of Absence*.

Public Comments

Randy Fuhrman spoke regarding his concerns of the various notification issues pertaining to the proposed zoning streamlining.

Dick Harlow, representing the Chamber of Commerce, spoke in favor of the proposed zoning streamlining stating his opinion that it is critical to businesses to have the lengthy application process reduced.

(City Council) Study Session Held - Discussed Proposed Zoning Text Amendment No. 03-02 (Entitlement Permit Streamlining Phase II) – Amendments to 15 Chapters of the Huntington Beach Zoning and Subdivision Ordinance Zoning – Public Hearing to be Noticed and Scheduled for September, 2004 (450.20)

Planning Director Howard Zelefsky gave a PowerPoint presentation titled *Zoning Text Amendment 03-02 Entitlement Permit Streamlining Phase II* outlining the history of the streamlining project, which was included in the agenda packet.

Staff responded to Council's inquiries regarding the notification process, permits, the appeal process and costs, the definition of non-conforming structures, the Downtown Specific Plan, fencing, parking, outdoor storage and the sign code.

Councilmember Sullivan stated his opinion that some of the proposed changes should stay at their current level of approval.

Director Zelefsky informed Council that he would provide the matrix for the Downtown Specific Plan for review.

It was announced that the Public Hearing was to be noticed and scheduled for September 2004.

Motion to Recess to Closed Session – Approved

A motion was made by Boardman, second Sullivan to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook

NOES: None

ABSENT: Coerper, Hardy, Houchen

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; William P. Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated**. Subject: **Labor Relations – Meet & Confer**. (120.80)

(City Council/Redevelopment Agency) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **City of Huntington Beach and Redevelopment Agency of the City of Huntington Beach v. California State Board of Equalization**; Los Angeles Superior Court Case No. BSO87636. Subject: **City of Huntington Beach and Redevelopment Agency of the City of Huntington Beach v. California State Board of Equalization**. (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Subject: **Potential Litigation**. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Green, Boardman, Cook (Mayor Pro Tem Hardy, Councilmember Coerper and Councilmember Houchen had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Coerper, Hardy, Houchen

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

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

Pledge of Allegiance – Led by Mayor Cathy Green

Invocation – Led by Councilmember Dave Sullivan

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 Bob and Jean Polkow dated July 29, 2004 titled *RV Parking* in opposition.

Communication submitted by Bob and Jean Polkow dated July 30, 2004 titled *Item C-2a City Administrators report in opposition*. (Communications dated June 16, 2003 and June 14, 2003 regarding this item are attached also in opposition.)

Communication submitted by Bob and Jean Polkow dated August 1, 2004 titled *Agenda item C2a City Administrators report in opposition*.

Communication submitted by the Director of Economic Development dated August 2, 2004 titled *Late Communication – Public Hearing Item D-1*.

Communication submitted by the Director of Administrative Services dated August 2, 2004 titled *Close Out of the Point-of-Service City Medical Plan*.

Communication submitted by the Public Works Department dated July 29, 2004 titled *Late Communication Item F-2 Accept Annual Sewer Service Charge Performance Audit and Approve Introduction of Ordinance No. 3658 for Sewer Charge Modifications* pertaining to the Public Works Commission Action.

Communication submitted by Councilmember Pam Houchen dated August 2, 2004 titled *Notice of Absence*.

Presentation – made by Mayor Cathy Green who called on Director of Public Information and Government Relations Michael Hearst from the Orange County Vector Control District to provide an update on West Nile Virus. (160.40)

Director Michael Hearst presented a PowerPoint slide show, which was followed by considerable discussion with Council regarding the Bolsa Chica Wetlands. Mr. Hearst reported that the Wetlands are currently showing Virus activity. Discussion also addressed incubation period; prevention measures such as the use of window screens; calling Vector Control if you feel a neighbor has a situation that promotes mosquitoes, street gutter spraying, what to do if a dead bird is found and the proposed assessment for Vector Control services.

Presentation – made by Mayor Cathy Green who called on Chamber of Commerce Chairman of the Board Charlie Bunten. Mr. Bunten talked about the Chamber's 100th Anniversary and showed a commemorative video that highlighted the history of the Chamber of Commerce. Mayor Cathy Green presented Mr. Bunten with a proclamation. (160.40)

Public Comments

Mike Adams, representative of Stewart Title, spoke regarding the condo conversion ordinance and what result the June 1st date would have on similar units in a multi-unit complex.

