

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

Monday, November 21, 2005
4:30 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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

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

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:33 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Coerper (arrived at 4:35 p.m.), Sullivan, Hardy, Green, Bohr, Cook
Absent: Hansen (Councilmember Hansen requested permission to be absent pursuant to Resolution No. 2001-54)

No Public Comments

The City Clerk Announced No Late Communications

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

(City Council/Redevelopment Agency) Study Session Held: Redevelopment Agency Funding Availability - Presentation Made Regarding Background and Goals for Redevelopment Agency One-Time Revenue; and, Applicability to and Request for First Proposed Project Defined as Seismic Strengthening of City Hall Administration Building. (200.10)

City Administrator Culbreth-Graft introduced the topic and announced that Deputy City Administrator Paul Emery would present the report. Deputy Emery gave a PowerPoint report titled *Redevelopment Agency Funding Availability – November 21, 2005*, which was included in the agenda packet. The report outlined the source of funding availability, restrictions on use of funds, proposed projects including: improvements to City buildings, street lighting, parks and park clubhouses, street and alley improvements, parking meters, storm drains, and water quality projects. He announced the City has received \$13 million to date, and expects to receive \$6 million more by late 2006.

Building and Safety Director Ross Cranmer then spoke regarding the seismic strengthening of City Hall. He reported the Administration Building is characterized by a concrete ductile frame and was built in the 1970's. He illustrated vulnerabilities of the building due to building codes followed in the 1970's, and reported a seismic evaluation was performed in 2003 with substantial issues discovered. He reviewed illustrations of various strengthening solutions, including chevron steel bracing and reported staff projection is \$7 million for the project, not including painting and other finishing. Mr. Cranmer announced a FEMA grant was awarded September 9, 2005 and the project must be completed by 2008. He stated the next step, if the project is approved tonight, is to send out a Request For Quotation (RFQ), enter the review process, and then begin construction.

Councilmember Green inquired about firms interested in the project, and Director Cranmer reported. Mayor Pro Tem Sullivan inquired about FEMA reimbursements and Director Cranmer reported reimbursements received upon receipt of expenses paid, with a three to six months time frame, and that federal monies are essentially reserved for the project. Councilmember Bohr asked staff to consider potential future expansion of City Hall, and to include those plans in the strengthening project if possible. Director Cranmer reported an investment of \$7 million should make City Hall structurally usable after a 6.5 earthquake, and not structurally usable after a 7.5 earthquake. City Administrator Culbreth-Graft reported on the goal to prevent loss of life, stating especially vulnerable are the 4th and 5th floors. Councilmember Cook inquired about constructing a new building on another site, with excess space for possible leasing. Director Cranmer reported, stating this would not qualify for FEMA grant money. Mayor Hardy inquired about the cost of building a new structure, then tearing down the old structure and Director Cranmer reported between \$10 and \$20 million. City Administrator Culbreth-Graft reported on Councilmember requests for expanded space and improved aesthetics.

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 consensus of all present, Hansen absent.

(City Council) Closed Session – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Consider Review of Compensation for City Administrator, Deputy City Administrator, Director of Building and Safety, Director of Planning, Director of Economic Development, Fire Chief, Director of Information Services, Chief of Police, Director of Library Services, Director of Public Works and Director of Community Services.** (120.80)

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

(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 **Tracy Watson, Thomas Watson v. City of Huntington Beach, et al.**; United States District Court Case No. SACV 04-0141 DOC (ANx). Subject: **Tracy Watson, Thomas Watson v. City of Huntington Beach, et al.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:13 P.M. – Council Chambers.**City Council/Redevelopment Agency Roll Call**

Present: Coerper, Sullivan, Hardy, Green, Bohr, Cook

Absent: Hansen (Councilmember Hansen requested permission to be absent pursuant to Resolution No. 2001-54)

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

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

Pledge of Allegiance – Led by Huntington Beach Scout Pack 557, Webelos Den 1.

Mayor Hardy asked those present to join her in singing God Bless America.

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 Paul Emery, Deputy City Administrator dated November 21, 2005 titled *Late Communication – Item D-2 Comprehensive Fee Schedule*.

Communication submitted by Jennifer Gonzalez, Public Affairs Manager of The Gas Company dated November 21, 2005 requesting Council pull the Utility Company Encroachment Permit fee from the Comprehensive Fee Schedule on the agenda.

Communication submitted by Damon D. Nowlin dated November 21, 2005 requesting Council continue the prevailing wage requirement on City funded construction projects.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Ken Inouye titled *OC Human Relations Annual Report 2004-2005*.

Communication submitted by Jerry Dominguez, Public Affairs Region Manager of Southern California Edison dated November 21, 2005 titled *Re: Resolution 2005-74* requesting clarification or deferment of sections 30 and 31 of the Comprehensive Fee Schedule.

Communication submitted by Richard Slawson, Executive Secretary of the Los Angeles/Orange County Building and Construction Trades Council dated November 18, 2005 titled *Prevailing Wage Study* requesting Council continue the current City Prevailing Wage policy.

Presentation – Mayor Jill Hardy called on Southern California Edison Region Public Affairs Manager Jerry Dominguez who presented a rebate check to Public Works Director Robert F. Beardsley in the amount of \$9,925. The rebate is for a recently completed well project that was part of Edison’s “Savings by Design” program. The well is equipped with a highly efficient electric motor that will provide tremendous power savings, equating to annual energy savings of approximately \$33,000. Mr. Dominguez recognized Mr. Beardsley and Utilities Manager Howard Johnson for their efforts. (160.40)

Presentation – Mayor Jill Hardy called on Orange County Human Relations Commission (OCHRC) Board Member Ken Inouye and Huntington Beach Human Relations Task Force Vice Chair Gwendolyn Black who presented the annual OCHRC report to the City Council. Mr. Inouye offered special recognition to Police Chief Ken Small for efforts regarding crime prevention. A Certificate of Recognition was presented to the Mayor. (160.40)

Presentation – Mayor Jill Hardy called on Community Services Director Jim Engle who presented commendations to Debra Coombs, President and Dan Lawler, Johnathan Hovanec and Ben Suh, representatives from the South Coast Apartment Association for their work to renovate the Rodgers Seniors’ Center, in honor of Charity Day. Director Engle also presented PowerPoint slides to illustrate the renovations done. (160.40)

Presentation – Mayor Jill Hardy awarded gifts to Senior Administrative Analyst Pat Dapkus, Community Relations Officer Laurie Payne, and Council Administrative Assistant Cathy Fikes who have provided exceptional service to the Mayor during her year in office. (160.40)

(City Council) Deferred to a Date Uncertain – Direction to the Finance Board to Make a Report and Recommendation to the City Council on the Prevailing Wage Issue (110.10)

The City Council considered a communication from Mayor Pro Tem Dave Sullivan transmitting the following **Statement of Issue**: At a City Council/Finance Board Study Session on October 17, 2005, the Finance Board recommended that the City Council:

1. Adopt a policy to accept non-prevailing wage bids whenever possible.
2. Provide staff the option of sourcing funds in the budget that would maximize opportunities to obtain non-prevailing wage contracts.

The Finance Board indicated that the City could save over \$1 million per year by eliminating its prevailing wage policy. Various union officials presented a different viewpoint.

Mayor Pro Tem Sullivan announced that he is deferring this item to a date uncertain due to the absence of one of the Councilmembers.

Public Comments

Jerry Dominguez, Public Affairs Region Manager of Southern California Edison, spoke regarding the public hearing pertaining to the amending of the fee schedule. Mr. Dominguez thanked City staff for their assistance, referred to a letter he provided to Council, and announced that a meeting is scheduled with staff to continue with discussions of the issue.

Jennifer Gonzalez, Public Affairs Manager of The Gas Company, commended staff – particularly City Engineer Dave Webb – for efforts made to meet with utility representatives. She voiced concern with utility encroachment fee increase of 32% and requested an opportunity for further discussions with staff. Ms. Gonzalez asked Council to pull the fee tonight, and consider it at a later date.

Tim Geddes, southeast Huntington Beach resident, congratulated Mayor Hardy on a successful and productive year in office and requested Council defer the Poseidon issue until after the first of the year to minimize holiday pressures.

Theresa Chaque, 21-year resident of Brush Drive, stated 64% of residents on the street are opposed to the removal of mature trees in order to refinish gutters and sidewalks. She asked Council why 75% of homeowners are required to sign a petition to halt the project. Ms. Chaque spoke regarding the value of the trees and meetings she attended with City staff and committees.

Councilmember Cook asked when the work mentioned by the previous speaker is scheduled. Public Works Director Robert F. Beardsley reported the project is slated for this fiscal year, but that staff is waiting for an evaluation of the opposition. He confirmed that the work wouldn't begin without Council being informed. Councilmember Coerper inquired about liability for root and gutter problems if the project is halted. City Attorney Jennifer McGrath reported that the City would remain liable absent an agreement with property owners.

Steve Stafford commended Mayor Hardy on her year in office. He voiced concerns about problems in the area he lives. Mr. Stafford stated dissatisfaction with comments made at the last Council meeting, and asked Councilmember Hansen to meet with him to tour the area in which he lives.