Flossie Horgan thanked the City Council for its consistent support of preserving the Bolsa Chica and spoke in support of Councilmember Boardman's item regarding the Brightwater Development Project.

Norm Firecracker Westwell spoke in opposition to the proposed RV ordinance. He stated his preference that the city enforces the laws currently in effect.

Andrea Hiser, Mary Jo Baretich, Barry Johnson, Marianne Johnson and John McGregor all spoke in favor of fair market value regarding the upcoming mobile home conversion ordinance and urged Council for their support.

Michael Hiser spoke about the "in place" value of his mobile home and reminded Council that mobile home owners pay taxes and vote too.

Councilmember Connie Boardman announced that the mobile home conversion ordinance would be discussed at the regularly scheduled August 16, 2004 City Council Meeting.

Craig Durfey spoke regarding the increase in Alzheimer's disease and distributed a communication dated July 26, 2004 titled *Parents for the Rights of Developmentally Disabled Children (PRDDC)*.

Joey Racano spoke in favor of including mobile home parks in the city's classification of low-income housing.

David Harris informed Council of his experience with the property tax refund process and stated his displeasure with the outsource vendor.

City Administrator Penelope Culbreth-Graft asked staff to assist Mr. Harris.

Mirjana Dujanovir spoke in support of Project Self Sufficiency and how this program assists single parents with children. Ms. Dujanovir thanked the City Council for supporting the program.

David Silva introduced himself as the Democratic candidate for the 67th District and announced that he is going to different cities to inquire about their problems and provide possible solutions.

Peter Albini spoke in support of the proposed cellular phone ordinance.

(City Council) Announcement Made by Mayor Cathy Green of the Appointment of Kristin R. Stilton to the Planning Commission (110.20)

Communication from Councilmember Pam Houchen transmitting the following **Statement of Issue**: I am pleased to announce that I have asked Kristin R. Stilton to serve as my Planning Commissioner.

Kristin has been a resident of Huntington Beach since 1989. She is married to a Glendale Police Officer and has a 20-month-old daughter.

She is a graduate of UC Davis with a bachelor's degree in landscape architecture, and she currently serves as a member of the City's Design Review Board. I believe Kristin's skills and experience will make her a real asset to the Planning Commission.

(City Council) PowerPoint Presentation Given by Police Chief Kenneth Small Regarding Proposed Revisions to Chapter 10.44 of the Huntington Beach Municipal Code Relating to the Recreational Vehicle Parking Ordinance - Community Meeting Scheduled for September 21, 2004, 6:00 p.m. in the Council Chambers (640.10)

Police Chief Kenneth Small gave a PowerPoint presentation titled *Recreational Vehicle Parking – Recommended Revisions to HBMC 10.44*, which was included in the agenda packet. Chief Small clarified for Council the RV permit process and the proposed changes pertaining to the length of the RV.

Chief Small announced that there would be a Community Meeting on September 21, 2004 at 6:00 p.m. in the Council Chambers for all those interested in discussing this issue.

(City Council) Reviewed and Accepted Shari Freidenrich's, City Treasurer's June 2004 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

City Treasurer Shari Freidenrich gave a PowerPoint presentation detailing the Monthly Investment Report for June 2004.

A motion was made by Sullivan, second Boardman to accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for June 2004*, 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: Sullivan, Green, Boardman, Cook

NOES: None

ABSENT: Coerper, Hardy, Houchen

(City Council) Public Hearing Held - Approved as Amended the 2004-2005 Action Plan for the (CDBG) Community Development Block Grant/HOME Investment Partnership Program/American Dream Downpayment Initiative (ADDI) as Proposed by Staff in Late Communication, Authorized the City Administrator to Execute the Required Certifications and Authorized Submittal of the Action Plan to the U. S. Department of Housing and Urban Development (HUD) (340.70)

Mayor Cathy Green announced that this was the time for a public hearing to consider approval of the 2004/2005 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 \$1,684,000 in Community Development Block Grant (CDBG) funds, and \$865,401 in HOME Investment Partnership (HOME) funds, and \$91,436 in American Dream Downpayment Initiative (ADDI) funds. The 2004/2005 Action Plan proposes the CDBG, HOME, and ADDI budgets from October 1, 2004 to September 30, 2005, a twelve-month period.