Councilmember Bohr requested staff to respond to the previous speaker's concerns. City Administrator Culbreth-Graft reported on numerous meetings with the speaker and hundreds of hours spent to investigate his concerns. She stated results of investigations have found the homeowners' association is responsible, specifically with a fencing issue.

Jim Spry, resident, spoke in opposition to changes to the prevailing wage ordinance. Mr. Spry stated he is a member of Operating Engineers Local 12, and his intention to return when the issue is agendized.

William Davis, representing the Teamsters, spoke in support of prevailing wage and in opposition to any changes. Mr. Davis cited legislative decisions on the topic, and suggested it would be unwise to change the ordinance in Huntington Beach at this time.

Mickey Totten, resident and member of I.U.O.E. Local 12, spoke regarding a previous study session discussion on prevailing wages and concerns about losing contractors who use union employees to bid on projects. Mr. Totten also voiced his opinions on the City's fiscal responsibility to taxpayers, and stated support for prevailing wages.

Ryan Townsend, resident and member of Local 12, asked Council to support prevailing wages.

Josh Wiggins, resident and member of Local 12, asked Council to keep prevailing wages in order for individuals to be able to reside in Huntington Beach.

Mark Deweese, I.U.O. E. Local 12, spoke in opposition to any changes to the prevailing wage ordinance.

Danh Thao, member of I.U.O.E. Local 12, stated his support for prevailing wages.

Bill Blume spoke regarding contractors involved with the Bella Terra project, stating lack of benefits for many of the workers. Mr. Blume voiced support for apprenticeship programs and asked Councilmembers to state their opinions on prevailing wage amounts.

Louis Pando, 13-year resident, voiced concerns about health care if prevailing wage is removed. Mr. Pando asked Council not to repeal the ordinance for reasons related to standards of living, support of families, and benefits of skilled labor in the community.

Owen Smith stated he has been a contractor for 45 years with numerous affiliations and voiced his support for prevailing wage. Mr. Smith urged Council to retain the prevailing wage ordinance.

Ray Burruel stated he is a union member and urged Council to retain prevailing wage so individuals can continue to live and spend money in the City.

William Meyers, 8-year resident and Navy veteran, spoke in support of prevailing wage, citing benefits.

Fred Steiner, affiliated with PIPE, voiced his support of prevailing wage and the spoke regarding disadvantages of working with contractors that do not support prevailing wage.

Robert Lamb, representing 44 members of Local 12, stated his support for prevailing wage and his interest in enjoying the City, if he is financially able. He stressed training offered by union journeymen, resulting in skilled workers. Mr. Lamb also spoke regarding unions being open rather than closed societies.

Dewey Gulley, resident and member of Local 12, voiced perceived difficulties living in Huntington Beach due to the high cost of living. He stated his desire to remain in the City and stressed the importance of health benefits, and of keeping prevailing wage.

Glen Nolte, affiliated with Local 582, thanked Council for its patience and spoke in support of prevailing wage. Mr. Nolte stated a significant number of people rely on prevailing wages directly and indirectly.

Dustain Hollaway, resident, spoke in support of prevailing wage.

Christopher Cataldo, 25-year resident, voiced his support for prevailing wage. He also spoke regarding the disadvantages of using less expensive labor and potential for accidents on jobsites.

Paula Michaud, 16-year resident and Project Self Sufficiency graduate, spoke regarding the challenges faced by immigrants and her struggles to meet the cost of living. Ms. Michaud voiced her support of apprenticeship programs.

Al Ybarra, member of Orange County Central Labor Council, stated there is a decrease in jobs in Orange County and a resulting decrease in union membership. He stated his support for prevailing wage and for well-trained workers. Mr. Ybarra asked the Mayor Pro Tem to defer the item permanently.

Emil Forrest Davis, resident and Local 582 member, asked Council to retain prevailing wage.

Lou Correa, Supervisor, First District, Orange County Board of Supervisors, spoke regarding the agenda item pertaining to the Wildland Conservancy request and urged Council and the City to create a Blue Ribbon Task Force. He emphasized the value of the Santa Ana River, especially to Huntington Beach. He spoke regarding a 110-mile "River of Life," Senate Bill 153 funding, and

asked Council to create a vision for the river in Huntington Beach. He displayed illustrations of concepts to upgrade the river areas including bike trails and interpretive areas. Mr. Correa also stated his support for prevailing wage.

Richard Slawson, Executive Secretary of the Los Angeles/Orange County Building and Construction Trades Council, spoke in support of prevailing wage and voiced his disappointment that Council would not discuss the item at this meeting. He asked members of the audience in the Council Chambers who support prevailing wage to stand. Mr. Slawson referred to reports on the subject, and quoted those that give justification for the existence of prevailing wage.