The City followed its Citizen Participation Plan. The Citizen Participation Advisory Board (CPAB) held two public hearings on community needs and held subsequent monthly public meetings. Citizens may review and comment on the draft 2004/2005 Action Plan in the Department of Economic Development. The public comment period began July 15 and will end August 14, 2004. Public comments received during this time will be attached to the Action Plan and sent to HUD.

CDBG REVENUE:	AMOUNT
CDBG 2004/2005 Entitlement Grant	\$1,684,000

STAFF-PROPOSED CDBG ACTIVITIES:

Administration	\$297,032
Fair Housing Council	39,768
City Gym & Pool Sec. 108 Loan Payment	258,560
Code Enforcement Program	169,573
ADA Ramp Construction	182,112
Street Construction	227,355
Lake View Clubhouse	40,000
Oak View Comm Center Improvements	45,000
Oak View Library Improvements	12,000
Housing Rehabilitation Loan Program--Administration	160,000
Community Service Programs	27,000
Oak View Community Center/Children's Bureau	53,000
Oak View Library Literacy	35,000
Project Self-Sufficiency	75,731
Seniors' Outreach Program	<u>61,869</u>
TOTAL:	\$1,684,000

CPAB-PROPOSED CDBG ACTIVITIES:

Administration	\$297,032
Fair Housing Council	39,768
City Gym & Pool Sec. 108 Loan Payment	258,560
Code Enforcement Program	169,573
ADA Ramp Construction	182,112
Street Construction	227,355
Lake View Clubhouse	40,000
Oak View Community Center Improvements	45,000

Oak View Library Improvements	12,000
Housing Rehabilitation Loan Program– Administration	160,000
Adult Day Services of Orange County	9,000
Community Care Health Centers	22,500
Community Service Programs	20,000
Oak View Community Center/Children's Bureau	53,000
Oak View Library Literacy	30,000
Project Self-Sufficiency	60,000
Seniors' Outreach Program	<u>58,100</u>
TOTAL:	\$1,684,000

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 2004/2005 HOME program:

HOME REVENUE:	AMOUNT
HOME 2004/2005 Entitlement Grant	\$ 865,401

HOME PROPOSED ACTIVITIES:

Administration	86,540
Acquisition	<u>778,861</u>
	\$865,401

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:	AMOUNT
ADDI 2003/2004 Entitlement Grant	\$ 41,943
ADDI 2004/2005 Entitlement Grant	<u>49,493</u>
	\$ 91,436

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.

Economic Development Director David Biggs presented a PowerPoint report titled *Approval of 2004/2005 Action Plan for CDBG and HOME Program*, which was included in the agenda packet. Director Biggs informed Council of a Late Communication titled *CDBG Funding Recommendations FY 2004/05*, which had been announced earlier in the meeting by City Clerk Joan L. Flynn, showing revised possible recommendations using Wells Fargo Grant money.

Mayor Green declared the public hearing open.

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

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

Communication submitted by the Director of Economic Development dated August 2, 2004 titled *Late Communication – Public Hearing Item D-1*.

Elizabeth Poloway spoke in support of Project Self Sufficiency (PSS) informing Council of the many ways this program assists single parents.

Mary Myers and **Mercedes Knowles** informed Council of how Susan Edwards, Human Services Supervisor for PSS, has influenced their lives and assisted them in many ways to become productive citizens in the community.

Judy Loschin and **Pat Seitz** informed Council of the continued success of PSS for over 18 years and urged Council to approve the staff recommendation of funding.

Art Aviles spoke regarding the need to provide health care to those who do not have health insurance. He urged Council to support the Community Care Health Centers.

Maria Alvarado and **Amy Crepeau** spoke in support of the Oak View Library Literacy program.

Rosa Rebollar, **Margoh Carlson** and **Oscar Sanchez** spoke in support of the Oakview Community Services Program (CSP) and how this program influences the residents of the Oak View Community. The speakers asserted that the children in this community are influenced daily by gang activity and drugs and that CSP provides a safe, family environment and an alternative lifestyle for them. All three speakers urged Council to support the staff recommendation for funding.

Norm "Firecracker" Westwell thanked staff and the CPAB Board for their hard work. Mr. Westwell recommended that Council adopt the CPAB recommendations.