David Lacy stated he is a third generation Huntington Beach resident and spoke in support of prevailing wage.

Adam Orozco, 27-year resident and member of Local 803, voiced his support for prevailing wage and cited the high cost of living in the area. Mr. Orozco attributed success in life to his union job and having a trade.

Mike Nielsen stated he is a resident and an apprentice and spoke in support of prevailing wage. Mr. Nielsen voiced his desire to remain a resident of the City.

Terry Martin, member of Local 250, stated he represents 113 union members that live in the City. He voiced reasons for supporting prevailing wage and skilled union workers and asked Council to eliminate the item from the agenda.

Patrick Kelly, Teamsters Local 952, spoke in support of prevailing wage and thanked the public speakers that attended the meeting. He stated his disappointment with Council's consideration of repealing the ordinance. Mr. Kelly urged Council to reconsider the issue and to think long term.

Scott Gunter, resident, spoke in favor of prevailing wage, health care, and providing for families. Mr. Gunter attributed his success to his union position.

Jim Adams, affiliated with the Los Angeles/Orange County Building and Construction Trades Council, asked Council to retain the prevailing wage requirement. He voiced his opinion that it is a worker issue, and Council should consider the effects of repealing the ordinance on residents who are union workers. Mr. Adams stated his disagreement with the Finance Board's recommendation, and stressed the importance of skilled workers.

Clinton Weinrich, 15-year resident, voiced his opposition to eliminating prevailing wages.

(City Council) Councilmembers Coerper and Green and Mayor Pro Tem Sullivan Reported on "3/1" Marine Battalion Committee (110.10)

Councilmember Coerper gave an oral update on the "3/1" Marine Battalion committee. He announced care packages assembled in part by Mayor Pro Tem Sullivan, Cindy Cross, and First Christian Church members. He reported that he was able to collect 31 turkeys from local grocery stores and to deliver them to "3/1" families. Mayor Pro Tem Sullivan reported 300 care packages were assembled with the help of First Christian Church. Councilmember Coerper and Councilmember Green reported on two recent casualties and numerous injuries among the "3/1," and offered condolences.

(City Council) Councilmember Green Reported on Orange County Transportation Authority (OCTA) Meeting (800.45)

Councilmember Green reported on a November 14, 2005 Board meeting vote which approved a feasibility study to extend the 57 freeway to the 405 freeway through the Santa Ana River Channel. She voiced her opposition to the study, which she stated is cost prohibitive, and to the proposed project. She suggested individuals email OCTA to express any concerns. Councilmember Cook and Mayor Hardy stated their concurrence with Councilmember Green's comments.

(City Administrator's Report/City Council) Conditional Use Permit No. 02-04/Coastal Development Permit No. 02-05 – Poseidon Seawater Desalination Project Continued to January 9, 2006. Public Hearing Regarding an Owner Participation Agreement Between the Redevelopment Agency and Poseidon Resources Inc. is also Scheduled for January 9, 2006. (160.10)

Mayor Pro Tem Sullivan reported on emails received from citizens requesting continuance of this item.

A motion was made by Sullivan, second Cook to continue the item to the second regular meeting in January 2006. (Vote to follow)

Councilmember Green stated her opposition to the motion due to personal calendar conflicts.

Councilmember Coerper inquired if the Poseidon applicant had issues with delaying the public hearing, and stated his support for the motion. He also asked the City Attorney's opinion. Attorney McGrath stated no legal issues with delaying the item until January.

Mr. Owens of Poseidon Resources responded to Councilmember Coerper's inquiry, stating his preference that Council considers the item as quickly as possible.

Councilmember Bohr spoke in favor of holding the hearing as soon as possible.

Mayor Hardy stated her support for the motion.

Mayor Pro Tem Sullivan inquired of Councilmember Green's availability after the New Year. Councilmember Green declined to state her availability, stating her preference to hold the public hearing on December 19, 2005.

The Maker of the motion amended to schedule a meeting on Monday, January 9, 2005 at 6 p.m. The Second to the motion accepted the amendment.

The **amended** motion was approved by the following roll call vote:

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

(City Council) Public Hearing Held - Adopted Resolution No. 2005-73 Adopting the 2005 Urban Water Management Plan Pursuant to AB 797 and SB 1011. (1000.90)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following: **Statement of Issue:** Consider adoption of the City's 2005 Urban Water Management Plan. The Urban Water Management Planning Act of 1983 requires that the City adopt an Urban Water Management Plan every five years. The 2005 Urban Water Management Plan is submitted to the State Department of Water Resources every five years pursuant to the Urban Water Management Planning Act of 1983. The Plan is a general information document and complements the plan of the Municipal Water District of Orange County and the Southern California Metropolitan Water District. The purpose of Huntington Beach's plan is to provide a local perspective and analysis of the current and alternative water conservation activities of the City.