Cordula Dick Muehlke spoke in support of the Adult Day Services program and how important funding to this program is.

Miles Masatsugy stated in his opinion that reduced funding to the Community Care Health Centers would result in patients being turned away and more crowded emergency rooms. He thanked the City Council for its past support and asserted that the strength of a community begins with health.

Gerald Lipson, Pat Pilette and **Jim Moreno**, Members of the CPAB Board, spoke and asked Council to approve their recommendations also thanking Council for this opportunity. Mr. Moreno asked Council to continue pursuing funding at the state level.

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

Councilmember Cook informed Council and staff about grant money the city will receive from Wells Fargo. Ms. Cook asked the City Administrator to offer recommendations for covering the \$19,000 shortfall in the budget.

Councilmember Boardman stated that she concurs with Councilmember Cook's request and read the revised recommendations, including Wells Fargo grant funds, as listed on the Late Communication that had been submitted by the Director of Economic Development as follows:

Adult Day Services	\$ 9,000
Community Services Program	\$27,000
Community Care Health Centers	\$22,500
Oak View Community Center	\$53,000
Oak View Library Literacy	\$35,000
Project Self Sufficiency	\$56,731
Seniors Outreach	\$61,869

A motion was made by Cook, second Boardman to direct staff to find funds in the budget in order to accommodate the \$19,000 shortfall to Project Self Sufficiency.

Mayor Green stated her support for the health clinic, amending the motion to also find funds in the budget to increase funding for the program by \$2,500 – increasing the shortfall to \$21,500.

Councilmember Sullivan stated his support for Adult Day Services and requested the motion be amended to fund the program with \$10,000 – increasing the shortfall by \$1,000 to \$22,500.

Councilmember Cook agreed to both of these amendments to her motion.

City Clerk Joan L. Flynn asked for clarification that the motion includes: **1.** Approval of the Action Plan for the CDBG Program in the amount of \$1,684,000 and the HOME Program in the amount of \$865,401 and the American Dream Downpayment Initiative Program in the amount of \$41,943 (FY2003/04) and \$49,493 (FY2004/05); and authorizing the City Administrator to execute the required certifications **and 2.** Authorizing submission of the Action Plan to the U.S. Department of Housing and Urban Development. Councilmember Cook confirmed that this was part of her motion. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook

NOES: None

ABSENT: Coerper, Hardy, Houchen

(City Council) Administrative Public Hearing Held - Adopted Resolution No. 2004-58 Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Cathy Green announced that this was the time noticed for an administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

The City Council considered a communication from the City Treasurer and the City Attorney.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

This administrative hearing is required by Huntington Beach Municipal Code Section 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

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

Mayor Cathy Green declared the administrative public hearing open.

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

A motion was made by Boardman, second Sullivan to adopt **Resolution No. 2004-58** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*" The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook

NOES: None

ABSENT: Coerper, Hardy, Houchen

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council/Redevelopment Agency) Minutes

(City Council) Mayor Cathy Green as the Voting Delegate to the Orange County Council of Government's (OCCOG) General Assembly Meeting on August 26, 2004

Consent Calendar – Items Approved

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

AYES: Sullivan, Green, Boardman, Cook

NOES: None

ABSENT: Coerper, Hardy, Houchen

(City Council) Adopted Resolution No. 2004-59 - Accepted a Federal Grant Award for Development of a Hazard Mitigation Plan (340.70) – Adopted Resolution No. 2004-59 – "*A Resolution of the City Council of the City of Huntington Beach Accepting a Federal Grant Award to Develop a Hazard Mitigation Plan.*" Submitted by the Fire Chief. Funding Source: The FEMA (Federal Emergency Management Agency) grant award is for \$135,000 and the 25% matching requirement will be satisfied by in-kind work which is contained in the existing Emergency Operations Center budget. No additional appropriations are required.