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

Public Works Director Robert F. Beardsley presented an oral report.

The City Council declined presentation of a PowerPoint report titled *City of Huntington Beach 2005 Urban Water Management Plan - November 21, 2005* which was included in the agenda packet.

Mayor Hardy declared the public hearing open.

City Clerk Joan L. Flynn stated for the record that no Late Communications pertaining to this public hearing were received.

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 Coerper, second Bohr to adopt City Council **Resolution No. 2005-73**, "A Resolution of the City Council of the City of Huntington Beach Adopting the Urban Water Management Plan Pursuant to AB 797 and SB 1011." The motion carried by the following roll call vote:

AYES: Coerper, Sullivan, Hardy, Bohr, Cook

NOES: None

ABSENT: Hansen (Green out of room)

(City Council) Public Hearing Held – Adopted as Amended Resolution Nos. 2005-74, 2005-75 and 2005-76 Amending the Comprehensive Fee Schedule Including City User Fees, Rate/Charges and Development Fees. (340.20)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following: **Statement of Issue:** Consider the adoption of resolutions amending the Comprehensive Fee Schedule including City user fees, rates/charges and development fees. The revisions to be considered are for cost recovery purposes and to set charges for public access and use of certain City property for the purpose of raising revenue, and fall under the responsibility of the following City Departments:

- Building and Safety Department
- City Administrator's Office
- City Clerk's Office
- City Treasurer's Office
- Community Services Department
- Economic Development Department
- Fire Department
- Library Services Department
- Police Department
- Planning Department
- Public Works Department

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

City Administrator Penny Culbreth-Graft presented an oral report.

The City Council declined presentation of a PowerPoint report titled *Cost Recovery Study Findings, City of Huntington Beach, November 21, 2005* which was included in the agenda packet.

Mayor Hardy declared the public hearing open.

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

Communication submitted by Paul Emery, Deputy City Administrator dated November 21, 2005 titled *Late Communication – Item D-2 Comprehensive Fee Schedule*.

Communication submitted by Jennifer Gonzalez, Public Affairs Manager of The Gas Company dated November 21, 2005 requesting Council pull the Utility Company Encroachment Permit fee from the Comprehensive Fee Schedule on the agenda.

Communication submitted by Jerry Dominguez, Public Affairs Region Manager of Southern California Edison dated November 21, 2005 titled *Re: Resolution 2005-74* requesting clarification or deferment of sections 30 and 31 of the Comprehensive Fee Schedule.

Steve Stafford voiced his support for the recommended action and stated his opinion there is a need for better staffing levels at City Hall.

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.

Mayor Pro Tem Sullivan asked for clarification on Police Department fees and the definition of "SOB." Police Chief Ken Small reported.

Mayor Pro Tem Sullivan then asked for clarification on the Fire Department inspection fee for private schools versus public schools. Fire Chief Duane Olson reported fees charged to public schools are based on square footage. He later corrected the comment and reported no inspection fee is charged to public schools. Mayor Pro Tem Sullivan asked about inspections at other public agencies such as the Sanitation District, and the Fire Chief reported there is a fee charged. Councilmember Cook asked for clarification of jurisdiction issues on state property.

Councilmember Green stated she had issues with high fees and lack of service improvements. She voiced her opposition to increasing some fees. Councilmember Bohr stated his agreement with Councilmember Green's comments regarding Planning Department fees. He gave an example of a several hundred percent increase in fees.

Deputy City Administrator Paul Emery spoke regarding meetings with Chamber of Commerce representatives and stated they have not taken issue with the fee amounts. Councilmember Bohr asked for confirmation that Planning items will return to Council with more information.

A motion was made by Bohr, second Cook to approve the recommended action **as amended** to eliminate the utility encroachment user fees, include requested meeting with staff and utility companies, and a report from staff. (Vote to follow)

City Administrator Culbreth-Graft reported on grant requirements.

Councilmember Cook inquired about Community Services Photography/Application fees. Director Jim Engle reported. City Attorney Jennifer McGrath reported further investigation necessary. Councilmember Coerper inquired about fees as compared to other cities and City Administrator Culbreth-Graft reported.

Mayor Pro Tem Sullivan spoke regarding the Vehicle Release fee and asked for no change. The Maker and Second to the motion agreed to this amendment.