(City Council) Approved Professional Services Contract between the City and RBF Consulting and Two Reimbursement – Planning Agreements between the City and Poseidon Resources Corporation for the Preparation of Recirculated Environmental Impact Report No. 00-02 for the Poseidon Desalination Project – Authorized Appropriation of Funds (600.10) – 1. Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and RBF Consulting for Preparation of a Recirculated Environmental Impact Report for the Poseidon Desalination Project* – EIR No. 00-02 in the amount of \$136,865; and **2.** Approved and authorized the Mayor and City Clerk to execute the *Reimbursement – Planning – Agreement between the City of Huntington Beach and Poseidon Resources Corporation for Costs Incurred for Preparation of a Recirculated Environmental Impact Report for the Poseidon Desalination Project* and for entitlement processing; and **3.** Authorized the Director of Administrative Services to appropriate \$136,865 from the City's General Fund Balance to the **Planning Department's Contractual Services Account Number 10060201.69365**; and **4.** Authorized the Director of Planning to expend \$136,865 for environmental consulting services related to Environmental Impact Report No. 00-02, pursuant to the contract with RBF Consulting. Submitted by the Planning Director. Funding Source: Appropriation of funds in the amount of \$136,865 from the City's **General Fund Unappropriated Balances** into the Planning Department's **Contractual Services Account**. Poseidon Resources Corporation will then reimburse the City \$136,865 pursuant to the attached Reimbursement Agreement.

(City Council) Adopted Resolution No. 2004-60 Confirming Reports of Cost for 2004 Weed Abatement on Private Property within the City (520.80) – Adopted Resolution No. 2004-60– “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 – 2004 Season,” and direct that all charges listed thereon be certified to the Orange County 2004-2005 Tax Roll. Submitted by the Public Works Director. Funding Source: A special assessment totaling \$28,848.83 will be charged to the Orange County property tax roll and reimbursed to the City by the County of Orange as part of the ordinary collection process.

(City Council) Adopted Resolution No. 2004-61 for Capital Improvement Programs (CIP) for the Years 2004/2005 through 2010/2011 for Compliance with Measure M and Proposition 111 Requirements (320.40) – Adopted Resolution No. 2004-61 – “A Resolution of the City Council of the City of Huntington Beach Adopting Capital Improvement Programs for the Years 2004/2005 through 2010/2011 for Compliance with Measure M and Proposition 111 Requirements.” Submitted by the Public Works Director. Funding Source: No funding is required for the resolution. Annual Measure M turnback allocation is approximately \$2.2 million.

(City Council) Adopted Resolution No. 2004-62 Concerning Status of the Circulation Element for City of Huntington Beach for Conformance with the Master Plan of Arterial Highways – Combined Transportation Funding Programs (CTFP) – Orange County Transportation Authority (OCTA) (440.50) - Adopted Resolution No. 2004-62 - “A Resolution of the City Council of the City of Huntington Beach Concerning the Status of 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 \$5 million have been authorized over the next three years.

(City Council) Approved Re-appointments of Jan P. Garner and David S. Barton to the Personnel Commission with a Term Effective July 1, 2004 to June 30, 2008

(110.20) – Approved the re-appointments of **Jan P. Garner** and **David S. Barton** to the Personnel Commission with a term effective July 1, 2004 through June 30, 2008. Submitted by Mayor Pro Tem Jill Hardy and Councilmembers Dave Sullivan and Gil Coerper. Funding Source: Not applicable.

(City Council) Accepted Bid and Awarded Construction Contract to Signal Maintenance, Inc. for the Slater Avenue Pedestrian Signal; CC-1253 (e/o Geraldine Lane on Slater Avenue Adjacent to Lakeview Elementary School) (600.55) – 1. Accepted the lowest responsive and responsible bid submitted by Signal Maintenance, Inc., in the amount of \$34,700.50 for the construction of a pedestrian signal on Slater Avenue; CC-1253; and **2.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$70,000 are available in the Traffic Impact Fee Fund, Traffic Signals for the construction and administration of the Slater Avenue Pedestrian Signal, CC-1253.

(City Council) Approved MOU (Memorandum of Understanding) Between the City of Huntington Beach and County of Orange for Inclusion in the Orange County Sheriff's Sex Offender Web Site Pin Map Program (600.25)– Approved the *Memorandum of Understanding Between the City of Huntington Beach and the County of Orange Pertaining to Sex Offender Pin Map* to provide necessary “serious” and “high risk” sex offender information to the County of Orange for inclusion on the Orange County Sheriff's web site pin map. Submitted by the Chief of Police. Funding Source: Not applicable.

(City Council) Authorized Appropriation and Approved Instructional Recreational Classes Program Budget Amendment (320.45) – Authorized the appropriation of \$280,000 from the General Fund Unappropriated Fund Balance into Instructional Classes-Other Contract Services Account to pay recreation class instructors. Submitted by the Community Services Director. Funding Source: An appropriation of \$280,000 from the General Fund Unappropriated Fund Balance into Instructional Classes-Other Contract Services Account expenditures will be offset by \$400,000 in revenue generated by instructional classes.

(City Council/Redevelopment Agency) Minutes – Approved and Adopted as Amended (120.65)

Mayor Green requested this item be removed from the consent calendar in order to amend the record of a Public Comment made by Mr. Bill Borden during the Study Session.

A motion was made by Green, second Sullivan to approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of June 7, 2004 **as amended** as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
NOES: None
ABSENT: Coerper, Hardy, Houchen

(City Council) Appointed Councilmember Debbie Cook as the Voting Delegate to the Orange County Council of Government's (OCCOG) General Assembly Meeting on August 26, 2004 (120.20)

Councilmember Boardman requested this item be removed from the consent calendar in order to clarify the appointment process. She informed Council that Councilmember Cook regularly attends the OCCOG meetings.

A motion was made by Boardman, second Cook to appoint Councilmember Debbie Cook as the voting delegate to the Orange County Council of Government's General Assembly Meeting on August 26, 2004. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
NOES: None
ABSENT: Coerper, Hardy, Houchen

(City Council) Approved Appropriation of Funds for Close Out of the Point-of-Service (POS) City Medical Plan for All Seven Full-time City Employee Associations Effective July 1, 2004 and Unfroze Funded Positions to Place Employees Impacted by Layoff Due to the Close Out (700.10)

Administrative Services Director Clay Martin gave a PowerPoint report titled *Close Out of the Point-of-Service City Medical Plan*, which was a Late Communication announced earlier by the City Clerk. He reported that one employee has already been transitioned into a previously vacant position.

A motion was made by Sullivan, second Cook to:

1. Approve appropriation of \$775,700 from the General Fund unreserved fund balance for the purpose of closing out the Point-of-Service Medical Plan;

and

2. Authorize the implementation of the layoff process with employees affected by the close out of the Point-of-Service Medical Plan;

and

3. Authorize the use of funded frozen positions for the placement of employees during the layoff process, August 3, 2004 through October 29, 2004.

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
NOES: None
ABSENT: Coerper, Hardy, Houchen

(City Council) Accepted Annual Sewer Service Charge Performance Audit and Approved Introduction of Ordinance No. 3658 for Sewer Charge Modifications Amending HBMC Chapter 14.55 (300.10)

Public Works Director Robert F. Beardsley gave a PowerPoint report titled *Sewer Service Fund Annual Performance Audit – City of Huntington Beach Public Works Department July 2004*, which was included in the agenda packet.

After the City Clerk read by title, a motion was made by Boardman, second Cook to:

1. Accept the Sewer Service Charge Performance Audit as presented;

and

2. Approve Introduction of **Ordinance No. 3658** - “An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Annual CPIU Adjustment for Sewer Service” amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Rates, Charges, Annual CPIU (Consumer Price Index for all Urban Consumers) Adjustments and Billing Methodology for the Sewer Service Charge.

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
 NOES: None
 ABSENT: Coerper, Hardy, Houchen

(City Council) Adopted Resolution No. 2004-63 Approving Signature Authority for the Public Works Director to Execute the Proposition 13 Nonpoint Source Pollution Control Grant Agreement between the City and the State of California for the Natural Treatment System - East Garden Grove Wintersburg Channel Urban Runoff Diversion into Talbert Lake Project (600.20)

City Engineer David Webb presented a PowerPoint report titled *Talbert Lake Diversion Project – From the East Garden Grove Wintersburg Channel*, which was included in the agenda packet.

Council inquiries ensued relating to whether the water would be returned to the Channel after it is cleaned and the effect on the Shipley Nature Center. Mr. Webb responded to both inquiries.