Mayor Pro Tem Sullivan urged Council to reject Planning Department User and Developer fee increases and to accept the lower of the two (new and old) fees. The Maker and the Second to the motion agreed to this amendment. Councilmember Cook clarified some of the Planning Department fees were reduced. City Administrator Culbreth-Graft spoke regarding subsidizing developers by rejecting fee increases.

Councilmember Cook spoke regarding pages 27 and 28 of the staff report and asked for more time to analyze before voting. She asked staff to create a report that addresses the reasons for fee increases or reductions.

Mayor Hardy restated the motion: To

1. Adopt City Council **Resolution No. 2005-74**, *"A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Fee Schedule and Repealing Resolution No. 2003-63; and*
2. Adopt City Council **Resolution No. 2005-75**, *"A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Fee Schedule and Repealing Resolution Nos. 2003-64 and 2004-03; and*
3. Adopt City Council **Resolution No. 2005-76**, *"A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Schedule for Charges For Facility Rentals and Recreation Services and Repealing Resolutions 2003-65, 2004-15, 2004-67 and 2005-63; and*
4. Approve the addition of a Combination Structural Inspection Supervisor to the Building and Safety Department's table of organization.

As amended to include the following exceptions: No Change to Utility Encroachment fee, no change to Film Application fee, no change to Police Department Vehicle Release Fee, and all Planning Fee increases.

Chief Small reported on the Vehicle Release fee, and the danger of subsidizing service if the fee is not increased. Mayor Pro Tem Sullivan asked for clarification on fee amount and a comparison to other cities. Chief Small reported on the goal to seek 100% recovery. Mayor Pro Tem Sullivan suggested amending the motion to remove Police Department Vehicle Release fee as an exception. The amendment was accepted by the Maker and the Second to the motion. The **amended** motion was approved by the following roll call vote:

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

Councilmember Bohr exited the meeting at 8:50 p.m.

Consent Calendar – Item Removed for Separate Discussion

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

(City Council) Amendment to the Children’s Needs Task Force (CNTF) Bylaws to Extend the Term of Chair to Three Years

Consent Calendar – Items Approved

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

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

(City Council) Approved the Release of Securities for Tract 15816 (Northeast Corner of Beach Boulevard and Atlanta Avenue) to William Lyon Homes and Accepted the Public Improvements. (420.60) – **1)** Accepted the improvements constructed and dedicated for public use with Tract 15816; and, **2)** Accepted Guarantee and Warranty Bond No. SU5016929; the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to file the bond with the City Treasurer; and, **3)** Released the Faithful Performance/Labor and Material Bond No. 3SM98669500 and Monument Bond No. 3SM98669600 pursuant to the California Government Code Section No. 66499.7(a); and, **4)** Instructed the City Clerk to notify the developer, William Lyon Homes, Inc., A California Corporation, of this action and the City Treasurer to notify American Motorists Insurance Company, of this action; and, **5)** Instructed the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Director of Public Works. Funding Source: Not Applicable.

(City Council) Approved Employment Agreement Between the City of Huntington Beach and Robert W. Hall for the Position of Deputy City Administrator (600.10) **1)** Approved the appointment of Robert W. Hall to the position of Deputy City Administrator; and, **2)** Approved and authorized execution by the City Administrator the Employment Agreement between the City of Huntington Beach and Robert W. Hall for the position of Deputy City Administrator. Submitted by the Acting Deputy City Administrator. Funding Source: The position of Deputy City Administrator is a budgeted position in fiscal year 2005/2006. No additional funding is required.

(City Council/Redevelopment Agency) Approved Appropriation Request to Match the Approved FEMA Grant To Seismically Strengthen the Administration Building of City Hall; Adopted City Council Resolution No. 2005-77 and Redevelopment Agency Resolution No. 356 Making Certain Determinations and Findings. (200.20) –

1) Approved the acceptance of the FEMA Grant for 75% reimbursement (not to exceed \$3 Million Dollars) of the cost to study, design, manage and construct the seismic strengthening of the Administration Building at City Hall; and, **2)** Adopted **City Council Resolution No. 2005-77**, Consenting to payment by the Redevelopment Agency of certain costs related to the seismic rehabilitation of the Administration Building of City Hall and making certain determinations and findings pursuant to Health and Safety Code Section 33445; and, **3)** Approved the appropriation of \$4 Million from the Unappropriated Redevelopment Agency Fund Balance, Fund 305; and, **4)** Adopted **Redevelopment Agency Resolution No. 356** agreeing to pay certain costs related to the seismic rehabilitation of the Administration Building at City Hall and making certain determinations and findings pursuant to Health and Safety Code Section 33445. Submitted by the Director of Building and Safety and the Director of Economic Development/Deputy Executive Director. Funding Source: The funding source is the unappropriated Redevelopment Agency Fund Balance, Fund 305 for the match of the approved FEMA Grant. The FEMA funding is a grant that will be funded by revenues not anticipated in the original budget and will not affect the fund balance of any other fund.