A motion was made by Boardman, second Cook to Adopt **Resolution No. 2004-63** – “A Resolution of the City Council of the City of Huntington Beach Approving the Proposition 13 Nonpoint Source Pollution Control Grant Agreement with the State of California for the Natural Treatment System – East Garden Grove Wintersburg Channel Urban Runoff Diversion into Talbert Lake Project.” The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
 NOES: None
 ABSENT: Coerper, Hardy, Houchen

(City Council) Adopted Ordinance No. 3657 (Amended and Approved for Re-Introduction at the 7/19/04 Council Meeting) Amending Chapter 235 of the Huntington Beach Zoning and Subdivision Code Relating to Condominium Conversions (450.20)

After the City Clerk read by title, a motion was made by Sullivan, second Cook to adopt **Ordinance No. 3657** – *“An Ordinance of the City of Huntington Beach Amending Chapter 235 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Residential Condominium Conversions.”* (Amended and approved for re-introduction at the 7/6/04 Council Meeting.) The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
 NOES: None
 ABSENT: Coerper, Hardy, Houchen

(City Council) Approved for Introduction as Amended Ordinance No. 3659 Amending Chapter 13.52 of the Huntington Beach Municipal Code Relating to Public Buildings and Cellular Phone Use (640.10)

Library Services Director Ron Hayden gave an oral report describing the noise complaints he has received at the library.

Discussion ensued amongst Council and staff regarding alternatives to citations, who is authorized to issue administrative citations, and the source of the noise that is causing complaints.

After the City Clerk read by title, a motion was made by Sullivan, second Boardman to: approve for Introduction **Ordinance No. 3659** – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.52 of the Municipal Code Relating to Public Buildings and Cellular Phone Use.”* **as amended** to: modify G2a.7 Section H to reflect the following: Communicating on a cellular phone or have a cellular phone in a mode other than vibrate or silent or its equivalent, that is capable of emitting a noise within any public library outside of a designated cellular phone area. Public employees working in their official capacity are exempt from this ordinance; **and** violation of this ordinance subsection is subject to the issuance of an administrative citation under the provisions of Chapter 1.18 of this code, **and** to return the ordinance to Council with delegation of authority for the Library Director to issue administrative citations. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
 NOES: None
 ABSENT: Coerper, Hardy, Houchen

(City Council) Approved for Introduction Ordinance No. 3660 Amending Chapters 10.04, 10.60, and 10.68 of the Huntington Beach Municipal Code Relating to Parking (640.10)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue**: There is a need to amend the Huntington Beach Municipal Code to add a pay and display machine to parking meter definition, to add Huntington Central Park Sports Complex parking lot to the recreational zone, and to provide a parking fee therein.

After the City Clerk read by title, a motion was made by Cook, second Boardman to: approve for Introduction **Ordinance No. 3660** – *“An Ordinance of the City of Huntington Beach Amending Chapters 10.04, 10.60, and 10.68 of the Huntington Beach Municipal Code Relating to Parking.”* The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
NOES: None
ABSENT: Coerper, Hardy, Houchen

(City Council) Approved a Request to California Coastal Commission to Take Action Consistent with the Coastal Act Regarding Brightwater Development Project Located Upper Bench of Bolsa Chica Mesa (120.70)

The City Council considered a communication from Councilmember Connie Boardman transmitting the following **Statement of Issue**: The California Coastal Commission will decide whether or not to approve the Brightwater development project on a portion of the Bolsa Chica Mesa at its meeting on August 12. On the same day the Wildlife Conservation Board will decide whether or not to fund the purchase of 103 acres of the lower bench of the Bolsa Chica Mesa. The City Council is on record supporting the use of Proposition 50 funds for the acquisition of the Bolsa Chica Mesa, and I would suggest we also take a position on the Brightwater development before the Coastal Commission.

A motion was made by Boardman, second Cook to approve the following language to express the city's position on acquisition of the lower bench and any project on the upper bench: *The city of Huntington Beach is in full support of the pending acquisition of the lower bench of the Bolsa Chica Mesa by the Wildlife Conservation Board. In November of 2002, Proposition 50 was passed by the people of the state that made acquisition of land on the Bolsa Chica Mesa a priority. The city also requests that any action taken by the California Coastal Commission related to the Brightwater Development Project on the upper bench be consistent with the Coastal Act.*

The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook
NOES: None
ABSENT: Coerper, Hardy, Houchen

(City Council) Councilmember Sullivan Attended Senior Center Volunteers Luncheon (120.85)

Councilmember Dave Sullivan announced that he had attended the Senior Center Volunteers luncheon and that over 45,000 hours have been donated by volunteers.

Adjournment – City Council/Redevelopment Agency

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, August 9, 2004, at 5:00 p.m., on the Lower Level, Council Chambers, 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-Chairman