(City Council) Approved Sole Source Procurement from Industrial Design Research for Purchase and Installation of Two City Beach Lifeguard Towers and Tower Base Equipment at a Cost of \$73,219. (600.10) – Approved sole source procurement from Industrial Design Research for purchase and installation of two city beach lifeguard towers and tower base equipment at a cost of \$73,219. Submitted by the Director of Community Services. Funding Source: Funds are encumbered in the FY 05-06 budget, in Non-Departmental Community Services Equipment Replacement, Marine Safety, General Equipment Account 10040207.83700.10045207c (\$73,219) for purchase and installation of two (2) lifeguard towers and one (1) tower base.

(City Council) Approved the Appointment of Brenda Wooten Schock and Cynthia L. Goebel and Reappointment of Steve Gullage and Daniel Kittredge as Members to the Mobile Home Advisory Board. (430.80) – **1)** Approved the appointment of Brenda Wooten Schock as Mobile Home Resident Representative, and Cynthia L. Goebel as Mobile Home Park Owner Representative, to the Mobile Home Advisory Board, both with terms to expire August 5, 2009; and, **2)** Approved reappointment of Steve Gullage as Mobile Home Resident Representative, and Daniel Kittredge as Resident At-Large Representative, to the Mobile Home Advisory Board, both with terms to expire August 5, 2009. Submitted by the Director of Economic Development. Funding Source: Not applicable.

(City Council) Approved an Amendment to the Children's Needs Task Force (CNTF) Bylaws to Extend the Term of Chair to Three Years. (570.70)

The City Council considered a communication from the Director of Community Services transmitting the following **Statement of Issue**: The Children's Needs Task Force (CNTF) would like to amend its bylaws concerning the term of the Chair.

Councilmember Cook requested that this agenda item be removed from the Consent Calendar to ask for clarification on the request. Community Services Director Jim Engle reported, stating the bylaws of this committee require Council approval.

A motion was made by Cook, second Green to approve an amendment to the Children's Needs Task Force bylaws to extend the term of Chair to three years. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3723 Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission Which Removes School District Residency Requirements of Certain Commission Members (920.80)

After the City Clerk read by title, a motion was made by Sullivan, second Coerper to adopt **Ordinance No. 3723** – *“An Ordinance of the City of Huntington Beach Amending Chapter 2.64 of the Huntington Beach Municipal Code Relating to the Community Services Commission.”* (Approved for Introduction November 7, 2005) The motion carried by the following roll call vote:

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

(City Council) Declined to Approve Waiving the Usual Charge for Placing an Insert in the City Water Bills and Waive the Cost for Printing the Insert in the City Print Shop. (120.70)

The City Council considered a communication from Councilmember Coerper transmitting the following **Statement of Issue**: As you know, in March of this year, the City Council adopted a Marine Battalion based out of Camp Pendleton. Specifically, we adopted the 3rd Battalion – 1st Division Marines (The 3-1).

Shortly thereafter, a citizen committee was formed with a mission as follows:

“To support the Marines and Sailors of the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, and their dependents and families, and to be especially responsive to emergencies and special needs which may occur while the battalion is deployed defending our great nation.”

To assist them in making the citizens of Huntington Beach aware of their efforts and to offer them an opportunity to participate, the 3-1 Committee would like to place an insert in an upcoming water bill. A draft copy of their insert is attached.

In our role as sponsors of the 3-1, I would request that the City Council waive the usual charge of 2 cents per item for placing the insert in the water bill and that we also waive the cost to have the city print shop print the insert.

Councilmember Coerper reported orally. Councilmember Cook inquired about gifts of public funds, and stated her preference to establish a policy for consistency. City Attorney McGrath reported on necessary Council discussion to support decisions. Councilmember Coerper clarified the "3/1" Committee is a City committee, and asked for Council support.

Councilmember Cook voiced concern with the City being inundated with requests for free inserts. City Administrator Culbreth-Graft requested no policy changes tonight until a fiscal impact can be studied. Mayor Hardy inquired about the total cost of the request and City Administrator Culbreth-Graft reported \$2,000. Mayor Pro Tem Sullivan voiced concerns with the expense and opposition to the recommendation. Mayor Hardy stated her opposition to the recommendation, citing other numerous worthy causes, the budget, and a desire for consistency.

Councilmember Coerper inquired of the City Treasurer about the costs of the "3/1" insert, payment options, and if there is history of other requests to waive costs. Treasurer Friedenrich reported. Councilmember Coerper subsequently withdrew his request. Councilmember Cook stated her opinion that the response from the mailer will exceed the cost of mailer, should the committee decide to invest the funds. Councilmembers stated their support for the "3/1" Committee and its efforts.

(City Council) Approved Wildland Conservancy Request for Creation of a Huntington Beach Blue Ribbon Committee to Develop a Vision for the Santa Ana River. (120.25)

The City Council considered a communication from Councilmember Green transmitting the following **Statement of Issue:** The Wildlands Conservancy is requesting that the Huntington Beach City Council create a blue ribbon committee to develop the city's vision for the Santa Ana River.

Currently the Cities of Riverside and San Bernardino have completed their vision documents and are working on projects identified in them. The Cities of Redlands, Colton, and Santa Ana have committees working on their vision document.

The Santa Ana River is a beautiful ribbon of nature that flows through most of Orange County's urban communities with few parks or nature areas. A substantial portion of the 110 miles of the river flow through our city, and it terminates at our shores.

Since the Santa Ana River has a major impact on the City of Huntington Beach and its residents, it is important for Huntington Beach to play a role in creating a vision for its future. I am, therefore, recommending that we form a blue ribbon committee to create our city's vision for the Santa Ana River.

Councilmember Green reported orally. Councilmember Cook suggested this committee be modeled after the Harbour Waterways Committee.

A motion was made by Green, second Cook to approve creation of a blue ribbon committee to create the City's vision for the Santa Ana River. The Committee to be made up of three City Councilmembers with Councilmember Green as one of the three members. The motion carried by the following roll call vote:

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

(City Council) Approved Recommendations of the Huntington Harbour Waterways City Council Subcommittee Regarding the Pierhead Line. (820.30)

The City Council considered a communication from Councilmembers Green and Cook, and Mayor Pro Tem Sullivan transmitting the following **Statement of Issue**: On November 6, 2002, the City Council considered proposed draft amendments to the Huntington Beach Municipal Code related to harbor and boating regulations. At that time, Council directed the existing Water Quality Committee to address the following issues: Clean Water Act of the U.S.; dock construction and permitting; pierhead lines; dredging, and funding.

The committee has concluded its review regarding pierhead lines and is recommending the Huntington Beach Municipal Code Section 13.16.080 be amended to: (1) prohibit vessels from being tied-up or moored in a manner that creates a navigational hazard or dangerous condition as determined by the Orange County Harbor Patrol; and (2) prohibit the placement of a pylon, dock, float or other structure beyond the pierhead line.

Councilmember Cook reported orally.

A motion was made by Cook, second Green to direct the City Attorney to draft an Ordinance amending 13.16.080 consistent with this H-item. (Vote to follow)

Councilmember Coerper inquired about the effect on pierhead lines and enforcement. Councilmember Cook reported the Harbor Patrol would need to determine that a navigational hazard is present and then the City would enforce the ordinance. Councilmember Coerper inquired about notification to the public. Councilmember Green reported the committee voted for this action some time ago, after years of discussion. Councilmember Coerper asked about impacts if responsibility shifts from the County. City Attorney McGrath reported.

The motion carried by the following roll call vote:

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

(City Council) Mayor Pro Tem Sullivan Reported Art Center Tenth Anniversary Event (120.85)

Mayor Pro Tem Dave Sullivan reported he had attended the Art Center's Tenth Anniversary event.

(City Council) Councilmember Coerper Thanked U.S. Air Force Academy Band, Announced Attendance at Well Dedication and Eagle Court of Honor, and Thanked Police and Fire Departments for Guns and Hoses Event (120.85)

Councilmember Gil Coerper thanked the U.S. Air Force Academy Band for their performance at First Christian Church. He announced he attended the Well #12 dedication, Eagle Scout Courts of Honor for Phillip James Battis, Sam Adams, and Ryan Gustafson. He thanked the Police Department and the Fire Department for their efforts with the Guns & Hoses fundraising event, and announced an upcoming Police Department Christmas party.

(City Council) Mayor Hardy Announced Sister City Application Deadlines and One Hundred Year Anniversaries. (120.85)

Mayor Jill Hardy announced Wednesday, November 23, 2005 is the normal deadline for Sister City applications and the New Zealand full application deadline has been extended to November 30, 2005. She also announced One Hundred Year anniversaries for the First Christian Church and Huntington Beach High School.

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:35 p.m. to Monday, December 5, 2005, at 6:00 p.m., in the Council Chambers, 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